Citizens of Nowhere: The Plight of Dominicans of Haitian Descent

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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.
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 acquire 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