

A Crisis of Nationality: Dominicans of Haitian Descent

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What does “Dominicans of Haitian descent” mean?

The Spanish-speaking Dominican Republic is located on the eastern half of the Caribbean island of Hispaniola; French-speaking Haiti makes up the western half of the island. Throughout the last century Haitians migrated in search of work to the more prosperous Dominican Republic, where many have settled and raised families.

Until 2004, all children born in the Dominican Republic enjoyed a constitutional right to Dominican nationality, thus many children of Haitian migrant born in Dominican Republic were recognized as Dominican and, as such, provided Dominican identity documents.

How many people are we talking about?

There are no exact numbers, but there are estimated to be over half a million Dominicans of Haitian descent (the total population of the Dominican Republic is just over 10 million). A U.N.-backed study released this year estimated that there are nearly 210,000 *first generation* Dominican-born people of Haitian descent.

How has the government of the Dominican Republic responded?

This community began facing many difficulties in obtaining formal recognition of their Dominican nationality, developing a multi-generational class of permanently undocumented people. These children, whose nationality right was denied, were left without identity documents, and became effectively stateless: not recognized as nationals by either the Dominican Republic or Haiti.

Without any nationality, it is impossible to claim many of the benefits available to Dominican citizens, including voting, right to work, freedom of movement, health insurance and proper schooling.

What happened in 2004?

In August 2004, the Dominican government adopted a new General Law on Migration, which effectively put an end to the automatic right of Dominican nationality granted to Dominicans of Haitian descent under the constitution. Then the government began to apply it retroactively – meaning that children born in the Dominican Republic to parents who had arrived as immigrants over 50 or 60 years ago would be rendered stateless.

And since then?

The Dominican Republic's moves to strip this population of citizenship have been repeatedly criticized as discriminatory by the Inter-American Commission and Inter-American Court of Human Rights, and by a range of United Nations reports and treaty bodies. The government has ignored the outcry.

In 2010, the Dominican Republic formally adopted a heavily revised constitution which effectively excludes Dominicans of Haitian descent from enjoying the right to Dominican nationality. The new nationality provision imported the language of the 2004 migration law restricting the right to Dominican nationality to children of documented “residents”—making this limitation constitutional writ.

And what's the current situation?

The Dominican Republic's constitutional court pronounced on 26 September 2013 that all individuals of ‘migrant background’ born in the DR since 1929 must be transferred to a separate list of citizens. Then, the list will be examined one individual at a time to determine if their parents were undocumented—and previous practice has shown that documentation accepted in the past is now being deemed inadequate.

This means that people will be stripped of citizenship and then have to apply for status to reside in the DR as foreigners.

This would involve a potentially horrendous situation in which a portion of the Dominican Republic's citizens are subject to ethnic screening, and then asked to prove the citizenship status of their parents and grandparents.

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