

# Citizens of Nowhere: The Plight of Dominicans of Haitian Descent

**PIDIH**  
PROGRAM IDANTIFIKASYON  
AK DOKIMANTASYON IMIGRAN AYISYEN  
AN REPUBLIK DOMINIKEN

Nom/Prenon: *Therese* Nom/Siy

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Personal

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**PRAN PA W**

**INGENIO HAINA**  
IDENTIFICACION DE BRACERO

Ficha No. 32587

Nombres y Apellidos  
TEREZA ESTEVAN

Cédula No.

Permiso Migración No. Serie  
Batey de Residencia **GUANUMA**

Por el Admcs. Rio Haina

**PEDRO TOMAS NICOLAS ROQUEZ**  
Dpto. de Braceros

Total: *1000 pesos*

NOM DE LA MERE: *Estiveve* PRENOM

DATE DE DECLARATION LIEU SECTION DE C

INFORMATION ADITIONNELLES

ENFANT DECLARE FILS/FILLE NATUREL(ELLE) OU

DOMICILE DU/DES PARENTS AU MOMENT DE LA NAISSANCE: DATE ET LIEU BAPTEME:

LIEU: SECTION:

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# Yean and Bosico v. Dominican Republic

- The original 1865 granted *jus soli*, or **birthright-citizenship** in the Dominican Republic except for cases of people “in transit”
- This case, filed in 1999 in the InterAmerican Court on Human Rights, challenged the denial of birth certificates and identity cards by the civil registries for persons of Haitian descent.
- Decided in 2005- ordered that birth certificates be issued to the two girls along with reparations. Importantly, the court found that children cannot inherit their parents’ legal status.



# “La Sentencia” TC-168-13

- Juliana Deguis Pierre, the daughter of Haitian migrants, who was herself born in the DR and held identity papers was denied her *cedula*, and her birth certificate was confiscated.
- Declared an immigrant in the country of her birth
- 2013 Constitutional Tribunal Decision applied not only to Pierre but, **retroactively going back to 1929 stripping all those in similar situation of Dominican nationality. Declared 4 generations of people to be “in transit”**



# Why was it illegal for DR to change its citizenship laws?

- Retroactive punitive measure violates both international norms and DR's own constitution
- Created statelessness
- Specifically targets an ethnic minority
- Authorities regularly refused to issue Haitians' children birth certificates, or ripped up the ones they had

# A “Fix” - Law 169-14

- Facing national and international pressure, Pres. Medina promised to craft a “solution” to the crisis created by TC 168-13
- Created a complicated and expensive program that would offer a path back to citizenship or naturalization to some of the people the DR had just made stateless
- Split the Dominicans of Haitian descent into 2 categories: Group A and Group B
  - Group A = already in civil registry → had citizenship restored
  - Group B = not in civil registry → declare themselves as foreigners, then apply for naturalization after 2 years
  - few people were able to benefit from the program



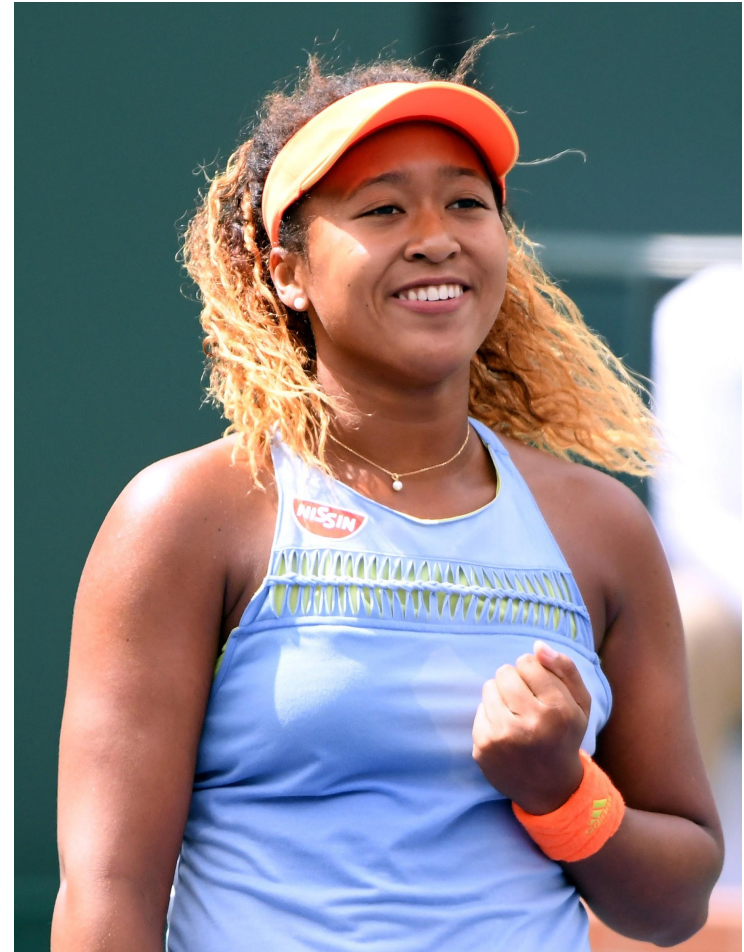
# Expelled Decision and TC 256-14

- In October 2014, IACtHR reached decision in case of Expelled Dominicans and Haitians
- Importantly, **criticized Law 169-14's scheme for Group B as illegal and contrary to a number of international conventions and as creating statelessness.**
- Following this decision, the TC took a decision in the 2005 challenge deciding that the IACtHR did not have jurisdiction over the DR.
- HRW: Dominican authorities expelled 70,000-80,000 people of Haitian descent—more than a 1/4 of the Dominico-Haitian population—during the past 3 years
  - Tens of thousands more have fled across the border on their own.



# But Aren't They All Haitian Citizens?

- The Haitian Constitution of 1987 establishes a Haitian citizen as someone:
- **Born in Haiti to a Haitian mother or father** and have never renounced their nationality or acquired another nationality at the time of birth" (Art. 11)
- **A person loses Haitian citizenship if they acquires the citizenship of any other country.**
  - The 1987 constitution has never been amended, however, new legislation has been introduced to allow for dual citizenship.
- A person can become a naturalized Haitian citizen (Art. 12) only after ***Haiti for five years*** (Art. 12.1)



# What's Next for Dominico-Haitians?

- Continuing implementation
- National pressure
- International pressure
- Corporate social responsibility
- Social media

