



# THE CITIZENSHIP CRISIS IN THE DOMINICAN REPUBLIC

## SUMMARY

**A CITIZENSHIP CRISIS:** Through a series of laws and court rulings, the Dominican Republic (DR) has stripped citizenship from tens of thousands of Dominican-born children of immigrant parents who are living on Dominican soil. The vast majority of these individuals are people of Haitian descent, some of whom can trace their families' presence in the DR back more than 85 years. By revoking their citizenship, the Dominican government has created the largest population of “stateless” people in the Western Hemisphere. A stateless person is one who is not considered a national of any country in the world. The government's efforts to address this crisis of its own making have been insufficient, ineffective and onerous, leaving a large population of Dominican-born individuals without citizenship and the protections and benefits that come with it.

**HUMAN RIGHTS VIOLATIONS IN IMMIGRATION ENFORCEMENT:** In enforcing its new policies, the Dominican Republic is not adhering to international immigration protocols designed to ensure that national immigration and deportation proceedings uphold international human rights law. For example, the government has failed to establish a screening system to ensure that individuals who have a legal right to stay in the country are not deported. The International Organization for Migration (IOM) and other groups have reported cases of Dominican authorities deporting individuals of Haitian descent who possess the proper legal papers.<sup>1</sup> The resulting situation has left many Dominican-born people of Haitian descent in a state of constant fear, afraid that at any minute they could be kicked out of the only country they have ever called home.

## BACKGROUND

In 2013, the highest Dominican court issued a ruling that retroactively stripped the citizenship of anyone born on Dominican soil to non-Dominican parents between 1929 and 2010. The ruling came three years after the Dominican government passed a constitutional amendment ending the policy of citizenship by birth for people born in Dominican territory to non-citizen parents from 2010 onward.

While the constitutional amendment and court ruling have affected all people whose parents were born outside the DR, it has had a particularly severe impact on people of Haitian descent. This impact is due, in large part, to the proximity of Haiti and DR, which share an island and a border, and the entwined histories and economies of the two nations, including the inflow of thousands of Haitians to the DR to work on sugar plantations in the 20th century. The children and children's children of these Haitian migrant workers are bearing the brunt of the current crisis, as many are now unable to enroll in school, access health care or even purchase a cell phone. Meanwhile, authorities have detained and forcibly deported a number of Dominican-born individuals to Haiti—a country in which they have never lived and have little-to-no ties.

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<sup>1</sup> International Organization for Migration. (2015, July 14). “IOM Monitors Dominican Republic - Haiti Border.”

In a bid to stifle the international outcry against its new citizenship policies, in 2014, the Dominican government passed **Law 169-14**. The legislation was designed to enable people of foreign descent who were born in the DR to substantiate their citizenship. That same year, the government began implementing its new immigration policy, the **National Regularization Plan (PRNE)**, which was unveiled in 2013 with the aim of registering and regularizing the status of undocumented immigrants and migrants. The chart on the following page provides more information on the three primary categories of people affected by Law 169-14 and the regularization plan.

<b>LAW 169-14 GROUP A</b> <i>"Registered Dominicans"</i>	<b>LAW 169-14 GROUP B</b> <i>"Unregistered Dominicans"</i>	<b>NATIONAL REGULARIZATION PLAN (PRNE)</b> <i>"Undocumented Immigrants/Migrants"</i>
<p>Individuals born in Dominican territory to undocumented parents who were at some point registered in the civil registry, which is managed by the Central Election Board (JCE). If their names are found during a registry audit, the authorities should validate their existing documents and they should face no further barriers to citizenship.</p>	<p>Individuals born in Dominican territory to undocumented parents, but who were never registered in the civil registry. Under the law, these individuals are required to register as foreigners with the Ministry of Interior and Police, obtain residency permits, remain a resident for two years and then go through a naturalization plan to eventually become naturalized citizens. The law gave a February 1, 2015, deadline for registration.</p>	<p>The "National Regularization Plan" for undocumented foreigners "residing irregularly in the DR" sets out a separate process for immigrants who were not born in the DR, but who have been living there since before 2011.</p>

Unfortunately, the government failed to swiftly and efficiently implement the new law and regularization plan, leaving tens of thousands of people in legal limbo. The vast majority of these people are of Haitian descent.

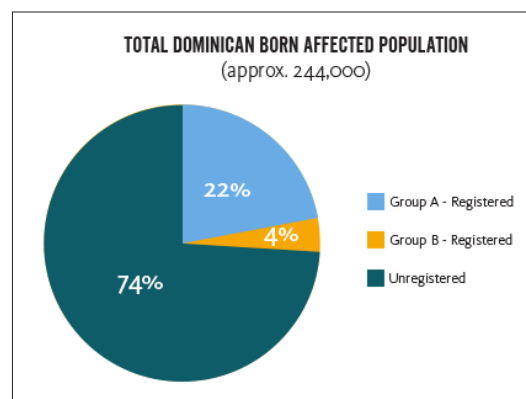
**THEORY vs. PRACTICE: OBSTACLES PREVENT IMPLEMENTATION**

In theory, Law 169-14 and the regularization plan should enable restoration of citizenship to eligible groups and provide a process for Haitian and other immigrants and migrants to regularize their status. However, all three affected categories of people are experiencing a set of almost insurmountable obstacles and discrimination that make it impossible to re-gain (or gain) legal status and the documents that come with it, and/or to have their rights respected or restored.

There are conflicting reports about the numbers of people who have been categorized as “Registered Dominicans” (Group A under Law 169-14) and “Unregistered Dominicans” (Group B). Civil society organizations and the Dominican government are in a constant battle about these numbers, with each accusing the other of either deflating or inflating the figures. But even if one uses the Dominican government’s numbers, it is clear that only a fraction of those eligible have been able to take advantage of this process.

A joint survey published in 2013 by the United Nations Population Fund (UNFPA) and the Dominican government estimates that the number of Dominican-born individuals affected by the 2013 court ruling that stripped them of their citizenship is approximately 244,000,<sup>2</sup> of which 210,000 are of Haitian descent.<sup>3</sup> Yet according to Dominican government figures, only 55,000 “Registered Dominicans” (Group A) have been located in an audit of the existing national registry,<sup>4</sup> and only 8,755<sup>5</sup> “Unregistered Dominicans” (Group B) managed to navigate the byzantine registration process before the February 1, 2015, deadline.

This means that approximately 74 percent of Dominican-born individuals who should, by law, have the right to either the immediate restoration of their citizenship or a clear path to naturalized citizenship have not been able to access this process.



## EXAMPLES OF CHALLENGES IN IMPLEMENTATION

There are multiple reasons for the lag in implementation of Law 169-14 and the regularization plan, including:

◆ **ARBITRARY DENIAL OF DOCUMENTS:** Dominican-born individuals of Haitian descent and Haitian immigrants are disproportionately targeted by authorities who routinely refuse to give them the necessary paperwork to access their rights under the law or the plan. The situation is compounded by the facts that:

- Dominican authorities have for years routinely refused to provide Dominicans of Haitian descent born in the DR with a birth certificate.<sup>6</sup>

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<sup>2</sup>UNFPA. (2013, October). *First National Survey of Immigrants in the Dominican Republic*. p. 49.

<sup>3</sup>Ibid.

<sup>4</sup>Dominican Republic Central Electoral Board. *Auditoría al Registro Civil Autorizados y Transcritos*.

<sup>5</sup>Speech by President Danilo Medina at the XLV Summit of Heads of State and Government of the Central American Integration System (SICA), Guatemala. (2015, June 26).

<sup>6</sup>The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), & the Solidarity Center. (2014, March). *Discrimination and Denationalization in the Dominican Republic*.

- Employers of Dominicans of Haitian descent and Haitian migrants are often unwilling to provide them with the documentation required to register under the new citizenship law or the regularization plan, because then the employers will have to pay for benefits and back taxes.<sup>7</sup>

◆ **ONEROUS AND COSTLY REQUIREMENTS:** The process of obtaining personal documents in the DR is onerous and, for most people, quite expensive. In order for affected individuals to obtain necessary paperwork, they must first obtain several different types of documents. To get these documents, they must visit multiple institutions (often in multiple cities), and pay the fees associated with notarizing and obtaining the required legal “stamps” for the documents. More specifically:

- “Unregistered Dominicans” (Group B) without birth certificates must find seven registered Dominicans with papers who will vouch for their birth. In addition, all associated paperwork must be notarized in order to begin the registration process and be entered into the “book of foreigners”—the deadline for which was February 1, 2015.<sup>8</sup>
- Registration of foreigners/immigrants (people not born in the DR) officially requires five different documents; but unscrupulous officials often arbitrarily require up to 15 different documents, all notarized.<sup>9</sup>
- The notarization of documents for one registration can cost anything from a week’s to two months’ wages.<sup>10</sup>

◆ **A RACE TO THE BOTTOM IN LEGAL STATUS AND RIGHTS:** Law 169-14 and the regularization plan push each category of affected individuals lower in terms of their legal status and rights. Regarding those born in the DR:

- “Registered Dominicans” (Group A) go through a “transcription process” that puts them in a special, separate civil registry, thereby creating a legally segregated citizenry.<sup>11</sup>
- “Unregistered Dominicans” (Group B) who missed an unrealistic February 1, 2015, registration deadline must now register as foreigners, meaning they have lost the opportunity to substantiate their citizenship.<sup>12</sup>

◆ **NO SAFETY:** Dominicans of Haitian descent are legitimately fearful. Many of them are being threatened with deportation by authorities and/or harassed and discriminated against in their daily lives. In some instances, these individuals are actually being deported by authorities, even if they have their paperwork. Recent reports indicate that:

- Many Dominicans of Haitian descent are leaving under duress (self-deporting) because they are being beaten, having their belongings stolen and being refused medical attention.<sup>13</sup>
- The Dominican military has dragged Dominicans of Haitian descent from their homes and taken them to the border, regardless of whether they are registered or not.<sup>14</sup>

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<sup>7</sup>International Human Rights Clinic at the School of Advanced Studies, Johns Hopkins University. (2015, June). *Justice Derailed: The Uncertain Fate of Haitian Migrants and Dominicans of Haitian Descent in the Dominican Republic*. p. 66.

<sup>8</sup>Human Rights Watch. (2015, July 1). *We Are Dominican: Arbitrary Deprivation of Nationality in the Dominican Republic*.

<sup>9</sup>International Human Rights Clinic at the School of Advanced Studies, Johns Hopkins University. (2015, June). *Justice Derailed: The Uncertain Fate of Haitian Migrants and Dominicans of Haitian Descent in the Dominican Republic*. p. 66.

<sup>10</sup>Ibid.

<sup>11</sup>Human Rights Watch. (2015, July 1). *We Are Dominican: Arbitrary Deprivation of Nationality in the Dominican Republic*.

<sup>12</sup>Ibid

<sup>13</sup>Lee, Esther Yu-Hsi. (2015, July 9). “How the Dominican Republic is trying to remove its immigrant population.” *ThinkProgress*.

<sup>14</sup>International Organization for Migration. (2015, July 14). “IOM Monitors Dominican Republic - Haiti Border.”

## RECOMMENDATIONS

The U.S. government should work with the Dominican government to ensure that:

1. The Dominican government implements its citizenship policies effectively and restores citizenship to those who have been stripped of it. To this end, the Dominican government should:
  - Re-open the registration period for “Unregistered Dominicans” (Group B individuals). This would enable more people who were born in the country to non-Dominican parents to claim their rightful citizenship status.
  - Streamline the process for people born in the DR to non-citizen parents or grandparents, make available necessary documents, and work with the office of the United Nations Refugee Agency (UNHCR) and civil society to provide much-needed support to individuals navigating these procedures.
2. No deportations take place until processes are put in place to bring deportations in line with international human rights standards. To this end, the Dominican government should:
  - Establish an appeals process in line with international human rights standards to ensure it does not deport people who have citizenship rights and to avoid breaking up families.
  - Allow UNHCR to monitor and support the immigration centers at the border.
3. The Dominican government protects the affected populations from physical harm and human rights violations. To this end, the Dominican government should:
  - Punish perpetrators of violence against Dominicans of Haitian descent.
  - Order the military to stop deporting people and ensure strict punishment if this occurs.

**FOR MORE INFORMATION** on the current situation in the DR or to learn more about the work of American Jewish World Service (AJWS) and its Dominican partners on this crisis, please contact **Ronnate Asirwatham**, Senior Policy Advisor in the AJWS Washington Office, at [rasirwatham@ajws.org](mailto:rasirwatham@ajws.org).