
HOUSE CONCURRENT RESOLUTION

URGING THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO
EXAMINE AND RE-EVALUATE ITS POLICIES REGARDING REFUGEE AND
ASYLEE PROTECTIONS, INCLUDING THE PRINCIPLE OF NON-
REFOULEMENT.

1 WHEREAS, non-refoulement is a principle of international
2 law that forbids the rendering of a true victim of persecution
3 to their persecutor and that reflects the commitment of the
4 international community to secure the human rights of all
5 persons; and

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7 WHEREAS, procedures or arrangements for identifying
8 refugees should provide a guarantee against re-foulement by
9 ensuring protection to all persons who are entitled to receive
10 it; and

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12 WHEREAS, Article 3(1) of the 1951 Convention Relating to
13 the Status of Refugees expressed the need for protections for
14 refugees and asylum seekers; and

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16 WHEREAS, the United States is a member of the United
17 Nations and signed the 1951 Convention Relating to the Status of
18 Refugees, thereby committing the country to abiding by the
19 resolutions of the Convention; and

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21 WHEREAS, it is the duty and responsibility of the United
22 States to protect persons who have fled their country of origin
23 out of fear and found refuge within the United States' borders;
24 and

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26 WHEREAS, the United States Citizenship and Immigration
27 Services is the government agency within the United States
28 Department of Homeland Security that oversees lawful immigration
29 to the United States; and

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1 WHEREAS, it is in the jurisdiction of the United States
2 Citizenship and Immigration Services to determine whether an
3 individual is rightfully protected under the principle of non-
4 refoulement; and

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6 WHEREAS, the current guidelines to determine whether a
7 person is truly a victim of persecution by their country of
8 origin are vague and contain many exceptions that make following
9 the guidelines confusing, thereby making the determinations
10 inconsistent; and

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12 WHEREAS, in the past, true asylum seekers with a well-
13 founded fear have been returned to their countries of origin
14 from the United States, only to suffer further persecution,
15 which in many circumstances has led to severe injury or death;
16 and

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18 WHEREAS, the United States Department of Homeland
19 Security's definition of refugee and asylee, and the limitations
20 on the number of refugees and asylees that the Department will
21 accept, deprives many persons of needed protection by the United
22 States; and

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24 WHEREAS, the State of Hawaii demands the equal treatment of
25 all persons in the spirit of Aloha, recognizing that all persons
26 are guaranteed their universal human rights by virtue of their
27 birth; and

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29 WHEREAS, the refugees that are being returned to
30 persecution need a voice to speak for them and to help ensure
31 them a life of freedom, safety, and opportunity to seek the
32 pursuit of happiness; and

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34 WHEREAS, there is a need for the United States Department
35 of Homeland Security, through its United States Citizenship and
36 Immigration Services, to review and examine its policies and
37 regulations regarding protections for refugees and asylees in
38 the United States to determine whether the regulations are
39 effectively providing those protections; now, therefore,

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41 BE IT RESOLVED by the House of Representatives of the
42 Twenty-seventh Legislature of the State of Hawaii, Regular
43 Session of 2013, the Senate concurring, that the United States
44 Department of Homeland Security, through its United States



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1 Citizenship and Immigration Services, is urged to review and re-
2 evaluate its policies regarding refugee and asylee protections,
3 including the principle of non-refoulement to ensure fair,
4 equal, and compassionate treatment to protect refugees seeking
5 asylum in the United States; and

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7 BE IT FURTHER RESOLVED that certified copies of this
8 Concurrent Resolution be transmitted to the President of United
9 States; the Secretary of the United States Department of
10 Homeland Security; the Associate Director of the United States
11 Citizenship and Immigration Services Refugee, Asylum and
12 International Operations; and the Commissioner of the Office of
13 the United Nations High Commissioner for Refugees.

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OFFERED BY:

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MAR 13 2013

