
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 fundamental principle of
2 international law that forbids the forcible removal ("refouler")
3 of a person to a country where they would face persecution,
4 reflecting the commitment of the international community to
5 secure the human rights of all persons; and

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7 WHEREAS, Article 33(1) of the 1951 United Nations
8 Convention relating to the Status of Refugees ("Refugee
9 Convention") established protections against refoulement for
10 refugees; and

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12 WHEREAS, by acceding to the 1967 Protocol relating to the
13 Status of Refugees which incorporates the Refugee Convention,
14 the United States legally obligated itself to the principle of
15 non-refoulement; and

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17 WHEREAS, the United States has reaffirmed its commitment to
18 the Refugee Convention and its 1967 Protocol through passage of
19 the Refugee Act of 1980 and ratification of the Convention
20 against Torture and Other Cruel, Inhuman or Degrading Treatment
21 or Punishment which contains a similar obligation to not expel,
22 return, or extradite a person to another State where there are
23 substantial grounds for believing that the person would be in
24 danger of being subject to torture; and

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26 WHEREAS, it is the duty and responsibility of the United
27 States to protect refugees, or persons who have fled their
28 country of origin out of fear and are not yet in the United
29 States, and asylum seekers, those refugees who are already
30 within the United States' borders; and



1 WHEREAS, a country's procedures or arrangements for
2 granting refugee and asylum status should provide the guarantee
3 of non-refoulement by ensuring protection to all persons who are
4 entitled to receive it; and

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6 WHEREAS, United States Citizenship and Immigration Services
7 is the agency within the United States Department of Homeland
8 Security that oversees the granting of refugee and asylum status
9 to the United States; and

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11 WHEREAS, it is in the jurisdiction of United States
12 Citizenship and Immigration Services to determine whether a
13 refugee or asylum seeker qualifies for protection under the
14 principle of non-refoulement; and

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16 WHEREAS, the current guidelines to determine whether a
17 refugee or asylum seeker is a victim, or in danger of being a
18 victim, of persecution in their country of origin are vague and
19 contain many exceptions that make following the guidelines
20 confusing, thereby making the determinations inconsistent; and

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22 WHEREAS, in the past, refugee and asylum seekers with a
23 well-founded fear of persecution have been returned to their
24 countries of origin by the United States, only to suffer further
25 persecution, which in many circumstances has led to severe
26 injury or death; and

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28 WHEREAS, the United States Department of Homeland
29 Security's definitions of refugee and asylee and the limitations
30 on the number of refugees and asylees that the Department will
31 accept deprives many persons of needed protection by the United
32 States; and

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34 WHEREAS, the State of Hawaii recognizes that all persons
35 are guaranteed their universal human rights by virtue of their
36 birth and demands the equal treatment of all persons in the
37 spirit of Aloha; and

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39 WHEREAS, refugee and asylum seekers that are being returned
40 to their countries of origin where they fear persecution need a
41 voice to speak for them and to help ensure them a life of
42 freedom, safety, and opportunity to seek the pursuit of
43 happiness; and



1 WHEREAS, there is a need for the United States Department
2 of Homeland Security, through its United States Citizenship and
3 Immigration Services, to review and examine its policies and
4 regulations regarding protections for refugee and asylum seekers
5 to determine whether those policies and regulations are
6 providing effective protections; now, therefore,
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8 BE IT RESOLVED by the House of Representatives of the
9 Twenty-seventh Legislature of the State of Hawaii, Regular
10 Session of 2013, the Senate concurring, that the United States
11 Department of Homeland Security, through its United States
12 Citizenship and Immigration Services, is urged to review and re-
13 evaluate its policies regarding refugee and asylee protections,
14 including the principle of non-refoulement to ensure fair,
15 equal, and compassionate treatment to protect refugee and asylum
16 seekers to the United States; and
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18 BE IT FURTHER RESOLVED that certified copies of this
19 Concurrent Resolution be transmitted to the President of United
20 States; the Secretary of the United States Department of
21 Homeland Security; the Associate Director of the United States
22 Citizenship and Immigration Services' Refugee, Asylum and
23 International Operations Directorate; and the Commissioner of
24 the Office of the United Nations High Commissioner for Refugees.
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