

HCR 224 HD1

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

House JUD Committee Hearing
Friday, April 5th, 2013
Conference Room 325

HR178/HR224 – Urging the United States Department of Homeland Security to Examine and Re-Evaluate Its Policies Regarding Refugee and Asylum Protections, Including the Principle of Non-Refoulement

Aloha kakou!

My name is Jared Romeo Dmello and I am a Senior Political Science Major at the University of Hawaii at Manoa. I am a Legislative Intern in the Office of Representative Karen Awana for this Legislative Session; however, I come here before you today as a private individual from the political science community who is genuinely concerned about this issue. I would like to show my **SUPPORT** for this resolution, and my support for the contemporary international refugee regime's work towards enhancing the quality of life for those who are persecuted worldwide. I know that the successful adoption of this measure will guarantee that the United States acts as a voice for the voiceless, truly living up to its name of being the land of the free and the home of the brave. Once again, Lady Liberty will be a sign for a new beginnings and a better life for all those who may seek it here within this great nation's boundaries!

Non-refoulement within the context of the contemporary international refugee regime is a customary principal in international law that protects a victim of persecution from being sent back to their persecutors. The principal of non-refoulement is at the heart of all provisions involving refugees, including the 1951 Convention Relating to the Status of Refugees, the very document that holds the foundation of all refugee law.

One thing that is extremely important to acknowledge about the contemporary international refugee regime is that it is a highly dynamic institution that is constantly changing and evolving. Whereas some regions will have situations resulting in refugees for decades, others may only be interim sessions. The Great Partition of the Indian Subcontinent back in 1947 initiated the bloodiest and largest human migration in history; as a result of Partition itself as well as the many conflicts and acts of violence the have since followed, a significant amount of South Asians have sought asylum for their protection. Another thing to note is different regions work with one another in different ways. For example refugees in Africa tend to stay within Africa; they generally stay in countries nearer to their points of origin. Michael Kagan, an expert in the field of refugee law in the international context, also talks about the influence of the UNHCR and its differences around the world; in the North (generally more influential States), the UNHCR is seeing a significant reduction of its legal influence, whereas in the South the UNHCR has almost become a governmental and legal institution.

It can be argued that the United Nations High Commissioner for Refugees (UNHCR) must utilize the procedures and mechanisms being established by the Office of the United Nations High Commissioner for Human Rights (UNHCHR). Indeed this is quite true, because many of the issues addressed relating to refugee rights can find their groundings in the UNHCHR's Universal Declaration for Human Rights.

One of the most challenging questions is what determines an individual to be a "true victim" of persecution? One of the biggest problems at the State¹ level lays within the actual procedures relating to refugee status determinations. Oftentimes, it is hard for officials to distinguish between "persecution" and "discrimination" and this poses a serious problem for the refugees. There have been many cases in which the United States has denied asylum to individuals, only for those individuals to be killed and or tortured/further persecuted upon arrival back to their points of origin. How is this not an example of a well-founded fear?

We should have procedures in place to help identify refugees and to ensure their protection against refoulement. The current procedure is too subjective. The documentary *A Well Founded Fear* gives an insight to the process asylum applicants must go through to be granted asylum in the United States of America. The documentary even showed how in a single case, one asylum officer may find the applicant to have a well-founded fear, whereas their colleague might declare the fear to be non-grounded. There is some level protection for refugee applicants in that they have the ability to appear before an immigration judge to appeal the asylum officer's denial; however, only 1 in 8 denials that are brought before an immigration judge will be overturned.

A problem that is arising within the contemporary international refugee regime is that the UNHCR has started to reassess its own position and role within the refugee regime. This is quite important to note because since the UNHCR relies on the various State governments for funding, it must rely on its moral authority to give it its power. In order to secure and conserve the integrity of its moral authority, the UNHCR is starting to remove itself from implementation of refugee practices, leaving more of the applications of policies to the member States that signed on the 1951 Convention. Instead, the UNHCR is focusing more on supervising the overall regime to help promote refugee rights and to stay impartial for when conflicts arise. What is important to note is that it is the responsibility of the member states to implement accurate procedures to adequately support refugees and to ensure they receive the fundamental human rights warranted to them.

What is important is that the United States contributes up to 60% of UN annual funding. Because of our strong financial investment in the United Nations, we have the responsibility to set the standards for the world. By further justifying and clarifying our policies and procedures relating to refugee protections, we will be

¹ "State" referring to member of United Nations or country; not to be confused with an entity within the United States such as "the state of Hawai'i"

setting a higher standard for the World, thus allowing the spirit of Aloha to transcend the State of Hawaii's boundaries to encourage human rights around the world!

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 17, 2013 10:57 AM
To: PSMTestimony
Cc: Justice4Hawaii@gmail.com
Subject: *Submitted testimony for HCR224 on Apr 19, 2013 15:05PM*

HCR224

Submitted on: 4/17/2013

Testimony for PSM/TIA on Apr 19, 2013 15:05PM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Justin Lewis	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 18, 2013 1:21 AM
To: PSMTestimony
Cc: galaxyboy@verizon.net
Subject: *Submitted testimony for HCR224 on Apr 19, 2013 15:05PM*

HCR224

Submitted on: 4/18/2013

Testimony for PSM/TIA on Apr 19, 2013 15:05PM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan Smith	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 18, 2013 1:21 AM
To: PSMTestimony
Cc: 808collegefun@gmail.com
Subject: *Submitted testimony for HCR224 on Apr 19, 2013 15:05PM*

HCR224

Submitted on: 4/18/2013

Testimony for PSM/TIA on Apr 19, 2013 15:05PM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Jason Wagner	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 18, 2013 1:20 AM
To: PSMTestimony
Cc: dmelloj2010@gmail.com
Subject: *Submitted testimony for HCR224 on Apr 19, 2013 15:05PM*

HCR224

Submitted on: 4/18/2013

Testimony for PSM/TIA on Apr 19, 2013 15:05PM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Jewels Dmello	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 18, 2013 1:20 AM
To: PSMTestimony
Cc: jdmello@verizon.net
Subject: *Submitted testimony for HCR224 on Apr 19, 2013 15:05PM*

HCR224

Submitted on: 4/18/2013

Testimony for PSM/TIA on Apr 19, 2013 15:05PM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Dmello	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 18, 2013 1:19 AM
To: PSMTestimony
Cc: judy4jafra@verizon.net
Subject: *Submitted testimony for HCR224 on Apr 19, 2013 15:05PM*

HCR224

Submitted on: 4/18/2013

Testimony for PSM/TIA on Apr 19, 2013 15:05PM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Judith Dmello	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 18, 2013 1:19 AM
To: PSMTestimony
Cc: Freedom4Hawaii@gmail.com
Subject: *Submitted testimony for HCR224 on Apr 19, 2013 15:05PM*

HCR224

Submitted on: 4/18/2013

Testimony for PSM/TIA on Apr 19, 2013 15:05PM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Wilson	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 18, 2013 1:18 AM
To: PSMTestimony
Cc: 808hulagirljen@gmail.com
Subject: *Submitted testimony for HCR224 on Apr 19, 2013 15:05PM*

HCR224

Submitted on: 4/18/2013

Testimony for PSM/TIA on Apr 19, 2013 15:05PM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Stone	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 18, 2013 1:17 AM
To: PSMTestimony
Cc: manoa.engineers@gmail.com
Subject: *Submitted testimony for HCR224 on Apr 19, 2013 15:05PM*

HCR224

Submitted on: 4/18/2013

Testimony for PSM/TIA on Apr 19, 2013 15:05PM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Wilson	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 18, 2013 1:17 AM
To: PSMTestimony
Cc: 808hawaiiactivist@gmail.com
Subject: *Submitted testimony for HCR224 on Apr 19, 2013 15:05PM*

HCR224

Submitted on: 4/18/2013

Testimony for PSM/TIA on Apr 19, 2013 15:05PM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Cortes	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

HCR224

Submitted on: 4/18/2013

Testimony for PSM/TIA on Apr 19, 2013 15:05PM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Leialoha Eli	Individual	Support	No

HCR224

Submitted on: 4/18/2013

Testimony for PSM/TIA on Apr 19, 2013 15:05PM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Clyde Eli Sr.	Individual	Support	No

HCR224

Submitted on: 4/18/2013

Testimony for PSM/TIA on Apr 19, 2013 15:05PM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Stacelynn Eli	Individual	Support	No