

# Dominican Republic: Update on Citizenship and Humanitarian Issues

April 27, 2016 (IN10483)

---

## Related Authors

---

- [Clare Ribando Seelke](#)
  - [Rhoda Margesson](#)
- 

Clare Ribando Seelke, Specialist in Latin American Affairs ([cseelke@crs.loc.gov](mailto:cseelke@crs.loc.gov), 7-5229)

Rhoda Margesson, Specialist in International Humanitarian Policy ([rmargesson@crs.loc.gov](mailto:rmargesson@crs.loc.gov), 7-0425)

---

The Dominican government has long been [criticized](#) for its treatment of Haitians and Dominicans of Haitian descent. The government is sensitive to such criticism because it touches on race and nationality issues. After sustained international criticism of a 2013 court ruling, Dominican President Danilo Medina has [taken steps](#) to address the citizenship status and rights of people of Haitian descent and undocumented individuals living in the Dominican Republic through implementation of a naturalization law and regularization plan. Medina is favored to win a second term in elections scheduled for May 15, 2016. He is unlikely to take further steps on behalf of people born in the Dominican Republic who are undocumented until after the elections.

## Tribunal Ruling, Naturalization Law, and Regularization Plan

According to criteria for acquiring Dominican nationality outlined in the 2010 constitution, children born in the Dominican Republic to parents in the country illegally are ineligible for citizenship. A September 2013 Dominican Constitutional Tribunal ruling applied that criterion retroactively to descendants of all undocumented migrants born in the country since 1929. The international community has expressed concern that the tribunal's ruling could render thousands of individuals [stateless](#).

The Medina government developed a process to help resolve the citizenship status of those affected by the ruling who were born in the Dominican Republic. In May 2014, the Dominican Congress approved a naturalization law (169-14) allowing individuals in **Group A** (see definition in [Table 1](#)) to keep their citizenship and register their children as citizens. In recent months, President Medina has taken steps to ensure that individuals in Group A are able to receive new documents.

Law 169-14 also provided an expedited path to citizenship for individuals in **Group B** who registered by February 1, 2015. Dominican officials maintain that they are willing to fix the citizenship status of anyone brought to their attention who missed the deadline for naturalization but can prove that he or she was born in the country. Many people [lack the](#)

[documents needed](#) to prove their place of birth in part because some Dominican officials have not issued documents to people perceived to be of Haitian descent for decades.

Table 1. Naturalization Law and Regularization Plan Update

(March 2016)

	Group A	Group B	Migrants
Definition	People born in the country between 1929 and April 19, 2007, whose births were officially registered (i.e., they had Dominican citizenship)	People born in the country between 1929 and April 19, 2007, who lacked Dominican identity documents	Undocumented migrants who entered the country before October 2011
Estimated Size	60,000, of which 44,000 may be of Haitian descent	55,000	500,000
Program	Naturalization Law (169-14)	Naturalization Law (169-14)	Regularization Plan
Type of Benefit	Citizenship (with new documents)	Legal non-immigrant status and possibility of citizenship in two years	Legal non-immigrant status
Number of People Who Applied	Not applicable	8,755, of whom at least 6,262 have been approved	288,466, of whom 239,956 qualified
Number of People with Documents	54,307 approved, unknown number issued new documents	Unknown	154,552
Deadline	None	February 1, 2015	June 17, 2015

**Source:** U.S. Department of State, citing various Dominican and U.N. sources.

**Notes:** The Dominican government disagrees with the United States and the United Nations on the estimated size of the Group B and Migrants populations. The Dominican government maintains that the numbers estimated above are inflated.

In addition, in November 2013, the Dominican Republic launched a regularization plan that gave migrants born outside the country 18 months to register for legal non-immigrant status through a process that ended on June 17, 2015. More than 288,400 people applied, of whom almost 240,000 qualified.

On August 14, 2015, the Dominican government resumed deportation proceedings after an 18-month hiatus on involuntary removals while the regularization plan was implemented. The Dominican government maintains that its deportation policies are designed to [prevent unjust expulsion or family separation](#). The U.S. ambassador to the Dominican Republic has said that the Dominican repatriation practices appear to [respect human rights](#). Human rights groups and the Haitian government remain concerned that Dominicans of Haitian descent may be deported.

## Humanitarian Challenges and Response

The situation in the Dominican Republic involves a complex mix of [discrimination in nationality legislation](#) and migration policies and lack of birth registration in the country. Due to uncertainty about their citizenship status, tens of thousands of Dominicans of Haitian descent have crossed the border into Haiti. According to the International Organization for Migration (IOM), some returnees have left due to [fear or intimidation by authorities or people in their communities](#).

Experts describe this situation as a [binational mixed migration crisis](#) between the Dominican Republic and Haiti. *Mixed migration* is defined as flows of different groups of people—such as economic migrants, refugees, asylum-seekers, stateless persons, trafficked persons, and unaccompanied children—who travel the same routes. [Statelessness](#), which essentially denies a person nationality in any state, is a critical concern. Statelessness occurs for many reasons. It does not allow an individual to participate fully in society, and the stateless individual's rights are often denied or violated. It is unclear how many of those deported from the Dominican Republic will ultimately be [rendered stateless](#).

The forced and voluntary return to Haiti of Haitians and people of Haitian descent from the Dominican Republic has affected border areas and exacerbated a difficult situation. Haiti has very limited resources to deal with a large influx of deportees or returnees who were not born in Haiti and have few ties, if any, to the country. Moreover, Haiti's fragile [humanitarian situation has deteriorated in 2015](#) for several reasons, including food insecurity, cholera outbreak, and lingering impacts of the 2010 earthquake. IOM and its partners began monitoring movements at the border in June 2015. [As of March 24, 2016](#), a total of 80,397 individuals had crossed the border into Haiti; of these, 49,011 declared that they returned spontaneously, 13,397 claimed to have been deported, and 17,820 were officially deported.

The affected population's most urgent needs include support for deported children, some of whom are unaccompanied; humanitarian assistance to returnees, including relocation and the provision of decent living conditions; and protection of and assistance to stateless and other affected persons. Most are living in informal, temporary sites along the border. Local municipalities' insufficient reception capacity, the potential for tension with local residents, and extreme poverty create conditions of vulnerability.

Humanitarian actors, including U.N. agencies, are monitoring the situation closely and maintaining a dialogue with the Dominican and Haitian governments. National and international efforts include responding to humanitarian needs on the ground, addressing individual cases, undertaking advocacy efforts to raise awareness about the statelessness situation, and pressing authorities in both countries to find appropriate solutions.

The U.S. government and others have engaged in high-level discussions with the Dominican and Haitian governments to ensure that the naturalization and regularization plans benefit all who should qualify and that deportations are conducted humanely and transparently. U.S. humanitarian and protection assistance is being provided through IOM and U.N. entities.