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UNDOCUMENTED
THE STORY OF DOMINICO-HAITIANS'
SUSPENDED LIVES

MASTER THESIS

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ABSTRACT

After a 2013 sentence by the Dominican constitutional court ripped hundreds of Dominicans of Haitian ancestry off their nationality, statelessness in the Dominican Republic became an increasingly pressing issue. In order to determine how to reduce and eventually end statelessness in the Dominican Republic, gaining further insights into the reasons for and consequences of statelessness was chosen as the main research objective of this investigation. Semi-structured interviews were conducted with stateless individuals and organizations and professionals working towards reducing statelessness in the Dominican Republic. Moreover, the regional, historical and legal background of statelessness in the Dominican Republic was explored to put the issue into perspective. The reasons for statelessness were found to be manifold, with the single largest reason being *sentence 168-13* and most other reasons being either caused by discrimination, bureaucratic failure or lack of and false information. The consequences of statelessness were found to violate numerous basic human rights and put the stateless individuals' lives on hold, both personally and professionally. The organizations' and professionals work was found to greatly contribute to the situation and is considered essential to eventually eradicate statelessness. Lastly, the root for most reasons for statelessness is considered to be related to discrimination remaining from the Dominican Republic's and Haiti's often conflictual shared history. The research suggests that in order to reduce and eventually eliminate statelessness xenophobia and animosities between the two countries need to be addressed on a political, institutional and social level. Further, practices related to the national civil registry need to be modernized and informedness about every and access to every individual's rights need to be increased.

Keywords: statelessness, discrimination, human rights

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INTRODUCTION

“They say you are not from here, that you are not Dominican. Which nationality are you then? You are not from Haiti because you have never been there. It is a culture you don’t know. So where are you from? You are no atom, you are not a cloud living in the air, you are not a star in space. There is supposed to be a place where you belong. They make you doubt yourself, where you are from, who you are. This is where all the questioning begins. Who am I? What value do I have, if neither the Dominican nor the Haitian government recognizes me? Where will I stay then? What will be my future and the future of my children? [...] You’re neither from here nor from there. You’ll stay in the in-between. You don’t belong. You don’t exist. And we’re people who were born here, who grew up here. We know all the stories. All we study, we think, all we understand, all our universe is here.”

(28-year-old female, personal interview, May 6, 2016)

The outcry in September 2013 was loud when hundreds of Dominicans of Haitian ancestry such as the interviewee quoted above lost their nationality from one day to another. Human rights organizations were in shock and both national and international media reflected people’s bewilderment about what just had happened. But what exactly did happen? How did hundreds of Dominicans all of a sudden lose their nationality and become stateless? And was statelessness a completely new issue or did it only become more prominent? And what happens when you are stateless? Many questions arise when looking at the situation of Dominico-Haitians – the descendants of Haitian immigrants – in the Dominican Republic. To understand the current situation and what has led to the revocation of the nationality of many Dominico-Haitians, one has to delve into the history of the Dominican Republic and its only immediate neighbor, Haiti. Haiti has played a prominent role in Dominican history for even longer than the two countries exist and even though one might assume the two countries sharing one island and a great deal of their history to have more similarities than differences, recent developments suggest differently. Sadly, discrimination of Haitians in the Dominican Republic is ever so common, Dominicans and Haitians living spatially segregated is far from being an exception and Dominican migratory regulations have only become stricter. Even under these circumstances, however, few would have foreseen what happened in September 2013, when the Dominican government dropped a bombshell with the emittance of *sentence 168-13*. Even though the discrimination of Haitians on a government level was not new, the sentence was the straw that broke the camel's back. *Sentence 168-13*, a sentence retroactively reinterpreting the regulations concerning the acquisition of the Dominican nationality, stripped thousands of Dominico-Haitians of their nationality. Individuals, who had acquired the Dominican their nationality through being born on Dominican territory as far back as in 1929, had now lost their right to possess it. As a consequence, numbers of stateless individuals skyrocketed – and so did the disagreement about the reason and the magnitude of the issue of statelessness in the Dominican Republic. Estimates of the number of stateless individuals in the country after the emission of the sentence ranged from 0 according to the Dominican government (Rosario Márquez, 2015) to up to nearly 300.000 according to the Washington Post (Constable, 2015). What followed after the sentence’s emission was a global outcry for the government to present a solution for those who had lost their Dominican nationality as a result of the sentence. Eventually, as a response to national

and international pressure from human rights organization and civil society, the Dominican state passed *law 169-14* in May 2014, a law attempting to regularize the legal situation of those whose nationality had been revoked by *sentence 168-13* and those whose legal status was in question in the first place. However, the law did far from solve the so called *legal limbo* many Dominican-Haitians found themselves in and what followed was a turbulent time with much confusion in terms of solutions for the stateless. At the time of completion of the research to be presented, no comprehensive measure to eradicate statelessness in the Dominican Republic had yet been presented. Many individuals affected by *sentence 168-13* were stuck in legal processes to reobtain their Dominican nationality. One such case is a 17-year old interviewee from Villa Mella, Santo Domingo, whose case has been “en proceso”, i.e. in progress for over a year (see *Figure 1* below).

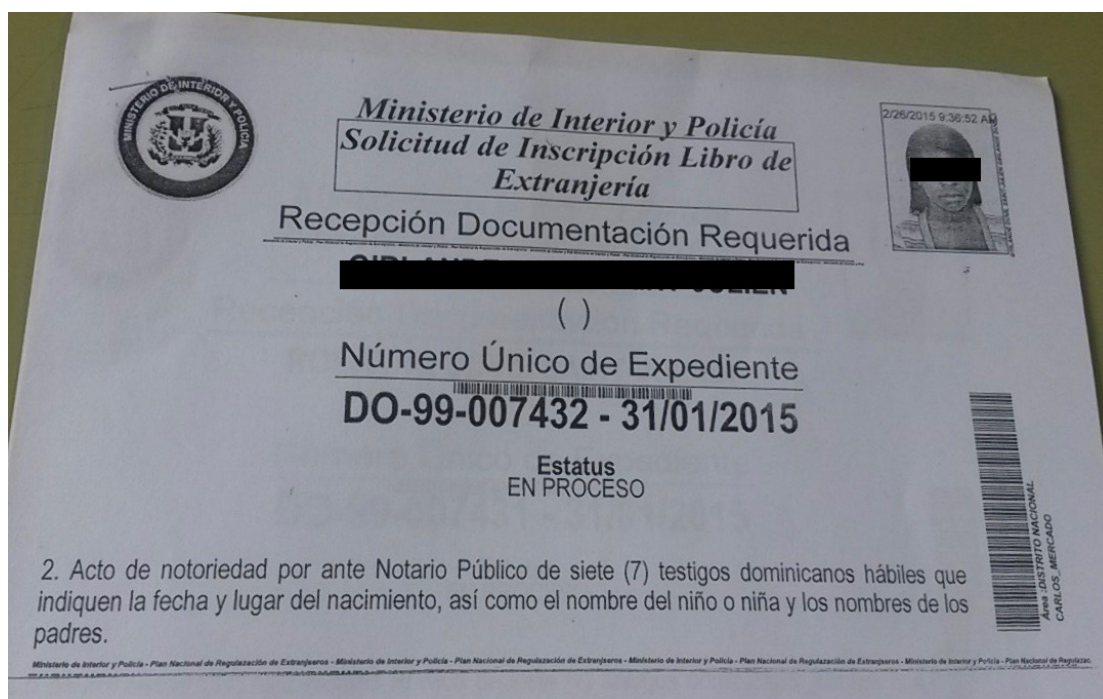


Figure 1. Documents received by a Dominican-born interviewee stating that her application for citizenship is “in progress” (17-year-old female, personal interview, May 10, 2016).

Statelessness in the Dominican Republic is a topic widely discussed both nationally and internationally from political and human rights perspectives. Organizations such as Amnesty International, Human Rights Watch and the International Human Rights Clinic, only to name a few, have analyzed issues such as the Dominican and Haitian states’ obligations to guarantee the compliance with international human rights. While most consulted literature focused on *sentence 168-13* and the consequences thereof, there are many other reasons for not possessing any valid identity documents and thereby not being seen as a national by any state. These range from discriminatory practices towards darker-skinned individuals and past rural customs of not declaring one’s children to everyday hurdles, which keep the stateless from obtaining or reobtaining their Dominican nationality. Thus, in order to reduce and eventually eradicate statelessness, the reasons for being stateless must be identified and understood.

Consequently, the main objective of the research conducted for the purpose of this paper is to explore the current situation of Dominico-Haitians living in the Dominican Republic with respect to their nationality, focusing on the reasons for and

consequences of being stateless in this specific context. Further, light will be shed on how documentation practices as well as the legal framework of documentation (*sentence 168-13* in 2013 and *law 169-14* in 2014 in particular) have led to statelessness and impacted the affected individuals' daily lives. In order to give a more complete picture of the issue at hand the research will explore established documentation practices of both Dominicans of Haitian descent as well as of the general population. While having its focus on the main reasons for and consequences of statelessness in the Dominican Republic this paper will further describe the broader regional, juridical and historical context as well as review concepts such as citizenship and theories of integrations to put the issue at hand into perspective. All in all, the research intends to provide the reader with a complete picture the issue of statelessness in the Dominican Republic and give suggestions on how to improve the situation of individuals currently being stateless.

Prior to starting the field research, a thorough literature research was conducted, mainly on the regional, historical and legal framework, to decide upon which research questions to choose as well as to find out which research methods were the most appropriate for the study. Rather than providing statistics of the most frequent reasons for and consequences of statelessness, the aim of this paper is to be explorative in order to capture the full scope of issues leading to and resulting from statelessness in the Dominican Republic. Hence, an explorative approach to the investigation was chosen to understand the issue more thoroughly, rather than attempting to quantify mass responses into statistically inferable data. To this end, semi-structured interviews were taken both with professionals as well as stateless individuals. For the results to comprise the largest possible number of different situations and conditions in which the stateless find themselves interview locations were selected from various regions of the Dominican Republic. Hence, interviewed respondents were from both from within and outside the capital, rural and urban areas, as well as locations distant from and close to the border.

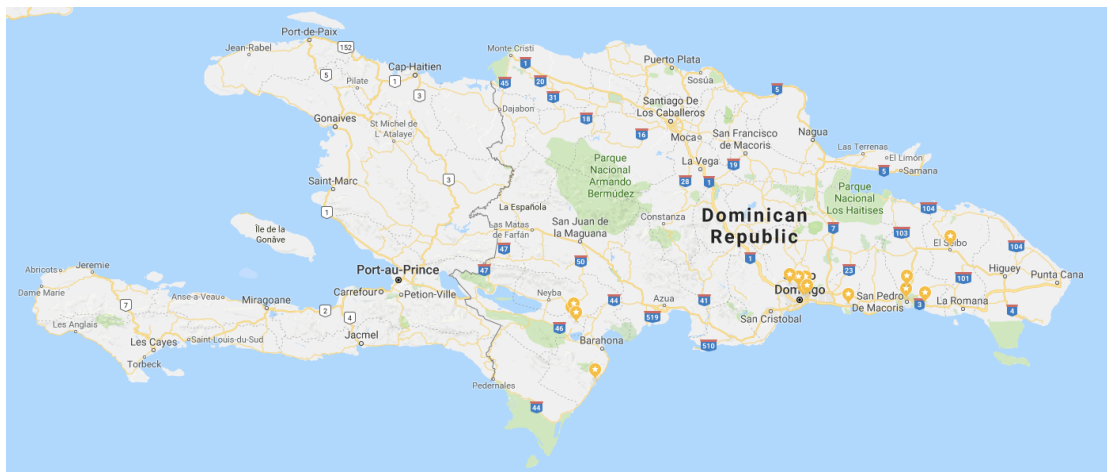


Figure 2. Locations of interviews with affected individuals.

Eventually, in order to investigate the main research objective (i.e. identifying the reasons for and consequences of statelessness in the Dominican Republic), a number of sub-questions have been formulated. These are the following:

- What do affected individuals report as the main reasons for statelessness?
- Was statelessness an issue before *sentence 168-13*?

- What are the consequences of denationalization resulting in statelessness in practical terms as well as psychological terms?
- How informed are Dominico-Haitians about their rights and options with respect to their nationality?
- Which options do undocumented Dominico-Haitians have today?

For the actual field research two respondent groups were chosen, one of them being individuals affected by recent legal changes in the country or being discriminated against because of their origin, the other being organizations and professionals working with stateless individuals and otherwise disadvantaged Dominico-Haitians. Naturally, as many individuals whose nationality was revoked or challenged became politically active or involved with improving the situation of the affected, the two groups overlap at times.

RESPONDENT GROUP I: ORGANIZATIONS AND PROFESSIONALS

The first group, *respondent group I*, consists of organizations and professionals working either with or for Haitian migrants and their descendants or on the topic of statelessness in the Dominican Republic in general. Most organizations and professionals were found through online research (labeled as *online* in *table 1*). Another source for organizations and professionals was a list of invitees to an event about denationalization and statelessness in the Dominican Republic in March 2016 (labeled *mailing list event*). As the mailing list was not hidden, the invitees' contact data could be used to contact relevant interviewees that were not found through online research. Lastly, a number of contacts were established through private contacts or via other interviewees. Initially, contact was sought through email and when this was not successful organizations were phoned. Most organizations and individuals who did not respond to emails could not be successfully contacted by phone either.

All organizations and professionals with whom an appointment could be made were interviewed. In total 16 interviews of approximately one to two hours length were conducted. Topics discussed with this respondent group were guided by the investigations sub-questions listed on the previous page and focused on issues where being familiar with the overall situation was of relevance. The interviews were semi-structured interviews and each interview included roughly the same questions with some variations depending on the interviewees' specialization. Topics investigated were for instance whether or not statelessness had been an issue before *sentence 168-13* in 2013 and which options stateless individuals have at the moment. Further, organizations' opinions about *sentence 168-13*, *law 169-14* and the *PNRE* were explored, as was the role of the Haitian government and possible solutions for the future. A sample of such an interview can be found in the appendix (*1.1 Interview with Ana Maria Belique*).

	Name	Organization	Profession / function	Found via
1	Jorge Baca Vaughan	International Organization for Migration, IOM	IOM Dominican Republic Chief of Mission	<i>Online</i>
2	Manuel María Mercedes Medina &	Comisión Nacional de Derechos Humanos, CNDH	President	<i>Online</i>

	[anonymous]*			
3	Carolina Zapata Estevez	United Nations High Commissioner for Refugees, UNHCR	Protection Assistant for UNHCR	Contact established through personal contact
4	Bridget Wooding	Centre for Migratory Observation And Development in the Caribbean, OBMICA	Director	<i>Online</i>
5	William Charpantier	FEI / MENAMIRD	Executive director / National Coordinator	<i>Online</i>
6	Liliana Gamboa	Open Society Foundations	Advocacy Officer	<i>Online</i>
7	Pablo Mella	Centro Bonó	Manager/lecturer	<i>Mailing list event</i>
8	Cristiana Luis Francisca & Liliana Dolis	El movimiento de Mujeres Dominicano-Haitiana (MUDHA)	President & general coordinator	<i>Online</i>
9	Ana Geraldo	Centro Bonó	Lawyer	<i>Mailing list event</i>
10	Idalina Bordignon & Mayelin Abreu	ASCALA		Contact established through Caronlina Zapata Estevez, ACNUR
11	Tony Pichardo & Fausto Rosario Adames	Acento TV / acento.com.do (online newspaper)	Production and content manager at Acento TV & director of acento.com.do	<i>Mailing list event</i>
12	Natanael Santana	Centro Dominica de Asesoría e Investigaciones Legales (CEDAIL)	Legal director at CEDAIL and university professor	<i>Mailing list event</i>
13	Epifania Saint Charles	reconoci.do (a movement of young Dominicans of Haitian descent fighting for their rights and the right to nationality)		<i>Mailing list event</i>
14	Yira Bolaños	Lazos de Dignidad	Founder and president	Contact established through personal contact
15	Alfredo Peña & Rafele	Solidarity Center		Contact established

	Samedi			through Lucy Morales, contact from <i>mailing list event</i>
16	Ana Maria Belique	Reconodi.do & Centro Bonó	Coordinator of reconoci.do	<i>Online</i>

* interviewed person does not want his/her name to appear in this paper

Table 1. Interviews with organizations and professionals.

RESPONDENT GROUP II: CURRENTLY & FORMERLY STATELESS INDIVIDUALS

To get more in-depth information about the daily reality of the stateless in the Dominican Republic a total of 118 interviews were conducted with Dominico-Haitians (Dominicans of Haitian descent) that either currently are or previously were denied their Dominican nationality or whose children's nationality was put into question. People in this respondent group will mostly be referred to as *affected individuals*, i.e. individuals whose nationality was affected by recent legal developments, a term often used by local NGO's and organizations to describe those whose nationality is at risk or taken away. The contact with these individuals was established through the interviewed organizations and professionals listed in *Table 1*. All organizations and professionals interviewed who were directly working with denationalized Dominico-Haitians were approached and asked whether they could establish contact with the target population for the sake of the investigation. Those who were willing to do so in most cases were present at the communities while the interviews were conducted. Alternatively, interviews took place within the institution or organization establishing the contact. Only in two occasions interviews were taken outside of any institution with no professional present (*location 1 & location 12*). At *location 1* the investigation was accompanied by a personal contact of the researcher living in the same neighborhood as interview respondents and at *location 12* the interview took place at the affected individuals' family home.



Figure 3. Talking to interviewees from respondent group II before conducting the individual interviews (Yacot, 2016, April 10)

As can be seen in the table below the number of interviews taken at each location varies. How many interviews were conducted at each location depended on a number of factors, such as distance between the interviewees' houses (if they were interviewed at home), the time at disposal of the professional accompanying the investigation, the duration of the interviews, the setting in which they were conducted, etc. As the majority of the research is qualitative rather than quantitative the varying numbers of interviews per location are not a large detriment to the research, rather, conducting more interviews at some locations allowed for better insights into the problematics these communities faced. Interviewees from *respondent group II* will not be displayed with their full name, but rather with a number of descriptive statistics, i.e. their gender, age, the date the interview was taken and their place of residence. As the topic of this paper is a still ongoing, politically sensitive issue, this is decided upon for protection of the interviewees. For the same reason the faces of the interviewees are blurred on the pictures included in this paper. A few interviewees from this group, however, will be displayed with their names, as they are engaged in the political discussion about the issue at hand and their names and opinions have already been made public elsewhere.

The interviews with *respondent group II* focused on identifying the main reasons for statelessness from the eyes of the affected as well as defining which implications of being stateless individuals suffer from most. The interviews conducted were semi-structured interviews. As mentioned previously, this type of interview was decided on in order to leave some room for respondents to divert from the questions asked and go into depth about issues they perceived as most relevant while still covering the issues addressed by the interviewer. To explore the discussed research topics, questions asked concerned the interviewees' main struggles in obtaining their nationality documents, what they perceived as the most severe consequence of statelessness, and which steps they took or had taken to improve their situation. The interviews further included questions about the interviewees' families' background and the identity documents they and their parents possessed. When preparing the field research, the interview questions included several questions about the *sentence 168-13* and *law 169-14* as well. Due to interviewees often lacking the necessary background knowledge to answer these questions, however, they were either shortened or taken out after the first few interviews. Instead, respondents were asked if they knew anything about *sentence 168-13* and if so how and what they learned about the sentence.

The interviews with affected individuals varied in length but were generally 5-15 minutes long. Ages of the interviewed ranged from 11 to 64 with the large majority (>75%) being between 15 and 30 years old. Interviews conducted with individuals above 30 years old mostly concerned the legal status of their children rather than their own. The ages of the interviewees were not purposefully selected but are a result of the type of people the contacted organizations brought me in contact with. It is thus rather a representation of the population the organizations work with than a representation of the affected individuals in the general population. As the paper concerns the situation of Dominico-Hatians rather than first generation migrants, interviewees were either born in the Dominican Republic themselves or had children who were born there, in which case the interview conducted mainly concerned the situation of their children. What is further worth mentioning is that roughly three quarter of all interviewees were female. This was true for both parents of affected

individuals I interviewed as well as affected individuals themselves and just as the age distribution, is due to the target groups of the contacted organizations.

	Location	Contact established by	Accompanied by	# of inter-views
1	Buena Vista, Villa Mella, Distrito Nacional	Ravel Adonis Nuñez Volquez	Ravel Adonis Nuñez Volquez	3
2	Yacot, Santo Domingo	Germania René (reconoci.do)	Germania René (reconoci.do)	8
3	Palmarejo, Santo Domingo	Yira Bolaños (Lazos de Dignidad)	Yira Bolaños (Lazos de Dignidad)	8
4	El Seibo	Epifania Chals Lichardo (reconoci.do)	Franklin Dinol (reconoci.do)	9
5	El Soco, San Pedro de Macorís	Idalina Bordignon (ASCALA)	Julissa, Andrea and Mariano (UNHCR/ASCALA)	5
6	Bateyes 7, 9 & Cuchilla, Independencia	Estefani Feliz Perez (reconoci.do)	Estefani Feliz Perez (reconoci.do)	9
7	San Rafael de Paraíso, Barahona	Luma Michel (CODHA)	Luma Michel (CODHA)	10
8	Centro de Solidaridad, Santo Domingo	Lucy Morales (Centro de Solidaridad)	-	1
9	ASCALA, Municipio Consuelo, San Pedro de Macorís	Idalina Bordignon, (ASCALA)	-	11
10	Andres, Boca Chica, Distrito Nacional	Lucy Morales (Centro de Solidaridad) & Keder Lafortune (Movimiento Cultural Social Dominicano-Haitiano)	Keder Lafortune (Movimiento Cultural Social Dominicano-Haitiano)	7
11	Santa Fe, San Pedro de Macorís	Mariano Magloire Jimenez (ASCALA/UNHCR)	Mariano Magloire Jimenez (ASCALA/UNHCR)	8
12	Guaricano, Villa Mella, Santo Domingo	[anonymous]* (CNDH) & Zacarias Guzman (CNDH)	-	3
13	Valiente, Boca Chica, Santo Domingo	Keder Lafortune (Movimiento Cultural Social Dominicano-Haitiano) & Aniguien (Movimiento Cultural Social Dominicano-Haitiano)	Aniguien (Movimiento Cultural Social Dominicano-Haitiano)	35

14	Centro Bonó	Established contact at event relating to the human rights of Dominico-Haitians at Centro Bonó	-	1
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* interviewed person does not want his/her name to appear in this paper

Table 2. Interviews with affected individuals. Locations, involved organizations and number of interviews conducted.

REGIONAL FRAMEWORK

DOMINICO-HAITIAN RELATIONS – TWO COUNTRIES OF OPPOSITES

“The Haitians, they’re different than we are. They are black and we are not. They are African and we are Spanish. We are Catholics and they practice Vodou. We may share the same island, but we live in different worlds.”

Carlos Pérez, Dominican citizen (Winn, 2006, p. 294)

Although the Dominican Republic and Haiti share one island the two countries are more different from each other than one would expect. While the Dominican Republic is one of the wealthier countries with a GDP slightly above average on a global scale (#103 of 230 countries included in the data set), Haiti has the lowest GDP per capita in the entire western hemisphere (CIA, 2016). Another difference which can easily be observed is the language spoken in each country; a heritage of their colonization up until the early 19th century (BBC News, 2012; One World Nations Online, n.d.). While Dominicans speak Spanish, Haitians speak Haitian creole, a French-based vernacular language that developed around the turn of the 18th century between French colonists and African slaves (The Editors of Encyclopedia Britannica, 2013). But it is not just the countries’ language that can be traced back to the time of colonization. The style of colonization had a large impact on how people identified themselves that can still be seen today. The Spanish ruled the country very differently to the French. The Spanish eastern half, Santo Domingo, primarily engaged in subsistence agriculture, therefore needing fewer slaves. Furthermore, Spanish legislation permitted slaves to buy their freedom for a relatively small amount of money. Together, this resulted in a more egalitarian society than the neighboring Saint-Domingue, later to become Haiti. Santo Domingo, soon to be the Dominican Republic, had a population of 100,000 by the year 1790 with roughly equally many whites, free coloreds, and slaves. The western half ruled by the French, on the other hand, was the most prosperous agricultural colony in the Western Hemisphere with a much more racially stratified population consisting of 30,000 whites, 27,000 freedmen, and approximately 400,000 black slaves. Thus, the Spanish had a much less profitable but more sustainable, stable economy whereas the French made much profit by exploiting their colony (Chapin Metz, 1999), leading to two very different styles of colonialism that have clearly left their marks on the two countries.

Eventually, the period of colonization came to an end in very different ways in the two countries. Haiti gained its independence from France in the Haitian Revolution in 1804 which began as a slave uprising against their French colonizers. The Dominican

Republic, on the other hand, only gained their independence several decades later, after being occupied by its direct neighbor, the newly formed country Haiti, due to the Spanish being unable to maintain their hold on their colony. The Haitian occupation of Santo Domingo lasted for almost a quarter of a century until the Dominican Republic declared its independence in 1844 (Chapin Metz, 1999). Thus, Haiti had occupied the Dominican Republic for the last 22 years before its independence in February 1844 (Guitar, n.d.). This occupation, termed *The Haitian Occupation*, caused great loss of political and economic control to the region, and was therefore deeply resented by the Spanish ruling class (Guitar, n.d.). The occupation can thus be argued to have played a large role in the formation of the Dominican Republic's attitude towards Haitians. Until today there is, unfortunately, much truth in the statement the Dominican Republic made in their 1844 independence manifesto: "due to the difference of customs and the rivalry that exists between ones and the others (referring to Haiti and the Dominican Republic), there will never be a perfect union nor harmony." (Despradel 1974, p. 86). It was thus not just the different colonial power ruling the colonies that distinguished the precursors of Haiti and the Dominican Republic; the nation from which the two countries gained their independence was to play a large role in the countries relationship amongst each other. Contrary to most colonies that gained independence from their initial colonizer, the Dominican Republic's final battle for independence was not fought against the Spanish but instead against Haitians, leading to Dominicans view themselves as more Hispanic or western and distancing themselves from anything Haitian or African.

ANTI-HAITIANISM

Negative feelings towards Haitians, also called *anti-Haitianism*, have had a long history in the Dominican Republic. Already the Spanish colonizers brought strong racial prejudices with them. Already during the time of colonization, it was mainly the color of one's skin that indicated one's economic position and social standing (Tolentino Dipp, 1973 & 1992). The lighter one's skin, the better of a person one generally was viewed to be. To emphasize their Spanish, European roots, Dominicans have since then invented a multitude of terms to describe their skin-colors to avoid calling themselves black, whereas Haitians – the world's first independent black nation (Danner, 2010) – identified and still identify themselves as black take great pride in their African roots (Bonenfant, 2011). The Hispanic nationalism existing in the Dominican Republic, of which skin color is just one aspect, was reinforced with Haiti's independence in 1804, when Jean-Jacques Dessalines, Haiti's first president, led brutal campaigns that made Spanish colonists not only differentiate themselves even more from Haitians, but also led them to prefer to be anything *but* Haitian (Sagás, n.d.). Moreover, to maintain Spanish sovereignty the Spanish colonizers emphasized the Hispanic culture of the colony Santo Domingo, whereas they described Haitians as black voodoo practitioners with an African culture (Sagás, n.d.). Another important difference was the Roman Catholic Church. While Haitians associated it with their colonial oppressors and confiscated Dominican Roman Catholic churches and property during their occupation of the Dominican Republic, Dominicans held and still hold Catholicism as one of their core values. As a matter of fact, one of founding fathers of the Dominican Republic helped paving the path towards independence with his motto "God, Country, and Liberty", defining Dominican nationality in religious and Hispanic terms (Chapin Metz, 1999). This contributed to Dominicans viewing themselves as both culturally and religiously different from Haitians.

These hostile relations between the two countries were further worsened by the Dominican dictator Leonidas Trujillo's 30-yearlong dictatorship between 1930 and 1960. Trujillo's attempt to *whiten*¹ the Dominican society reached its climax in the October 1937, when he commanded his troops to go to the northwestern border region as well as to the northern region *Cibao* to kill all Haitians living there (Turits, 2002). The term Haitian has to be defined in this context, as whether or not a person was considered Haitian at the time was determined by their ability to pronounce certain Spanish words (Turits, 2002). In that time period, one wrong pronunciation was often enough to lead to a person's death. The cruel massacre taking place in October 1937 is often referred to as the *perejil-massacre* (GB: parsley massacre), due to *perejil* (IPA: /pere'xil/), a word difficult to pronounce by those whose mother tongue is creole, being a word often used by Trujillo's army to identify Haitians (Jadotte, 2009). Between the 2nd and the 8th of October of the year 1937 an estimated 15,000 ethnic Haitians lost their lives (Turits, 2002). The regimes that followed Trujillo's administration, although no dictatorships, kept up the essence of the xenophobic politics. An example is a quote from Joaquín Balaguer, the Dominican Republic's president in three non-consecutive terms (1960-1962, 1966-1978, 1986-1996; The Editors of The Encyclopædia Britannica, n.d.), who wrote the following in his 1984 book *La Isla al Revés* (GB: The Island Upside Down):

„The erosion of Dominican national identity, steadily under way for more than a century through dealings with the worst of the Haitian population, has made worrying advances. Our racial origins and our tradition as a Spanish people must not stop us from recognizing that our nationality is in danger of disintegration if we do not take drastic measures against the threat to it from the proximity of the Haitian population.”

(Balaguer, J., Quoted in Ferguson, 2013, p. 19)

The current president, Danilo Medina, who has been in office since 2012 and was reelected in May 2016 with 62% of the votes (BBC News, 2016), even though not being famous for anti-Haitian quotes such as those uttered by Balaguer, has a clear opinion about Dominicans of Haitian descent. In a 2014 press conference he denied that the Dominican state is the one to blame for Dominico-Haitians statelessness, as “you can't take away something they don't have”, hereby referring to the Dominican nationality that many now stateless Dominico-Haitians were given at birth (Dominican Today, 2014).

CARIBBEAN MIGRATION

In order to understand the role of Haitians and Dominico-Haitians in today's Dominican society it is helpful to take a look back into the history of migration from and to each of the two neighboring states. The movement of people between the countries is something that has not just come up in recent times but has occurred ever since there was a border to be crossed. However, the reasons for migration have drastically changed with time. Contrary to today, it was Haiti that for the most part of the 19th century was the stronger country of the two. Haiti was engaging in commercial activities with several European nations and the United States whereas the Dominican Republic was still struggling with this. Also military and politically Haiti was stronger and more stable than its eastern neighbor, where several attempts

¹ Referring to skincolor.

of separation were weakening the country internally. The Dominican Republic's economic and military superiority only developed later, during the regime of its dictator Trujillo (1930-1960). In terms of the total population Haiti was much larger, counting with close to twice the population of the Dominican Republic on a considerably smaller territory. Therefore, initial migration flows consisted of Haitians migrants primarily settling in the Dominican border region, driven to do so by land scarcity on the Haitian side (Dilla Alfonso et al., 2010). In the first census made in 1920 it was estimated that close to 30,000 Haitians were living on Dominican territory at that time, thereby merely constituting 3.15 percent of the population at the time. In the border regions, however, Haitians, together with their descendants, were estimated to have constituted approximately 20% (Gobierno provisional, 1975). This meant that in practice the border was quite porous.

With geopolitical and economic interest of the United States in the island steadily rising, the US military eventually occupied both Haiti and the Dominican Republic from 1915-1934 and 1916-1924, respectively. This occupation led to the island entering the capitalist world market as one of main sugar exporters (Dilla Alfonso et al., 2010), greatly influencing the migration flows on the island. As the Dominican Republic's sugar sector evolved, it was initially workers from the Eastern Caribbean that came to work as cane-cutters. Eventually, however, these were replaced by cheaper Haitian labor (Ferguson, 2013). Haitian migrants were crucial to the development of the sugar industry from the second decade of the 20th century onwards and by the year 1920 Haitians represented 50% of foreign labor force in the sugar industry (Riveros, 2014). Another 10 years later the sugar industry had developed into a permanent source of employment for Haitian labor migrants, providing work for many until the decline of the sugar production in the Dominican Republic in the 1980's (Riveros, 2014). After the US military left the two countries around 1930, migratory movements on the island continued (Ferguson, 2013). The labor migration which was initially meant to be of temporal character often developed into permanent migration (Riveros, 2014) and in 1935 approximately 50,000 Haitian lived on the Dominican side of the border (Ferguson, 2013).

Overall, for the larger part of the 20th century the migration from the western to the eastern half of the island was driven by the following factors; the rising economic inequality between the countries and a process of expulsion of work force from the rural Haitian population combined with the before mentioned constant employment possibilities for low-skilled workers in the Dominican Republic (Riveros, 2014). As can be expected, however, the population of Haitians in the Dominican Republic dropped significantly after the perejil-massacre in 1937 from the aforementioned 50,000 Haitians in 1935 (Ferguson, 2013) to only 18,500 Haitians in 1938 (Cuello, 1997). This drop was mainly caused by Haiti suspending the legal recruitment of Haitian labor to Dominican sugar plantations (Riveros, 2014). Hitherto, Haitian workers had been contracted by the Dominican sugar factories based on direct negotiations with representatives of the Haitian government with the Dominican Republic issuing immigration permits and claiming the return of the workers at the end of the harvest. From 1938 until the year 1952 though, most immigration was clandestine. These circumstances led to a very restricted freedom of movement for Haitians in the Dominican Republic, with the communities of Haitian sugar cane workers being the only place where their presence was tolerated. However, this would only hold true and protect them from repatriation during the harvest season. As a consequence, the Haitian migrant population outside the sugar plantations sank

drastically. Due to more favorable sugar prices and dictator Trujillo being in possession of a substantial number of the sugar plantation the flow of Haitian workers was eventually formalized again in the first bilateral agreement between the two states in 1952, fixing the number of workers and the time period for which they were contracted (Riveros, 2014). This “officially sanctioned highly corrupt bilateral system of exploitation” (Wooding & Mosley-Williams, 2004, p.38) was advertised as a great opportunity to unemployed and under-employed young men in the rural areas of Haiti and persisted until 1986 (Wooding & Mosley-Williams, 2004).

Also independently of such sectorial developments, migration from Haiti to the Dominican Republic has had a long existence. In what Ferguson (2013) terms the migration hierarchy, a constant movement existed and still exists in the region. Starting in Haiti, the western hemisphere's poorest country, many migrants try to climb up the ladder to seek a better future. Haitians, for instance, migrate to the Dominican Republic, Dominicans in turn migrating to Puerto Rico and Puerto Ricans seek to settle in the United States. This stream of migrants, being pushed by poverty and pulled by opportunity, explains a great deal of (Dominico-)Haitians currently residing in the Dominican Republic. While originally most (Dominico-)Haitians were employed in the sugar sector, the Dominican government's recent attempt to end their dependency on the sugar sector by further developing their manufacturing and tourism sector moved a substantial part of (Dominico-)Haitian labor migrants away from the sugar production into other gaps in the Dominican labor market (Ferguson, 2013). The cheap, mainly undocumented labor provided by Haitian migrants has by now developed into an essential part of the functioning of the Dominican Republic. Next to the sugar sector, many (Dominico-)Haitians are now working in the coffee and cocoa production, the construction sector, as domestic workers and in the informal sector (Minority Rights Group International, 2008).

INTEGRATION OF HAITIANS & DOMINICO-HAITIANS

As mentioned, many Haitians lived on the Dominican side of the island in the beginning of the last century already, with the majority residing in the border region. Up until the massacre in 1937 the border region had evolved into a bicultural Haitian-Dominican world over several generations as a result of people moving back and forth across the border. In the first two decades of the 20th century a status-quo boundary between the two countries was accepted by both countries at several occasions, however, the border remained permeable. People living in proximity to the border on both sides formed a bilingual, bicultural, and transnational society, with the border holding very little meaning for most of the local population. Many of them crossed the border several times a day to attend school, visit the market, or see friends and family living across the border. The Dominican state made some attempts to impinge Dominican political sovereignty in the region, for example by implementing an immigration tax on those not born in the Dominican Republic, however, the border had much less significance than Dominicans in the capital and regions further from the border hoped it would have (Turits, 2002). Even after the 1937 massacre an anonymous resident of the Haitian border town Ouanaminthe said “Although there were two sides, the people were one, united.” (Accilien, Adams & Méléance, 2006, p. 140). In most other parts further away from the border, however, especially in the capital Santo Domingo, Haitians were viewed quite differently. Dominican intellectuals viewed their presence in the border region as a “pacific invasion” endangering the Dominican nation by *Haitianizing* and *Africanizing* the region

(Balaguer, 1927). Consequently, Haitian popular culture, particularly voodoo, was demonized and viewed as an obstacle to the country becoming modern and civilized (Turits, 2002); opinions that are clearly still present in today's Dominican society and might even have become stronger.

What is worth mentioning is that in the time before the massacre, and more importantly, before Trujillo's 30-yearlong dictatorship, no clear economic hierarchy or conflict existed between Haitians and Dominicans in the rural areas around the border, neither was there any significant labor competition. People in the region focused mainly on coffee cultivation, subsistence farming or hunting and herding livestock and the sugar estates were rather distant to these parts of the island. Also, as much of the border region had remained relatively undeveloped and unsurveyed in that time, there was no remarkable competition over or shortage of land either. Contrary to most remaining parts of the Dominican Republic, employment in the sugar industry was rare in these regions as well, as most sugar estates were rather far from the border. Even though some regional differences in employment sectors existed between ethnical Dominicans and ethnical Haitians, the overall social and commercial integration was high in these regions as well (Turits, 2002).

Initially, thus, Haitian labor migrants had lived amongst the Dominican population and even though some cultural, religious, and linguistic differences existed and certain physical features (e.g.: darker skin, smaller ears) were considered to be more Haitian, irrespectively of in practice being both Haitian and Dominican features (Turits, 2002) there was no clear separation of nationalities concerning most aspects of social life. As mentioned above, this could be observed particularly well in the border regions. The segregation, both socially and spatially, which can often be observed today, for the most part only developed later. With the growth of the sugar industry and the 30-yearlong regime of Trujillo, *bateyes* came into existence. *Bateyes* refer to communities created for Haitian sugar cane workers in order for them to live in proximity to the *ingenios*, i.e. the sugar cane plantations and factories. With the sugar industry growing, the *bateyes* developed into states within a state, with most sugar cane cutters and their relatives being both legally and economically separated from the rest of society. The respective sugar company provided for law and order, housing, roads, transport, essential services and shops. Often the currency used in the *bateyes* was not the Dominican peso but a token that could only be used within the *bateyes*, creating even more isolation and separation (Wooding & Mosley-Williams, 2004). Nowadays the *bateyes* are no longer exclusively for employees of the *ingenios* and are often inhabited by both Haitians and Dominicans. Nevertheless, most *bateyes* have retained some unique characteristics, such as the practice of Voodoo, a religion brought along from Haiti often practiced alongside Catholicism (Wooding & Mosley-Williams, 2004).



Figure 4. Batey 9 located in the western province Independencia.

While for a large part of history Haitians and their descendants had lived quite isolated from the general population, more recent studies have shown that a lot has changed over time with respect to the living situation as well as the integration of Haitians and Dominico-Haitians in Dominican society. Over time many families and individuals decided to move away from the *bateyes*, often migrating to bigger cities, which counted with better employment opportunities as well as improved housing, electricity and water connections as well as health and education services (Wooding & Mosely-Williams, 2004). By 2002 most Dominico-Haitians were found to live in the cities and their jobs were no different than those of poor to lower middle-class Dominicans (Silié, Segura and Doré Cabral, 2002). The jobs Dominico-Haitians were employed in were largely in an urban rather than a rural context, three-quarters being in urban areas to be exact, headed by employment in free trade zones and construction. With moving away from the *bateyes* came an increased integration into Dominican society. Silié, Segura and Doré Cabral (2002), for instance, conducted a study on the immigration of the children of Haitian immigrants, which suggests that they assimilate rapidly to the Dominican environment, more rapidly even than children of immigrants from other countries. This is promoted by the children's participation in school, enabling them to both speak, write and read the Spanish language, skills most first-generation immigrants did not possess. Also, educational institutes provided an ideal environment for making both Dominican as well as Haitian friends. While most later-generation immigrants increasingly adopted Dominican values and expectations, they seldomly rejected their Haitian origins and it is common that creole still spoken at the family home (Silié, Segura and Doré Cabral, 2002). Other research by the UNDP, however, suggest that the integration of migrants including their children does not go as smoothly. The 2005 report states that most Haitian migrants still live precarious conditions of extreme poverty and that they more often than not are undocumented. Further, the UNDP suggests, that they are often faced with a generally hostile political and social attitude as well as very little opportunity for both legal assistance and access to health and educations services (UNDP, 2005).

With respect to numbers, Haitians and Dominicans of Haitian descent currently living in the Dominican Republic constitute a quite substantial part of the population. In 2012, an estimated total of 458,233 individuals living in the Dominican Republic were born in Haiti, hence Haitian first-generation migrants (ONE, UNFPA & EU, 2012). With the country's total population of 9,716,240 this translates to 4.7% of all residents (ONE, UNFPA & EU, 2012). However, estimates of Haitians living in the Dominican Republic vary greatly. According to the Minority Rights Group International (2008) these estimates range from 650,000 to 1 million. Other estimates, however, deviate from the abovementioned estimate. Examples hereof are the National Labor Force Survey (ENFT, in Spanish) conducted by the Dominican Labor Market Observatory (OMLAD) in 2011, suggesting the Haitian population to be as small as 247,468 (cited in Riveros 2012) and the UN's Office of Human Development estimating it to be between 255,000 and 510,000 in 2010 (PNUD 2010). While these estimates do not specify on the legal status of the Haitians, more recent estimates have looked at immigrants residing in the country illegally – an endeavor that seems more than relevant given that official records of the Dominican Government only reported a total of 4,205 Haitians residing in the country in 2005 (El Caribe, 2005, cited in Baluarte 2006). The 2011 Human Rights Report for the Dominican Republic by the U.S. Department of State (cited in Petrozziello, 2012) claims the government to have informed the UN Human Rights Council that in 2009 there were between 900,000 and 1.2 million undocumented, mostly Haitian immigrants residing in the country, with some officials arguing this number might in fact be approaching 2 million. In 2010, when the 7.0 earthquake hit the island, another rise in Haitian migrants could be observed. The International Organization for Migration estimated that after the destructive event another 130,000 undocumented migrants entered the country, and the Migration Directorate gauged the number to be almost 200,000 (cited in Petrozziello, 2012). Many of these immigrants, however, only stayed in the country temporarily. Due to the countries location Haitian migrants represent the majority of all migrants living in the Dominican Republic. According to a survey conducted by the National Office of Statistics, the European Union and the United Nations' Population Fund (ONE, UNFPA & EU, 2012) a total of 87.3% of all immigrants come from the country's only direct neighbor Haiti.

Even though these estimates may differ and have changed over the course of the last decade, they give an impression of the disagreement with respect to the number of Haitians residing in the Dominican Republic which is still present today. Already more than a decade before the most recent peak in anti-Haitianism, high estimates of the number of Haitian immigrants have been used to disparage the neighboring country. In 2001, for instance, a Dominican nationalist claimed there to be a million Haitian immigrants (very likely overestimating the current number of immigrants), continuing his statement saying that the “displacement (from Haiti to the Dominican Republic) continues in floods ... unemployed day-workers, children, pregnant women, street sellers, delinquents ... our state is incompetent in the control of our frontier” (Núñez, 2001, p597), thereby fostering negative sentiments towards Haitians and Dominico-Haitians.

The just mentioned estimates, however, do not include second or third generation Haitian immigrants, which are the children and grandchildren of Haitian immigrants. Naturally, if later-generation Haitian immigrants were to be included in the calculations, the numbers would be much higher. When looking at the numbers, it is important to keep in mind the distinction between Haitian migrants residing in the

Dominican Republic and Dominico-Haitians, thus, Dominican nationals of Haitian ancestry. These are often confused, sometimes purposefully, to gain support for politics discriminating against people of Haitian descent. Furthermore, a large part of the general public as well as Dominican politicians chose to not accept the distinction between first generation Haitian immigrants and later generation immigrants, the majority of which being Dominico-Haitians, thereby pigeonholing Haitians and Dominicans of Haitian into one and the same category – “los haitianos”, the Haitians (Wooding & Mosley-Williams, 2004).

DISCRIMINATION

Particularly the notions of *Haitianizing* or *Africanizing* the Dominican culture, which has been present on the island since the late 1800s, express the struggle of the Dominican Republic’s felt need to preserve and defend their identity as a nation up until the current day. Anti-Haitian sentiments have fluctuated in time, for instance being stronger in the time of Trujillo than in later regimens, yet to reach another peak in recent years. Regarding discrimination, Ferguson (2013) argues that there are still two “myths in the dominant collective psyche” (p.19), as he puts it. These are the remaining fear of invasion and the belief that the Dominican culture is intrinsically distinct from the Haitian culture. The term *distinct* most often referring to *better* in this context. In Dominicans' collective self-description attributes such as Roman Catholic, Spanish-speaking and their Spanish heritage are often emphasized, whereas Haitian traditions such as voodoo and their creole mother tongue are mainly described as having a strong African influence (Ferguson, 2013). The situation as described by Ferguson leads to *othering*, a process that marks and names those perceived as different from oneself (Weis, 1995), thereby creating optimal conditions for racial, origin-related discrimination. As before mentioned, Haiti was the last nation to occupy the Dominican Republic before its independence. Besides the fear of invasion mentioned by Ferguson the neighboring nation is thus still associated with some degree of resentment for the time of occupation. During the occupation Dominicans had seen continuous economic decline as well as harsh treatment of their occupiers (Morfa, 2011), resulting in growing resentment toward Haitians which has clearly left its mark on the perceptions of Haitians up until today. This stems amongst other from Haiti’s president Boyer’s inability to supply for his army, forcing the latter to command or confiscate from Dominicans what they needed to survive and fulfill their duties (Morfa, 2011). This theft from the Dominican people resulted in growing resentment toward Haitians which has clearly left its mark on the perceptions of Haitians today. Furthermore, a great deal of the anti-Haitian sentiments can be traced back to the era of Trujillo and his politics of *Dominicanization*, including several attempts to remove Haitians from the country, one of which being the *perejil-massacre*. As has been very eloquently summarized by Hintzen (2016), Trujillo’s regime then decided to “quietly employ extra-legal coercion to force Haitians in the country onto plantations, and to inextricably link Haitian identity with cutting sugarcane” (p. 83), thereby spatially and socially restricting Haitians to the sugar plantations. Although not backed up by the Dominican population at the start of his administration, Trujillo managed to gain support, enabling him to further isolate the *bateyes* and make anti-Haitianism a substantial part of Dominican nationalism (Hintzen, 2016).

DEPORTATIONS

Just as immigration of Haitians to the Dominican Republic was part of the movements of people on the island, so were deportations. According to Wooding & Mosley-Williams (2004) there have been sizeable deportations from the Dominican Republic to Haiti in the last decades. Starting in 1991 during the term of office of president Juan Balaguer continuing up until at least the time the data were published in 2004, deportations took place every year with “massive deportation sweeps” (p. 34) in 1991, 1996, and 1999 (Wooding & Mosley-Williams, 2004). Human Rights Watch (2002) reports that routine deportations were happening on a daily basis and totaled, depending on the estimates looked at, 10,000 to 30,000 deportations per year. Taking into account, that some deportees return to the Dominican Republic, Wooding and Mosley-Williams (2004) further estimate that in the period from 1991 to 2002 an average of 10,000 individuals per year have been deported. What is worth noting, however, is that many of those being deported are no illegal immigrants. Some are immigrants with a valid residence permit, others Dominican nationals both with and without Haitian ancestry. The Dominican citizen David Pere Martínez was deported in February 2001 on the basis of his skin color with the migration officials showing little interest in his documents or place of birth. In fact, both Martínez’ parents and grandparents had been born in the Dominican Republic, notwithstanding he was deported to a country he had never been to and whose language he did not speak (Human Rights Watch, 2002). This example shows the arbitrariness of deportations very well and thereby demonstrates the constant fear of deportation darker-skinned Dominican nationals and legal residents have to live with due to the pigmentation of their skin. After the temporary relaxation of the borders due to the 2010 earthquake devastating large parts of Haiti, the repatriations by the Dominican authorities increased drastically. 2011 alone counted 40,071 repatriations, thereby almost quintupling in quantity in comparison to 2009 (Migration Directorate Dept. of Statistics, cited in Petrozziello, 2012).

DOCUMENTATION

It was during the Trujillo’s term of office that nationally issued identification documents were implemented on a large scale. These so called *cédulas* were part of Trujillo’s endeavors to better surveil his people and required citizens to travel to their local government office and pay for the document’s renewal each year. From the early 1930’s onwards Trujillo’s *cédula* laws further obliged citizens to carry their identity documents with them at all times. Not doing so could lead to their arrest (Hintzen, 2016). Next to a person’s state of residence the document further specified skin color (Hintzen, 2016), which is likely to be one of the reasons for the document’s vernacular sobriquet *papel de camino* (paper of the road) (Dore, 2011, cited in Hintzen, 2016). By indicating a person’s skin color, combined with the values attached to being dark or light-skinned, the document strongly impacted a person’s ability to move both in territorial space as well as social status.

STATELESSNESS IN THE DOMINICAN REPUBLIC

Even though discrimination against Haitians and Dominico-Haitians in terms of their nationality is not a new phenomenon in the Dominican Republic, recent changes made to the country’s migration laws, policies and its constitution facilitated an institutionalization of the discrimination of Haitians and Dominico-Haitians in a hitherto unprecedented fashion. The adaptations of the country’s existing legal

documents and the introduction of new ones, both described in more detail in the subsequent chapter, enabled the Dominican state to effectively denationalize Dominico-Haitians that were previously granted the Dominican nationality (Open Society Foundations, 2010), resulting in largescale statelessness. In theory, very few rights are directly conditioned upon nationality, such as voting in national elections, freely exiting and entering a country or accessing education or health services (Kosikski, 2009). Nonetheless, the right to nationality, violated in cases of statelessness, is one of the most critical human rights, as in practice it is essential to enjoy a large number of benefits connected to being a member of a political community (Open Society Justice Initiative, 2010).

Although there have been regular reports already during the 1990's of children of Haitian parents who have been denied registration at birth by Dominican civil registry officers (Amnesty Int., 2015), Dominico-Haitians becoming stateless as a result of denationalization or discrimination actually grounded in Dominican legislation mainly refers to the time period after the year 2000. Legislative changes made by the government in the beginning of this century resulted in a total of 133,770 individuals being stateless (UNHCR, 2015), an estimate that is still quite conservative, as it does not take into account 2nd and 3rd generation Haitian immigrants who became stateless as a result of the legal changes. Even though the UNHCR's estimate does not capture the total amount of stateless individuals, it gives an impression of the severity and the magnitude of the problem of statelessness in the Dominican Republic. The number of individuals who might find themselves stateless once the new laws are executed consistently amounts to a quarter of a million people according to some newspaper reports (e.g., The Japan Times, 2015), estimates which were supported by the UNHCR in 2014. The United Nations' program claimed that the retroactive application of the new laws would leave an estimated 210,000 individuals stateless (UNHCR, 2014a+b). If this corresponds to reality, it means that approximately 2.5% of the country's population will be excluded from the very basic services and rights connected to nationality. This is an exclusion that could have severe negative effects for the (Dominico-)Haitian youth in particular, as it drastically reduces their ability to continue their education by legally erasing their opportunity to be enrolled in any educational institution; be it kindergarten, elementary school or university. Furthermore, the denationalization of any person, irrespective of their age, is likely to have severe psychological effects, due to exclusion in many aspects as well as the fear of expulsion caused by the deprivation from the nationality that was once guaranteed to them under the Dominican constitution.

JURIDICAL BACKGROUND

2004 – DOMINICAN IMMIGRATION LAW (LAW 285-04)

The beginning of the century was marked by a rise of anti-Haitian sentiments and rising tension in the Dominican Republic. In 2005, feeling the pressure from Dominican society to regulate migration on the island, the then Secretary of Labor disclosed the Dominican Republic's plan to dehaitianize its territory (Listin Diario, 2005, cited in Baluarte, 2006). Part of this attempt to regulate migration was the General *migration law 285-04*, a controversial law emitted the previous year denying the Dominican nationality to Dominican-born children of Haitian immigrants. The law did so by stating that non-residents now fall into the category of persons in transit

for application purposes of Article 11.1 of the Dominican constitution (Congreso Nacional, 2004, sect. VII, art. 36). Article 11.1 of said constitution in turn exempts children born to persons in transit from the right to nationality if born on Dominican territory, thereby excluding them from being able to acquire the Dominican nationality through being born on Dominican territory, i.e. *jus soli* (Asamblea Nacional, 2002, art.11.1). By re-interpreting the term in transit, the law thereby treats children of migrants equally to the children of diplomats, who are not able to acquire the Dominican nationality through *jus soli*.

This bill very well pictures the political and social climate and the trend to legislate anti-Haitian sentiments which were present at the time. In the eyes of some, however, *law 285-04* violated some of people's very essential rights, leading to that in the year after its issuance a number of Dominican human rights organizations claimed *law 285-04* to violate the Dominican Constitution's non-discrimination clause (i.e. art. 101 in Asamblea Nacional, 2002) and therefore called into question the constitutionality of the law (Open Society Foundations, 2010). Even though *law 285-04* excluded a large part of the population from a right granted by the country's very own constitution (i.e. *jus soli*), it was subsequently upheld as constitutional in what Baluarte (2006, p.25) termed a "deeply flawed decision" by the Dominican Supreme Court of Justice. In its 2005 decision the Supreme Court argued that the Congress had the right to interpret the constitution's 11th article on nationality provision as it found appropriate. Even though *law 285-04* was the first law to ever interpret the constitution in a way that excluded children of non-residents other than those of diplomats from the constitution's guarantee of nationality, the Supreme Court ratified the new interpretation (Open Society Foundation, 2010). In the same year, however, the sentence on the well-known case *Yean y Bosico*² at the Inter-American Court of Human Rights disagreed with this interpretation. The court's sentence deemed the Dominican governments to have violated the claimants' rights to equality, non-discrimination, nationality and to having a legal status and a name and mandated the Dominican Republic to take action to revert past and avoid future discrimination (IACHR, 2005). The court further argued that "to consider that a person is in transit, irrespective of the classification used, the State must respect a reasonable temporal limit and understand that a foreigner who develops connections in a State cannot be equated to a person in transit." (IACHR, 2005, paragraph 157).

2007 – REVOCATION OF CITIZENSHIP

In 2007 the Central Electoral Board (from here on referred to as *CEB*), the government body responsible for the population's registration and the issuing of identity documents, started suspending and denying issuance and copies of identity documents such as birth certificates, identity cards or passports of individuals who were born to immigrants residing in the country with an irregular legal status (MUDHA, 2014). This behavior of the country's officials had its roots in the *circular 017-2007* and *resolución 012-2007*, both of which gave administrative orders contrary to existing legal dispositions in the Dominican Republic (MUDHA, 2014). With the introduction of these legal documents the government initiated an administrative procedure that temporarily inhibited the issuance of any vital records (birth

² A case brought in front of the Inter-American Court of Human Rights of Dilcia Yean y Violeta Bosica, two girls of Haitian descent born in the Dominican Republic whose rights to nationality and education were denied.

certificates, *cédulas*, etc.) of those individuals that had presented any irregularities in the past. *Circular 017-2007*, introduced in March 2007, states that the Administrative Chamber of the Dominican Republic had received complaints about children born to foreign parents without proven residency or legal status who were issued Dominican birth certificates in the past. Subsequently, the *circular* comes to the conclusion, that when any irregularity is detected in the Civil Registry Certificates, officers must refrain from signing or issuing any copies and forward the respective file to the Administrative Chamber instantly for it to be handled according to law (IACHR & OEA, 2015). Similarly, *resolución 012-2007* introduced in December of the same year, stated that any birth certificate issued to children declared with anything other than a national alien identification document was declared defective³. The resolution further authorized all civil servants to provisionally suspend the issuing of civil registry certificates that were either flawed or irregular; the only exception being their issuing for judicial purposes leading to the cancelation of said certificates (IACHR & OEA, 2015).

The implementation of these acts led to the suspensions and retroactive cancelations of identity documents of Dominico-Haitians whose right to the Dominican nationality had hitherto never been questioned, resulting in the affected individuals no longer being considered Dominican nationals. Both orders were conflicting with the constitution in force up until 2010, stating that all persons born on Dominican territory (with the exception of children of diplomats and persons in transit⁴) were entitled to the Dominican nationality (Asamblea Nacional, 2010). *Circular 017-2007* and *resolución 012-2007* were the first written violations of the rights declared in the country's constitution of their kind. The most severe aspect of the situation was, according to MUDHA (2014) that these dispositions were only applied to the children born to *Haitian* immigrants, thereby making clear the discriminatory aspect of the country's politics, violating the principle of equality before the law.

2010 – CONSTITUTIONALIZING DISCRIMINATION

It was in 2010 when the institutionalization of the discrimination of Haitians in the Dominican Republic reached the constitutional level. After re-interpreting the term in transit in favor of the Dominican government's ambition to dominicanize the country, the country's constitution from the year 2002 was then replaced with a new one in January 2010. Amongst others, it contained one very relevant amendment concerning the acquisition on the Dominican Nationality. Whereas the 2002 constitution stated that only children of foreign diplomats and foreigners in transit were excluded from *jus soli*, the 2010 constitution expanded this exclusion by adding that children of illegal residents are excluded from *jus soli* as well. The constitution thereby made the discussion about whether or not children of irregular or undocumented migrants count as children of foreigners in transit irrelevant, as by being children of irregular residents they were excluded from the obtaining the Dominican nationality either way. The amendment constitutionally justified the exclusion of children of illegal residents from *jus soli*, a change in legislation which had exerted in earlier legal documents such as law 285-04, circular 017-2007 or *resolución 012-2007* but had hitherto not been in line with the constitution in force.

³ I.e. the declaration of any person declared with a workplace identity card (*ficha*) or another document different from a national alien identification document was no longer considered valid.

⁴ *In transit* was hitherto interpreted as a period of less than 10 days by long-standing legal authority (IHRC, 2015).

Comparison of the articles discussing jus soli in the prior and current Dominican constitution:

Constitution 2002, Título III, Sección I, Art. 11., Numeral 1.

Constitución 2010, Capítulo V, Sección I, Artículo 18, Numeral 3.

Dominicans are:

Dominicans are:

All persons born on the Republic's territory, with the exception of legitimate children of foreign diplomats and the children of foreigners in transit.

Persons born on national territory, with exception of children of members of diplomatic and consular posts, of foreigners who are in transit or reside illegally on Dominican territory. A foreigner is considered a person in transit as defined in Dominican law.

(Asamblea Nacional en Nombre de la República, 2002, July 25)

(Asamblea Nacional en Nombre de la República, 2010, January 26)

2013 – SENTENCE 168-13

Three years later, in September 2013, the notorious *sentence 168-13* was emitted by the Dominican Constitutional Tribunal. Put briefly, it ordered the nationality of hundreds of individuals born on Dominican territory to be taken away, as the state claimed them to have obtained the such in a fraudulent way (MUDHA, 2014). The sentence was provoked by the case of Juliana Deguis, a Dominican of Haitian descent and mother of four who was denied her identity document for over four years and as a consequence thereof was unable to declare the births of her children. When she tried to dispute the Central Electoral Board's negation of her documents in front of the Constitutional Tribunal, her case, a prime example of many Dominicans of Haitian descent, was rejected due to lack of evidence (Colectivo 63 & Dominica@s por Derecho, 2016). Deguis then decided to appeal the court's decision. The Constitutional Tribunals rejected her claim to the Dominican nationality anew, arguing that she was born to migrants in transit and was therefore not entitled to the Dominican nationality. The new interpretation of *in transit* (e.g. as used in *migration law 285-04*), a term formerly being defined as a period of a maximum of 10 days, was consecutively used as an argument to reject the nationality of hundreds of similar cases, claiming that they never actually had the right to the Dominican nationality. It was stated in the *sentence 168-13*, that obtaining the inscription in the civil registry through fraudulent acquisition contrary to the Constitution does not confer the right to nationality (art. 4p, Tribunal Constitucional, 2013). By retroactively enforcing a different interpretation of the Dominican constitution, the sentence left a great number of individuals without nationality. At the end of 2014 the number of stateless persons in the Dominican Republic was estimated to be 210.000 by the Inter-American Court of Human Rights (IACHR, 2015), translating to above 2% of the total population at the time. *Sentence 168-13* required the CEB to review all registrations in the Civil Registry made between June 21st 1929 and January 26th 2010 to identify foreigners registered in that period who were illegally enrolled in the registry according to the country's constitution (so called *aliens illegally registered in the Civil Registry*) and

create a book of foreigners for all special foreign births between June 21st 1929 and April 28th 2007 (IHRC, 2015).

2013 – DECREE 327-13 (PNRE)

Two months later, the emittance of *sentence 168-13* was followed by the National Plan to Regularize Foreigners (also *PNRE* or *Decree 327-13*), the Dominican government's attempt to regularize illegal foreigners situated in the country, an endeavor which had already been announced in *sentence 168-13* (Tribunal Constitucional, 2013). What sounds like a creditable undertaking by the government, however, was far from being a success. The *PNRE*, the governments opportunity for migrants residing in the country illegally to get regularized, had an expiration date and had its application deadline already on June 17th, 2015, only 18 months after its initiation and a year after its actual implementation and opening for registration (IHRC, 2015). In practice, the *PNRE* had only managed to regularize a few hundred migrants, a fraction of those for whom it had been intended (IHRC, 2015). For irregular migrants who had not applied by then the threat of official deportation became real as there was no means provided for their regularization. The International Human Rights Clinic referred to the *PNRE* as being “fraught with problems including insufficient bandwidth to meet the number of applicants, unreasonably short timelines, confusing and poorly publicized information, and disregard for the specific needs of Haitian migrants.” (IHRC, 2015, p.37). It had further been criticized for only being a temporary solution, as documents issued under the *PNRE* could be nullified easily in the future due to the fact that the plan had been implemented via presidential decree only. Another issue for which the *PNRE* was widely criticized was the fact that it treated Dominicans of Haitian descent, a population group to whom the *PNRE* does not apply, as migrants in need of regularization instead of providing them with a pathway for naturalization (IHRC, 2015). With all its flaws and shortcomings and by many misunderstood target group the *PNRE* can appear as a “politicized attempt by the Dominican government to push Dominicans of Haitian descent to register as foreigners” (IHRC, 2015, p. 42).

2014 – LAW 169-14

Instead of registering as foreigners under the *PNRE*, what applied to Dominicans of Haitian descent was *law 169-14*, which was passed in May 2014. The denationalization of a substantial part of the population caused by *sentence 168-13* did not go unnoticed and was followed by strong headwind from both civil society and human rights organizations. As a result of both national and international pressure the Dominican state looked for a solution to reduce statelessness. This solution eventually took the shape of *law 169-14*, a law attempting to regularize the statuses of those individuals who found themselves in a so-called legal limbo. *Law 169-14* counted with a registration process initially confined to a period of five months from May until October 2014 (IACHR, 2015; Plataforma 169, n.d.) and later prolonged till February 1st 2015 (IHRC, 2015), firstly dividing the individuals whose nationality was revoked by *sentence 168-13* and Dominicans of Haitian descent currently without valid identity documents into two groups – *Group A* and *Group B*. *Group A* consisted of individuals currently not holding any valid identity documents, but which had been registered in the Dominican Civil Register, whereas individuals in *Group B* had never been registered in the Dominican civil register nor do they possess any type of document proving their birth on Dominican territory (UNHCR, 2014). According to

sentence 168's retroactive interpretation of *in transit* with respect to the constitution's *jus soli* neither *Group A* nor *Group B* should have legally been able to obtain their nationality in the first place.

For *Group A*, *law 169-14* enabled a procedure to validate or re-issue a person's birth certificates and restore the nationality of individuals born on Dominican territory between June 16th 1929 and April 18th 2007⁵ and whose births had been officially registered (IACHR, 2015). It did so by mandating the CEB to carry out a so-called *regularization process*, to formally recognize individuals as Dominicans and provide them with identity documents and thus the Dominican nationality (Amnesty International, 2015). For persons in *Group B* options given by the law were less favorable unfortunately. The law enabled individuals who were born on Dominican territory but never registered in the Dominican Civil Register (i.e. *Group B*) to get registered in a so-called *registration book of births of foreigners* according to guidelines stated in the *migration law 285-04* in order to eventually be regularized as migrants. *Law 169-14* states that the application for such a process must take place no later than 90 days after the law entering into force (IHRC, 2015). Individuals from *Group B* can then obtain one of the immigration categories set out in *migration law 285-04* (IHRC, 2015) and acquire the Dominican nationality through a naturalization procedure after a waiting period of two years (IACHR, 2015), a procedure often referred to as the *naturalization plan* (Amnesty International, 2015). Lastly, *law 169-14* did not provide any solution for those individuals born between April 18th 2007 and January 26th 2010, that is between the country's first official orders to deny and suspend identity documents of the affected population group (i.e. *circular 017-2007*) and the most recent amendment of the Dominican constitution redefining *in transit*. The fact that people in *Group B* must first register as foreigners before being able to apply for naturalization had been deemed to be violating the country's obligation to respect human rights by the Inter-American Commission on Human Rights (Amnesty International, 2015). The Dominican Republic, however, rejected the Commission's judgement and argued that it was "untimely, biased and inappropriate" (Diario Libre, 2014).

CONSEQUENCES OF LEGISLATIVE CHANGES

Estimates of magnitude of the impact of legislative changes vary, but it is undeniable that several hundred thousand individuals' lives were affected. According to the International Human Rights Clinic (2015) more than 300,000 individuals were affected by *sentence 168-13* alone, whereof 200,000 are in *Group A* and 110,000 in *Group B* of *law 169-14* and another 24,000 who did not fall into either of the two groups. Further, even though the steps set out by *law 169-14* to solve these individuals' situation of being undocumented seem rather straightforward, there were some severe shortcomings to it in practice. One of them was the fact that individuals belonging to *Group A* were often not aware of the fact that there were any issues with their nationality; many carried their identity documents without knowing these had become invalid. While the process of *Group A's* identity documents' validity being restored should have been automatic, in reality reobtaining valid identity documents often was a lengthy process. Moreover, the birth certificates eventually issued to *Group A* were visually different from the originals and carried a different number than they used to. Lastly, instead of being registered in the Dominican Civil Register,

⁵ i.e. before the emittance of *circular 017-2007*.

individuals from *Group A* were registered in the so-called *transcription book* (ES: *libro de transcripciones*), creating another artificial distinction from Dominicans that were not affected by *sentence 168-13* (IHRC, 2015).

For *Group B*, registering as foreigners to then apply for regularization and eventually for naturalization constituted quite an undertaking in practice. The second step, regularization, required individuals to present one of a number of documents difficult to obtain for many. *Table 3* shows a list of the documents accepted in this process (IHRC, 2015). Proof of the challenges individuals from *Group B* faced complying to the requirements of *law 169-14*, be it lack of information, difficulties obtaining the required documents or other practical difficulties, is the fact that only a fraction of the people categorizing as *Group B* actually applied for regularization.

- i. Live birth record issued by a public hospital or private health center, indicating the name of the mother, the baby's gender, and date of birth;
- ii. Statements made before notary public by seven Dominican witnesses indicating the date and place of birth, the name of the child, and the names of the parents;
- iii. Sworn affidavit before notary public by the midwife who delivered the child, indicating the date and place of birth as well as the name of the mother;
- iv. Sworn affidavit before notary public by first- or second-degree family members who possess Dominican national documentation.²⁶²

Table 3. Decree 250-14: Regulations for the application of Law 169-14. (Cited in IHRC, 2015, p. 46)

The number of applications for regularization made in the context of *law 169-14* in the time period in which registration was possible, may be one of if not the best pieces of evidence of *law 169-14's* shortcomings. By February 15th, 2015, when the time period for inscription had passed, a mere 8,755 individuals out of the 110,000 for whom it would have been applicable (i.e. *Group B*) had applied for regularization and were thereby theoretically eligible for naturalization (de León, 2015). In practice, however, only 40% of these applicants did actually meet the requirements for naturalization as instructed in *law 169-14*, meaning that out of the 110,000 people falling into *law 169-14's Group B* a mere 3 % might eventually obtain the Dominican nationality through the mechanisms provided by *law 169-14* (IHRC, 2015).

With respect to *Group A*, the number of individuals who had their nationality restored is somewhat higher, if one can believe data emitted by the Dominican government. In a report from May 2015, the government claimed that records of more than 53,000 individuals from *Group A* had been validated (cited in IACHR, 2015), thereby representing an approximate 25% of the 200,000 people categorizing as *Group A*. These estimates, however, were based on a publication by the CEB from June 2015 and refer to some 55,000 people whose legal status had been analyzed in an audit process to then be categorized into groups of *authorized* and *transcribed* individuals. Supposedly, these individuals were then able to obtain their “certificates and registration documents which recognize them as Dominicans” at the offices of the Civil Registry (Amnesty International, 2015). In practice, however, there seem to be a number of flaws with the process. Firstly, the CEB did not specify what exactly the categories *authorized* and *transcribed* meant. Moreover, the actual process of regaining the Dominican nationality lacked in clarity and contained delays and inconsistencies (Amnesty International, 2015) and already later the same year

complaints were received concerning the obstacles with respect to the delivery of identity documents by the Civil Registry (IACHR, 2015). Nonetheless, the Dominican government presented the list published by the CEB as proof that the 55,000 individuals on it had their legal status resolved and thereby their Dominican nationality recognized (Amnesty International, 2015).



Figure 5. Félix Reyna, communications director of the CEB, presenting the lists hung in the country's civil registry offices of the 55,000 individuals supposedly benefitting from law 169-14. (Joseph, 2015, December 2).

The before mentioned 24,000 individuals which were affected by *sentence 168-13* but fell outside both *Group A* or *Group B* were termed *Group C* by the International Human Rights Clinic (2015). *Group C* is comprised of individuals who were born between 2007 and 2010 and whose births fall in-between the adoption of the new definition of *in transit* in 2007 and the new constitution setting this definition in stone in 2010. According to the constitution in place at the time of their births, individuals in *Group C* qualify for *jus soli* and thereby the right to the Dominican nationality. By not categorizing as either of the groups stipulated in *law 169-14*, however, the law is not applicable to them and hence, they are not presented with any solution to restore their Dominican citizenship. Consequently, even though the constitution in force at the time of their birth guaranteed them Dominican nationality, individuals from *Group C* are registered in the *civil registry for foreigners* and thereby categorized for regularization via the PNRE instead of having their identity documents restored (IHRC, 2015).

OBTAINING THE HAITIAN NATIONALITY

The ongoing struggle for many Dominico-Haitians to obtain the Dominican nationality can hardly be discussed without exploring Dominico-Haitians' possibilities to obtain the Haitian nationality and whether or not this would constitute any improvement to their situation. Very strictly taken, there would be no need to

discuss Dominico-Haitians' access to the Haitian nationality, as according to the constitution in force at the time of their birth they are entitled to the Dominican nationality, however, as the topic is a much broader one and for the sake of argument the option for undocumented Dominico-Haitians to obtain the Haitian nationality will be discussed. According to the Haitian constitution every person born to a Haitian father or mother who is a native-born Haitian him or herself and has at no point renounced his or her nationality holds Haitian nationality at birth (Constituteproject, 2012, Art. 11). Thus, everybody born to at least one Haitian parent could theoretically claim his or her Haitian nationality. Particular caution, however, has to be paid to the part which says, that the parent's Haitian nationality may never have been renounced. Renouncing one's Haitian nationality does not only occur by actively renouncing it. Article 13 of the 1987 Haitian constitution states that it is lost by, amongst others, naturalization in a foreign country and that "anyone who loses his nationality in this manner shall not recover it". Thus, once a Dominican of Haitian descent has acquired the Dominican nationality he both loses his Haitian nationality, if he has held it, as well as his right to recover it. Subsequently, article 15 of the 1987 constitution repeats that "dual Haitian and foreign nationality is not permitted" (Constituent National Assembly, 1987). Both article 13 and article 15, however, have been abrogated in the renewed constitution entering into force in 2012. Instead, article 10 and 11-1 refer to Haitian law determining the regulations concerning Haitian nationality and the acquisition hereof (Constituteproject, 2012). Consequently, whether or not a Haitian can re-obtain the nationality he or she once had, is not clearly defined in the current Haitian constitution.

Further, before the amendments made to the 1987 constitution in the year 2012, the constitution stated that the Haitian nationality could be acquired by naturalization. Article 12-1 defined that "after five years of continuous residence in the territory of the Republic, any foreigner may obtain Haitian nationality by naturalization, in conformity with the regulations established by law." (Constituent National Assembly, 1987, Art. 12-1). Article 12-1, however, has been abrogated in the amended constitution, and article 12, stating "Haitian nationality may be acquired by naturalization" (Constituent National Assembly, 1987, Art. 12), has been amended. Instead, Article 11-1 has been inserted, saying that it is now the law establishing the conditions under which a person can acquire the Haitian nationality (Constituent National Assembly, 1987, Art. 11-1). The fact that the articles relating to naturalization have been abrogated in the Constitutional Law and that the constitution now refers to Haitian law instead allows the conclusion that the Haitian government wants to be more flexible in their naturalization regulations and suggests that naturalization might not be as easily feasible as before. In 2012, however, Culliton-González claimed in her paper on birthright citizenship and human rights, that the naturalization application to obtain the Haitian nationality was "a fairly accessible (...) process" (Culliton-González, 2012). Whether or not this was only the case before the amendments of the constitution or still was so after the changes have been made, is not clear. Nonetheless, what is clear is that a certain agenda made the Haitian government take the quite substantial decision to amend the naturalization regulations in their constitution. A connection between this decision and the neighboring country's development with respect to immigration policies is likely.

Of further interest are the realistic chances for children born to Haitian parents in the Dominican Republic before the year 2010 to obtain the Haitian nationality in case of being stateless. Ferguson (2013) claims that the Haitian government is "unwilling to

supply proof of Haitian citizenship to those born in the Dominican Republic as it would increase the burden on the Haitian state if these people were then deported” (Ferguson, 2013, p. 22). This behavior stands in contrast to the Haitian government agreeing to provide its citizens Haitian identity documents in a protocol of understanding with the Dominican Republic in 1999 (Ferguson, 2013). These circumstances illustrate anew how the governments’ problems are delivered on the backs of their people, a situation that can sadly be found in both the Dominican Republic as well as Haiti.

Besides the ability for stateless individuals of Haitian descent to acquire the Haitian nationality another topic relevant to discuss is the issuing of identity documents to first generation Haitian migrants. First generation Haitian migrants, even though born in Haiti, often do not possess Haitian legal identity documents, making it hard if not impossible to register their children with both Dominican and Haitian authorities in the DR. As an attempt to provide its citizens with identity documents the Haitian government launched the *Haitian Government’s Identification and Documentation Program for Haitian Immigrants*, short *PIDIH*, a program for the identification and documentation of Haitian immigrants in the Dominican Republic. *PIDIH* was meant to deliver Haitian identification documents to Haitians in the Dominican Republic within 15-20 days of application, in reality, however, the process to receive one’s passport or identity card often took five months or longer (IHRC, 2015).

THEMATIC-THEORETICAL OVERVIEW

HUMAN RIGHTS

The Universal Declaration of Human Rights (OUNHCHR, n.d.) is essential to consult when discussing statelessness. In Article 15 the declaration explicitly states every individual has the right to a nationality (art. 15(1)) as well as that “nobody shall be arbitrarily deprived of his nationality.” (art. 15(2)). When a person possessing only one nationality is being deprived of the such, an individual not being recognized as a citizen by any nation state and is thus stateless. Not being recognized by a state as one of its citizens puts an individual’s fundamental rights at risk. These rights include for instance having access to education, legal employment, health services, or being seen as a legal entity before the law. Being stateless, no state is responsible for guaranteeing an individual’s fundamental human rights. It is noteworthy that the mere *right to acquire* the nationality of a country does not eliminate the condition of statelessness. Maureen Lynch of Refugees International describes the state of statelessness as “a highly complex legal and often political issue. It has serious humanitarian implications for those it affects, including no legal protection or the right to participate in political process, poor employment prospects and poverty, little opportunity to own property, travel restrictions, social exclusion, sexual and physical violence, and inadequate access to healthcare and education.” (Lynch, 2005, p.1).

Both *article 15(1)* and *article 15(2)* of the Universal Declaration of Human Rights are not fully complied with in the Dominican Republic. Moreover, due to the effects of statelessness, that is exclusion from many very basic services such as health services, education, employment or partaking in elections, a substantial number of rights declared as Human Rights in the declaration at hand (OUNHCHR, n.d.), are not complied with by the Dominican Republic either.

THEORIES OF RACE, ETHNICITY & DISCRIMINATION

Race, described as a “subjective social construct based on observed or ascribed characteristics that have acquired socially significant meaning” (Blank, Dabady & Citro, 2004, p.2), is a very controversial concept. Conventionally, Zuckerman (1990) argues, the term *race* is used to differentiate between people of European, African or Asian descent, for instance. What makes race such a disputed concept, however, is summed up very well in Rushton’s article on race and crime (1995). Rushton argues that biological explanations are often used as an argument for why racism should persist. Yet many authors emphasize that, biologically, race does not even exist, as there are more differences within than between racial groups (Phinney, 1996). One could thus argue that by grouping individuals according to their skin color or their facial features the foundation is laid for racism to gain ground. Another relevant concept in this context is ethnicity. Colloquially often confounded with race, ethnicity has a substantially different meaning. Whereas race explicitly focuses on physical characteristics, ethnicity is a more holistic description, referring to national, racial or cultural origins (Race, n.d.; Ethnicity, n.d.). Phinney (1996) argues that the concept ethnicity itself explains rather little. He therefore goes on explaining three key aspects that make up ethnicity and thereby makes it a tangible concept. He claims it to be made up out of “cultural norms and values; the strength, salience and meaning of ethnic identity; and the experiences and attitudes associated with minority status” (Phinney, 1996, p. 918). Phinney emphasizes that these should be seen as dimensions along which people can vary rather than strict categories. For the research at hand this concept of ethnicity is much more adequate as it generalizes to a smaller degree and takes the aspect of culture into account as well.

Furthermore, it is relevant to explore the various types of discrimination that exist, ranging from expressed, so-called *overt* discrimination, to internal, *covert* discrimination that often is difficult to identify as such (Aberson, Swan & Emerson, 1999). The definition of discrimination which will be used in this paper is the following, used amongst others by Blank, Dabady and Citro (2004), has the following two main components: “(1) *differential treatment on the basis of race* that disadvantages a racial group and (2) *treatment on the basis of inadequately justified factors other than race* that disadvantages a racial group (differential effect)” (Blank, Dabady & Citro, 2004, p. 4). The paper will be using the concept of race as described above for the purpose of identifying and describing participants’ motives and behaviors yet staying critical of the adequateness of the classification of individuals based on such characteristics. Further, discrimination mostly has three main constituents; the domain where it occurs, the actor(s) and the target(s) (Blank, Dabady & Citro, 2004). The domain describes the area where it occurs, such as the labor market, the health care system or the criminal justice system. The actors can range from police officers, employers or neighbors to government officials whereas targets can be African Americans, Hispanics, whites, Asians or, as in the present case, people with Haitian ancestry.

THEORIES OF INTEGRATION

With a large group of Haitians and Dominico-Haitians living in the Dominican Republic another relevant issue is the integration of minority groups into the larger society. One relevant theoretical framework is explained in Berry’s work on acculturation. According to Berry (2005) there are four different acculturation strategies, that is, ways for minorities to settle within a majority culture different from

their own. Which one will be the path for two groups to acculturate depends on two factors; the maintenance of the minority group's heritage, culture and identity, and the relationship sought among the groups. Both are dimensions on which groups can be either high or low, and the acculturation strategy that follows can, logically, be of four kinds (Berry, 2005). From the perspective of the non-dominant group (Dominico-Haitians in this case) the four possible acculturation strategies are integration, separation, assimilation, and marginalization. In the first two strategies, integration and separation, the non-dominant group maintains their *heritage culture and identity* (first dimension), whereas it does not (or only to a small degree) do so in the assimilation and the marginalization strategy. On the second dimension, *relationships sought among groups*, the integration and assimilation are high, whereas separation and marginalization are lower (Berry, 2005). It is important to note that the acculturation strategy cannot always freely be chosen by the minority group, i.e. the non-dominant group, or at least not implemented successfully in every case. Only when the dominant society is open and inclusive concerning its orientation towards cultural diversity, strategies such as integration or assimilation are possible (Berry, 2005).

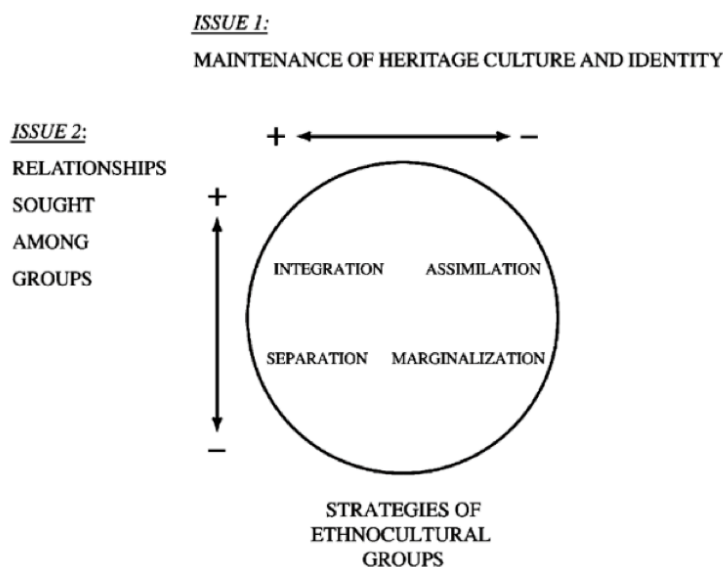


Figure 6. Berry's four acculturation strategies for in ethnocultural groups based upon two issues (Berry, 2005).

CONSEQUENCES OF SOCIAL EXCLUSION

Recent as well as earlier developments in the Dominican Republic have lead up to the social exclusion of a great number of Dominico-Haitians residing in the Dominican Republic (UNHCR, 2015b), and by continuing the implementation of its discriminatory laws the Dominican government will most likely only lead to an increase in the severity of this exclusion. Hence, research on the consequences of social exclusion is relevant to be discussed. According to Silver, social exclusion describes a “rupturing of the social bond (...) a process of declining participation, access, and solidarity. At the societal level, it reflects inadequate social cohesion or integration. At the individual level, it refers to the incapacity to participate in normatively expected social activities and to build meaningful social relations.” (Silver, 2006, p. 4419). Just as with discrimination, most definitions of social exclusion include an actor and a victim as well as a domain where the exclusion

occurs, although the exact names given to these elements may differ. Mathieson et.al., for instance, talk about “groups at risk of being excluded”, “agents and actors involved” and “what people are excluded from” (Mathieson et.al., 2008, p. 11-12). Further, they add the elements “problems associated with social exclusion” and “the process driving exclusion and the levels at which they operate” (Mathieson, 2008, p. 11). According to Silver (1994) individuals can be socially excluded from “a livelihood; secure, permanent employment; earnings; property, credit or land; housing; the minimal or prevailing consumption level; education, skills and cultural capital; the benefits provided by the welfare state; citizenship and equality before the law; participation in the democratic process; public goods; the nation or the dominant race; the family and sociability; humane treatment, respect, personal fulfillment, (and) understanding” (p. 541). A study by the British government’s Social Exclusion Unit (SEU, 2001) gives support to what Silver claims to be the effects of social exclusion. Some of the consequences of social exclusion, the study showed, were underachievement in education as well as on the labor market, low income, stress, poor access to services, ill-health and the impact on children (SEU, 2001). The SEU emphasizes that the negative effects are not limited to those excluded but can also impact the wider society, including for instance lower social cohesion, an increase in crime rates and the fear of crime as well as reduced mobility and higher stress levels (SEU, 2001).

REASONS FOR STATELESSNESS

The topic of statelessness in the Dominican Republic mainly drew national and international attention after the emission of *sentence 168-13* in 2013, which retroactively revoked the Dominican citizenship of hundreds of Dominicans with Haitian ancestry. In reality, however, issues concerning documentation of individuals theoretically entitled to the Dominican nationality, or rather the lack thereof, are not limited to consequences of the *sentence 168-13*. A lack of documentation has been an issue before *sentence 168-13* and remains being an issue also for reasons not all based on Dominican legislation such as *sentence 168-13*. The reasons for statelessness which came forth in the course of the research include racial discrimination in the issuing of identity documents, orthography errors on birth certificates, corruption of the relevant government bodies, children being registered by persons other than their biological parents and lack of information, amongst others. The stateless individuals, in turn, range from individuals who struggled to obtain their identity documents at birth or at a young age to individuals who lost them a consequence of *sentence 168-13* and struggled to reobtain them. Following, impacts of *sentence 168-13* on the Dominican Republic will be discussed, where after other reasons for loosing or not being able to (re-)obtain one’s Dominican nationality will be presented.

SENTENCE 168-13

Issues surrounding nationality in the Dominican Republic are far from limited to *sentence 168-13* nor are they restricted to the years after 2013. Rather, numerous issues encountered in the conducted research with respect to loosing or not being able to obtain one’s nationality are not directly related to *sentence 168-13*, nor were they exclusively reported to have occurred after its emittance. Nonetheless, *sentence 168-13* issued by the Dominican Constitutional Court in September 2013 drastically influenced the overall situation and the sentiments towards Dominico-Haitians and Haitian migrants in the Dominican Republic. Next to causing stricter controls of the

Dominican migratory control and more difficult conditions to find employment without possessing any documents, which will be elaborated on in the chapter on formal employment in the just presented results, the emittance of the sentence had a large influence on how much attention the subject of statelessness in the Dominican Republic received both on a national as well as on an international level. This was reported to be one of the few positive side effects of the sentence by several of the interviewed organizations and professionals, as it put pressure on the government to act and provide a solution to the stateless, even leading to the issue being covered in the New York Times (García-Peña, 2013, December 12). Before the emittance of *sentence 168-13* the state denied that there was any issue they were responsible of resolving, said Liliana Gamboa from the Open Society Justice Initiative (L. Gamboa, personal interview, March 17, 2016). After the sentence, such an assertion became much harder to make. As Ana Maria Belique, coordinator of civil society organization *reconoci.do*, put it, “the sentence magnified what was happening, and allowed the world to understand what we had explained for years and what nobody wanted to listen to”. They were never heard by the president, Belique explained, and the government had never invited them to discuss the issue and look for alternatives until the sentence was emitted (A. M. Belique, personal interview, May 5, 2016). With the emittance of the sentence it became clear that refusing a dialogue with Belique and her companions or denying that measures had to be taken to improve the situation of stateless Dominico-Haitians was no longer an option. Jorge Baca Vaughan, chief of mission of the Dominican office of the International Organization for Migration, agrees with this, adding that the sentence has helped to shed light on the topic and bring about action to improve the situation in which Haitians and their descendants encounter themselves in the Dominican Republic (J. Baca Vaughan, personal interview, February 23, 2016).

Moreover, the sentence caused large-scale upheaval of Dominican civil society. Particularly the fact that no other ethnic group except for Haitians and their descendants were facing problems regarding their nationality, received a great deal of international attention (L. Dolis & C. Luis (MUDHA), personal interview, March 29, 2016). The *Movement of Dominico-Haitian Women (MUDHA)*, a non-profit organization very involved in the social and political discussion around the sentence, argued that the sentence had had a strong impact on the Dominican Republic. As a result of its emittance, lawyers got on their feet, Dominico-Haitians rose to defend their rights, platforms and solidarity groups emerged and the international community united to fight for Dominico-Haitians’ rights (L. Dolis & C. Luis (MUDHA), personal interview, March 29, 2016). Another positive aspect of the sentence, however only brought up by a minority of the interviewees, was the fact that the affected would acquire additional rights which they did not possess previously. Referring to legislation emitted as a consequence of *sentence 168-13* (i.e., *law 169-14, PNRE*), Alfredo Peña from the Solidarity Centre argues, that even though the sentence has its deficiencies, there is much in favor of it as well. He continues arguing that by regularizing foreigners, they will acquire rights as well as an identification card, authorizing them to obtain formal employment and thereby protecting them from exploitation (Peña, personal interview April 25, 2016). Peña thereby takes a standpoint similar to the Dominican government, as he by making a statement as the above, inexplicitly categorizes the affected, i.e. Dominico-Haitians, as foreigners. According to Tony Pichardo from AcentoTV, the circumstances brought about by *sentence 168-13* first and foremost favor irregular migrants who never resolved their legal status, as it made them visible and provided them with an opportunity to

demonstrate that they had all their life established in the Dominican Republic. Nonetheless, he added, many of them remained in an irregular situation due to the hurdles they encountered in the process (T. Pichardo, personal interview, April 1, 2016).

Yet, even though *sentence 168-13* put Dominico-Haitians' struggle for nationality in the public eye, it was mainly criticized by both the affected as well as national and international agencies. One mayor criticism was that it was not being compliant with international standards (e.g. anonymous⁶ (CNDH), personal interview, March 2, 2016), as it was being enacted retroactively. *Sentence 168-13* expressed that *jus soli*, the right to citizenship based on being born in a country's territory, was no longer unrestrictedly in practice in the Dominican Republic. This change itself would be aligned to international law standards and, in fact, be nothing novel as the most recent constitution from the year 2010 no longer included *jus soli* as a way of attaining the Dominican nationality either. The reason why the sentence caused such a stir, however, was its retroactive and selective application, which has been highly criticized by local and international human rights organizations. It retroactively withdrew the right to Dominican nationality from all individuals born in the Dominican Republic between June 16th 1929 and April 18th 2007 to irregular foreign parents, thereby taking away a right which the affected were entitled to by Dominican legislation in force at the time of their birth. Further, *sentence 168-13* was criticized for how it interpreted the reason for why most Dominico-Haitians had received the Dominican nationality in the first place. According to the sentence and argumentations of the government emitting it, Dominico-Haitians had received the Dominican nationality erroneously rather than because they had the right to obtain it. Many Dominican civil society organizations and the international community, on the other hand, argue that Dominico-Haitians had received the Dominican nationality because they were and are hence still are entitled to the such. These two different interpretations of the situation are often referred to as *nacionalidad por error versus nacionalidad por derecho*, or *nationality by mistake versus rightful nationality*.

NEGATION OF DOCUMENTS PRIOR TO 2013

Many interviewees, however, reported having had issues with their documents already before the emission of *sentence 168-13*. These issues included, for instance, the negation of copies of identity documents individuals already had received earlier or being denied the issuance of new documents. A 28-year-old woman from Santa Fe, a neighborhood of San Pedro de Macoris, for instances, told that she had been going to the Central Electoral Office for seven years, unable to obtain a copy of her birth certificate. "From 2007 until 2014 I went to the CEB a lot and they always gave me the same excuse", she said. "They never wanted to give it (the copy of my birth certificate) to me" (28-year-old female, personal interview, May 6, 2016). Fortunately, by the time the interview was taken, the interviewee had been able to obtain both birth certificate as well as her identity card by means of processes established in *law 169-14*. Similarly, a 24-year-old female from the eastern city El Seibo wanted to apply for her identity card but was told that, as her parents had declared her with their *fichas*, she could not obtain her it. With the help of civil society organization *reconoci.do*, however, she managed to obtain it a few years later in 2011 (24-year-old female, personal interview, April 19, 2016).

⁶ Interviewee did not want to appear in the paper with his/her name.

What is worth mentioning is that for many these issues came as a surprise. Several interviewees who were in possession of either a birth certificate or an identity card, and hence of the Dominican nationality, reported that prior to being denied copies of their present documents or the issuance of new ones, they had not had any issues using their documents and benefitting from the rights connected to them. A 46-year-old woman from Batey Siete, for instance, had obtained her Dominican identity card in 1986 and never had any issues using it. She even reported to have voted with it in the elections. Approximately seven years ago (i.e. in 2009), however, her identity card and Dominican citizenship were suspended and since then she was not able to regain either (46-year-old female, personal interview, April 22, 2016). A similar situation was reported by a 28-year-old woman from Santa Fe, San Pedro de Macorís. Soon after her birth she was declared by her parents and thus for most of her life she was in possession of a birth certificate stating she was a Dominican national. At 20 years of age, however, when requesting a copy of her birth certificate to enroll at university, she was told at the Central Electoral Office she could not be issued the such as she was the daughter of Haitians and thus not had any right to it (28-year-old female, personal interview, May 6, 2016). Other interviewees reported that when they realized there were some issues with their documentation when they attained majority and applied for their new identity card⁷ and the such could not be issued.

PAST DOCUMENTATION PRACTICES

As mentioned, not all undocumented individuals lack their document as a result of *sentence 168-13*. Another common reason for not possessing any documents, holding true for Dominicans both with and without Haitians roots, are common customs concerning documentation in the Dominican Republic. According to *ASCALA*, an institution of the *Missionary Sisters of San Carlos Borromeo Scalabrinianas* promoting the human rights and development of vulnerable migrant groups and their descendants, most people living in the bateyes did not possess any national identity documents up until the 1990's. Instead of the Dominican identity card the document used to identify oneself was the workplace identity card (ES: *ficha*, see image below) and it was not common practice to declare one's children (*ASCALA*, personal interview March 31, 2016). Especially residents of remote communities, where a large part of the population worked with sugar cane, often did not see the necessity to possess any official identity documents, a belief which to some degree held true until the emission of *law 169-14* in 2004. Moreover, a number of interviewees reported to have had documents at some point but lost them later on, some interviewees simply reporting to have lost them (64-year-old male, personal interview, April 20, 2016; 18-year-old female, personal interview, May 10, 2016; 26-year-old female, personal interview, May 11, 2016), whereas others stated their birth certificates had burnt (26-year-old female, personal interview, April 10, 2016; 16-year-old female, personal interview, April 14, 2016).

⁷ There are two types of identity documents in the Dominican Republic. One type for citizens full of age who are allowed to vote (*cedula para mayores de edad*) and another type for 16 to 18-year-olds and individuals that are excluded from partaking in elections (JCE, n.d.).



Figure 7. A *ficha*, i.e. a workplace identity card, from the harvest season 1994-1995 (female, personal interview, April 27, 2016).

Individuals who were not declared and intent to do so at a later point need a *certificado de nacido vivo*, a birth certificate emitted by Dominican hospitals directly after a child's birth serving as proof that being born in the Dominican Republic. Alternatively, a confirmation of the midwife can be used as well in the event of a home delivery. According to Carolina Zapata Estevez, protection assistant for the UNHCR, however, there have been numerous reports of births of children born to Haitian parents in Dominican hospitals where no such certificate was issued due to the parents not possessing any legal documents. Due to bad practices in the hospitals, Zapata Estevez says, the child's birth was often not even registered in the hospital's registry (C. Zapata Estevez, personal interview, March 2, 2016). In other instances, such as a Haitian mother of four Dominican-born children reported, children were given a birth certificate at the hospital, but their births could not be found in any the registry (52-year-old female, personal interview, April 9, 2016). Another remarkable case was an interviewee born in batey El Soco in the east of the Dominican Republic, who does not possess her birth certificate or any other documents, nor does she know her mother's complete name or have any of her documents, proof of the lack of registration of an individual's most basic information (40-year-old female, personal interview, April 20, 2016).

PARENTS' INSUFFICIENTLY DOCUMENTED

Another reason frequently mentioned by interviewees for why they do not possess any identity documents was the fact that their parents do not possess any identity documents either, which led them to the conclusion that they themselves could not be declared and obtain any documents either (26-year-old female, personal interview, April 26, 2016; (19-year-old female, personal interview, April 27, 2016). A Dominican-born 20-year-old woman of Haitian ancestry interviewed in the

municipality of Consuelo in the east of the country said: “My mother could not declare me. With the *ficha* it was not possible. She could not declare me because I was not born in the hospital, I was born at home.” This quote highlights both the perception of many Dominico-Haitians of their inability to get documented if their parents did not possess any documents either as well as that if one was not born in a hospital, and thus did not receive a birth certificate right after birth, proving one’s birth on Dominican territory was even harder. Observing that many claimed not to have any identity documents due to their parents’ lack of documentation, the question arises why the parents, first generation Haitian immigrants or Dominicans with Haitian ancestry themselves, do not possess any documents. As already discussed in the juridical background, obtaining official Haitian identity documents can be a time-consuming process. This was confirmed, amongst others, by an interview with *ASCALA* (*ASCALA*, personal interview March 31, 2016), who further reported high costs associated with obtaining Haitian identity documents. Even though the identity card was said to be provided for free, necessary documents such as a birth certificate in creole were not and could cost around 3,000 Dominican pesos each, the equivalent of approximately 50€.

Due to a history of little or no documentation some interviewed individuals seem to be trapped in a vicious circle, being sent from one place to another given, at times even contradicting information with seemingly no solution to their statelessness. A 19-year-old girl from Puerto Principe, a neighborhood of Consuelo, both of whose parents had died when she was only three months of age and who had grown up living with her aunt had told me the following:

“I went to the capital to the Haitian embassy and they told me they could not give me Haitian documents because they do not know if I am Haitian because I did not come with my parents. I also went to the Central Electoral Board. They sent me to get my mom’s death certificate. Then I went to get the death certificate, but they told me that it is of no use and they did not know if my parents had Dominican legal papers. Then they gave me a receipt, but they did not give me the death certificate. For the death certificate I need three lawyers and witnesses to testify that she died here. But they told me that there is no point if she did not have any legal papers.”

(19-year-old female from Consuelo, personal interview, April 27, 2016)

Other interviewees have reported that even though their parents possessed *fichas*, which up until the 1990’s were commonly used to declare children, their parents were not able to declare them as Dominican nationals or in some cases even receive any kind of proof of having given birth. In some situations, such as in the case of a young woman from Consuelo, a birth being a homebirth rather than having taken place in a hospital was given as a reason for not being able to declare her with the *ficha* (20-year-old female, personal interview, April 27, 2016).

ERRORS IN DOCUMENTS

Next to many cases of statelessness stemming from a lack of documentation another source of difficulties that should not be underestimated are errors in the civil registry and issued identity documents. Worth mentioning is that both errors in the affected individual’s own documents as well as in the documents of their mothers can cause problems with respect to (re-)obtaining their nationality. Such errors often cause difficulties when trying to obtain or renew one’s documents. One type of error that

has often been reported by interviewees is error in the name, ranging from spelling mistakes through entirely wrong names to no name at all. A young man from batey El Soco, for instance, said that when he was born his mother had not decided on a name yet, thence his hospital record does not carry any name. When continuing the interview, however, it turned out that his family did no longer possess any record of the man's birth whatsoever (21-year-old male, personal interview, April 20, 2016). Lawyer Ana Geraldo, working at *Centró Bonó*⁸ providing assistance to affected individuals, confirms that this is an often-occurring issue. Many issues arise from Frenchified names, she says (A. Geraldo, personal interview, March 30, 2016). Simply having a French last name alone could in practice be reason enough to be denied documentation (ASCALA, personal interview March 31, 2016). Other issues related to French names range from Haitian mothers who have Dominican nicknames differing from the names in in their passports to simple spelling errors in both registries and identity documents. According to Geraldo, one of the reasons for the latter are that names are asked orally instead of asking for a written version of the name. One type of result of such errors is the mother's name on a child's birth certificate not matching with the mother's actual name, leading to difficulties declarations under *law 169-14* for instance. The hospital who issued the birth certificate can correct such errors, however, practice showed that this is often a difficult and lengthy process (A. Geraldo, personal interview, March 30, 2016). A 14-year-old undocumented Dominico-Haitian girl from Palmarejo in the west of Santo Domingo, for instance, told us that her mother's name was written incorrectly in her birth certificate, due to her mother not being very fluent in Spanish. The miscommunication between the doctors and her mother eventually lead to the mother not being able to declare her own daughter, so the interviewee told (14-year-old female, personal interview, April 14, 2016). Another adolescent from the same neighborhood told us that she had difficulties reobtaining her lost identity documents as a consequence of her mother, a Dominican woman with Haitian parents, having her last name changed before passing away (16-year-old female, personal interview, April 14, 2016). Another common error are errors of the dates of birth in their documents. As this can lead to inconsistencies in the data it is another source of difficulties for many Dominico-Haitians and Dominicans in the process of (re-)obtaining their nationality. Such errors, however, are not limited to Dominico-Haitians but can be found in the documents of Dominicans without any foreign ancestry as well. Alfredo Peña from the Solidarity Center shared the case of his mother, a Dominican woman, who was born the 6th of November but whose birth certificate states the 10th of December as her birthday instead. According to Peña, it is not clear, whether it was his grandfather who his mother or the Central Electoral Office who made the mistake. As the error did not have any immediately visible consequences, no efforts were made to change it (A. Peña, personal interview April 25, 2016).

According to Peña another factor that made declaration difficult some decades ago was the inability of many to properly write and read. This made declarations very difficult, as it impeded the paperwork and is the cause of many errors in identity documents, especially of people now at an older age. Errors caused by illiteracy include wrongly written names and incorrect dates of birth, such as discussed above. In some instances, illiteracy even led to dates of births of siblings being mixed up when parents declared several children simultaneously and could not proofread the

⁸ A social outreach center of the Society of Jesus in Santo Domingo, which is, amongst others accompanying vulnerable and excluded populations.

information written down by the government officials. Even if errors were noticed later on, Peña continued, they were often not reported or corrected as changing them entailed a certain cost (A. Peña, personal interview April 25, 2016).

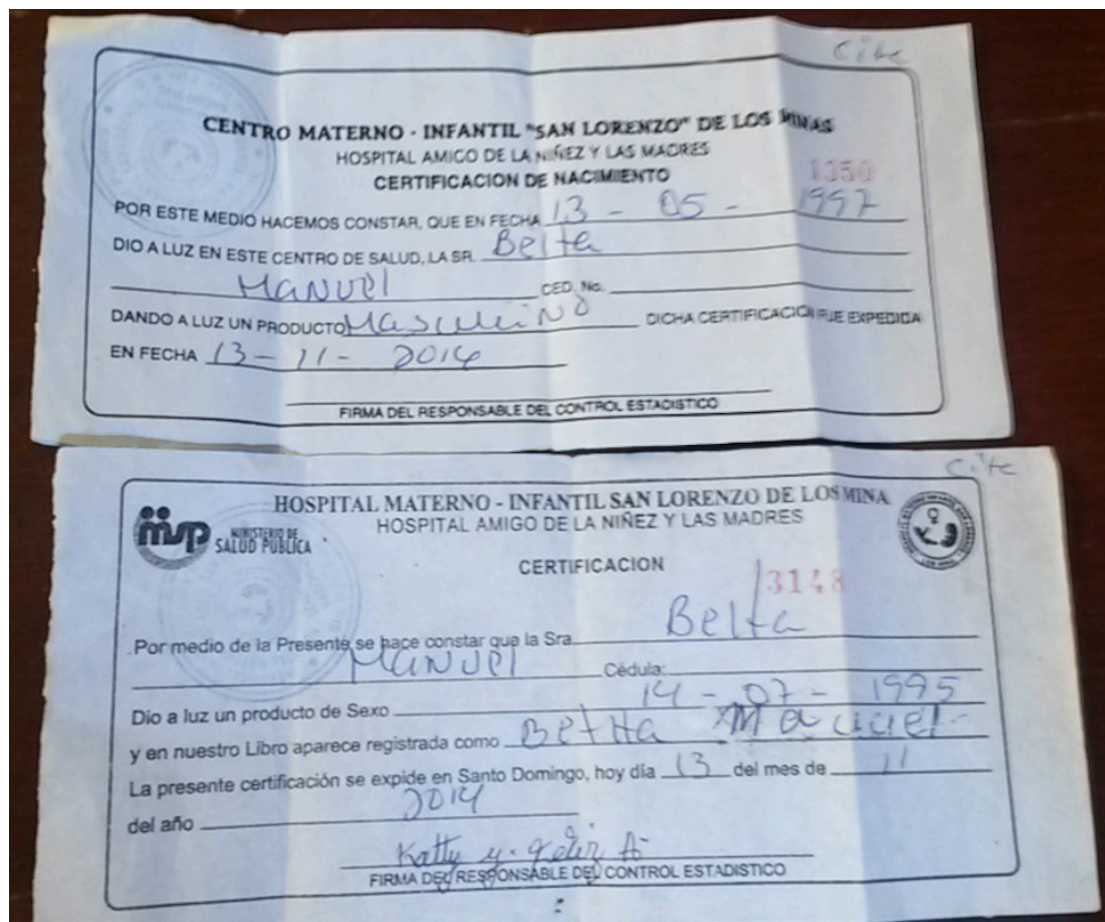


Figure 8. Birth certificates of an interviewee's children issued retrospectively (45-year-old female, personal interview, April 4, 2016).

The picture above shows the birth certificates of two an interviewee's children. Many things are worth noticing about these certificates, and, sadly, both of them are invalid. Firstly, the interviewee's, i.e. the mother's name is written incorrectly on both certificates. Instead of *Berta Manuel*, her name according to her Haitian identity card, it says *Belta Manuel*. This is likely to be due to an error made on her migratory regularization ID (ES: *carnet de regularización migratoria*), which states *Belta Manuel* as her name as well. The first certificate's invalidity is simply due to the fact that it misses the signature of the person issuing it. The second one, on the other hand, misses the newborns gender. Moreover, after it's issuance Tip-Ex was used to make a correction to the last name, which itself would be reason enough to declare the certificate invalid. Last but not least, both certificates miss the number of the mother's identity card, even though she was in possession of the such at the time of declaration.

What is further worth mentioning is the date of issuance of the birth certificates. Even though interviewee's children were born in 1995 and 1997 they were only declared in 2014. The fact that the interviewee's Haitian ID was issued the same year and her migratory regularization ID was issued only recently as well, is very likely to have been the main reason for her not declaring her children earlier. What is further puzzling about this case, is that the interviewee's Haitian ID states the Dominican

Republic as her place of birth, without specifying any particular location within the country, while her migratory regularization ID states that she was born in Mirebalais, a Haitian town north of Port au Prince.

BUREAUCRATIC FAILURE

A further issue mentioned by many interviewees, both from respondent group I and II, is the long, intricate process to obtain or re-obtain one's documents through either *law 169-14* (duration 90 días) or the *PNRE*. Often, applicants had to wait several months without being told an exact reason for the delay before receiving their documents. This was the case for applicants of both *law 169-14* and the *PNRE* as well as *PIDIH*, the Haitian Government's program to provide Haitians living in the Dominican Republic with identity documents. The latter is relevant to the discussion as well, as administrative offices require an individual's parents' documents when declaring an underaged child. Hence, prolonged waiting periods before the issuance of parents' Haitian national documents lead to further delays in the process. A young man from the province of Barahona elaborated on his struggles to receive his identity documents through *law 169-14*: "In 2015 I tried to obtain my documents. (...) I still have not received them because in the plan, being in group B, I could not get them. I've been waiting about a year now." (21-year-old male, personal interview, April 23, 2016). Next to long waiting periods, many respondents reported not having received adequate information as to what caused the delay of the process and the eventual issuance of their documents. Often, they report being told repeatedly to come back to the CEB at a different time, only to be sent back anew with no clear explanation. One respondent from the municipality Consuelo told: "I'm tired. Because I go, go, go, and it still hasn't arrived, hasn't arrived, hasn't arrived. At the board (i.e. the CEB) they tell me come back in 15 days, come back in a month..." (20-year-old female, personal interview, April 27, 2016).

Further, elaborate investigations for the purpose of verifying the births of applicants on Dominican soil were reported by several interviewees. An interviewee from Batey Siete in the western province of Independencia who finally received his Dominican identity card told the following: "The investigation took a year and eight months. They came to the *batey*, asked everybody if they actually know me, if I'm from here. And they said I am from here because they call me Tino. Everybody here knows me as Tino. When they ask for my name they say Tino. Tino is from here. He was born here. He was born in this exact *batey*. And they told me a year later that I am still missing some things. And they asked me ever so often 'are you really from here?'. Sometimes they would ask me the same questions to see if I fail" (30-year-old male, personal interview, April 22, 2016). This narrative very well reflects the general picture of many interviewees' being uninformed about the state authorities' exact processes before being issued any identity documents. Overall, very few interviewees were well informed about how long it would take before their documents were issued, what exactly the process consisted of and which steps were still pending.

THE MOTHER'S VS. THE FATHER'S ROLE

Further, it became clear throughout the interviews that special focus was placed on an individual's mother rather than both parents by government officials. In practice, the mother's legal situation was often the decisive factor and the father was in the most cases not involved in an individual's effort to (re-)obtain his or her identity

documents. A young Dominican-born woman from Palmarejo, daughter of two Haitian immigrants and currently without any identity documents herself, told me when asked about the next steps in her process towards getting documented that “to get the document I need to make the search at the maternity (i.e. the maternity clinic) and say when I was born, the name of my mom, not the one of my dad. The name of my mom and my own” (18-year-old female, personal interview, April 14, 2016). A situation where this practice often became problematic was in the case of children of mixed couples, thus one parent being Dominican and the other Haitian. If the mother was Dominican and the father Haitian, typically the child’s nationality was not put into question. The reverse, however, created a very different situation. Interviewees reported that in the latter case, with the mother being Haitian and the father Dominican, many issues occurred that complicated the process. An example is a 32-year-old woman from Andres, Boca Chica, whose mother is Haitian and whose father is Dominican without foreign ancestry. The 32-year-old interviewee, however, was and still has not been declared and has no certificate of live birth either, as she was born in the family’s home and not at a hospital. When asked why she is not declared, the young woman answered that because her mother did not possess any documents herself she could not be declared either (32-year-old female, personal interview, May 4, 2016).

PRACTICAL DIFFICULTIES

Further, many interviewees reported a number of practical difficulties in the declaration processes, both when declaring their children as well as with respect to their own declaration. One such often mentioned difficulty was language. Haitian immigrants who gave birth to their child in the Dominican Republic reported having faced language barriers both in the hospital and when declaring their child later on when declaring it, often reported that this led to misunderstandings and errors in registries and documents. Another frequently mentioned issue complicating the obtainment of Dominican identity documents were the costs connected to declaration and documentation. Even though applying for *law 169-14* itself was free of charge, in practice, (re-)obtaining one’s documents is not. As many of the Dominican Republic’s governmental offices are centralized in the capital and the larger cities, travel expanses necessary to reach the various offices can sum up to a considerable amount. This was particularly true for respondents living in rural areas but was also often mentioned by those living in urban areas. A resident from Villa Mella, a municipality in Santo Domingo Norte, said that with a difficult financial situation to begin with, paying two fares each way was not easy for her (52-year-old female, personal interview, April 9, 2016). A woman interviewed in El Seibo, a provincial capital in east of the Dominican Republic, reported that in her attempt to revalidate her documents she was frequently sent to the Dominican capital without receiving any further information (25-year-old female, personal interview, April 19, 2016), forcing her to travel approximately 140 km each way to continue her process of obtaining her nationality. Further, respondents reported to be sent from one place to another while trying to get their documents, circumstances well illustrated by a 27-year-old woman interviewed in Santo Domingo:

“Since the problem began we had to go to the CEB. Before *reconoci.do* was established, when you didn’t know anything, they sent you to different places, and you would spend a lot on the fares. Look, I moved to the capital and had no one who did anything for me. I went to the fair, they told me not at the fair,

it must be at the *Avenida 27 de Febrero*. And I went to the 27 and they sent me to *Sabana Grande de Boya*, which is my province. And later, I went back and forth, sometimes I went without having money or fare. Once I had to walk from down there at the *Avenida John F. Kennedy* up till the 27... I had run out of money. They sent me from one place to another, from one place to another and they did not tell us anything”

(27-year-old female, personal interview, May 12,2016)

Further, *ASCALA* argued, that procedure to naturalization used to be very simple but for the current naturalization process a number of documents were “invented”, paying for the acquisition of the such added extra costs to the naturalization procedure (*ASCALA*, personal interview March 31, 2016). Rafele Samedi from the Solidarity Center, a Haitian migrant himself working with Haitian migrants to help them protect themselves and claim their rights, told that the cost of hiring a lawyer, which in some cases was the only way to obtain one’s documents⁹, is a very costly affair for many from the generally less wealthy (Dominico-)Haitian population (R. Samedi, personal interview April 25, 2016). Even though those he refers to in this statement are mainly first-generation immigrants, this holds true for second and higher-generation immigrants as well. An interviewee from the province of Barahona told that she and her family had received help from a lawyer, without whom, she argues, she would not have been able to obtain her documents (20-year-old female, personal interview, April 23, 2016). It took her two years but eventually, at the age of 20, she was able to obtain her Dominican adult identification card.

However, it is worth mentioning, that even though the possibility for individuals from *Group B* to apply for nationalization after a waiting period of two years was promised by the government in *law 169-14*, at the time of the investigation there was no legal structure for this yet. According to Ana Maria Belique, not even the government could foresee which shape or form this process would take (A. M. Belique, personal interview, May 5, 2016). An employee from the National Commission of Human Rights, however, added, that many did not even manage to apply for identity documents through *law 169-14* or the *PNRE* in the first place as they had other bigger problems to take care of (anonymous¹⁰, personal interview, March 2, 2016).

MISTRUST & CORRUPTION

Another often-occurring issue interviewees reported is the government officials’ mistrust and the suspicion of not telling the truth they were met with. This ranged from officials questioning the fact that applicants to Dominican citizenship were actually born on Dominican soil to questioning whether the parents declaring a child or young adult were the actual parents of the person to be declared. A young man from Batey Siete, for instance, reported that when his parents wanted to declare him, officials at the CEB doubted that he had been born in the Dominican Republic to the two individuals he indicated to be his parents and accused him of lying about both for the sake of obtaining the Dominican nationality (30-year-old male, personal interview, April 22, 2016). Further, *ASCALA*, one of the interviewed organizations, brought up the existence of so called *buscones*, literally translating to *searchers*. The term refers to a group of people offering their help to applicants for the Dominican nationality at the governments agencies. For a charge they then falsify people’s

⁹ i.e. a residence permit or the Dominican citizenship.

¹⁰ Interviewee did not want to appear in the paper with his/her name.

documents (ASCALA, personal interview March 31, 2016). *ASCALA* reported that the Central Electoral Office is aware of this but is not actively acting upon it.

ARBITRARINESS

Moreover, listening to interviewees' personal experiences with respect to obtaining the Dominican nationality it became clear that the application of both *sentence 168-13* and legal documents prior to it as well as *law 169-14* and the treatment of individuals seemingly in the same situation has differed for no obvious reason. A prime example of this is the case of two twin girls reported by Ana Maria Belique, coordinator of *reconoci.do*, a movement campaigning for equality and citizenship rights for all Dominicans-Haitians which, amongst others, accompanies those in need of need legal support to access their documents. After their birth the twin girls were declared simultaneously on the same day and the same place. Later on, when the girls' father took them to the local government office to request the girls' documents in order to enroll them in a technical school, one of them was issued the necessary documents while to the other they were denied. It turned out that one of the twins had been *transcribed*¹¹ and her name had appeared on the list published by the CEB in June 2015 with the names of 55,000 individuals whose legal status had been analyzed who could now obtain their Dominican identity documents. The other was told to go to the CEB to see what her legal status was. Almost a year later, when the interview with Belique was conducted, one of the sisters was recognized as Dominican and in possession of a Dominican identity card while the second twin had still not been able to obtain the Dominican nationality (A. M. Belique, personal interview, May 5, 2016). Another example of seemingly arbitrary application of Dominican law has been reported by a 26-year-old Dominican-born woman of Haitian descent who told me about the case of her family. Her mother, a Haitian migrant living in the Dominican Republic, was undocumented for the first part of her residence in the Dominican Republic but became a legal resident in 2007. When obtaining her identity documents, she attempted to declare her five Dominican-born children, one of which being the respondent herself. Of the four oldest, two were able to obtain the Dominican nationality while two were not. The two who were denied the Dominican nationality were born in the maternity clinic *Los Mina*, while the other two were born in a different hospital. The latter had their application for citizenship accepted in 2007 and both had received their birth certificate, the older even being in possession of the *minor identity card*. In 2013 however, as a result of *sentence 168-13*, they had their documents annulled and were undocumented once again. In the context of the *law 169-14*, however, they managed to have their documents revalidated and become Dominican citizens once again. The interviewee and her brother, however, who were both born in the maternity clinic *Los Mina*, applied for regularization through the PNRE with the result of the interviewee herself, at the time of the interview, being a Haitian national, irrespective of speaking only very little of her new mother tongue creole (26-year-old female, personal interview, April 26, 2016). Additionally, as Alfredo Peña who was familiar with the respondent's case reported in an earlier interview, the interviewee would be illegal in the Dominican Republic, the country she had lived all her life, whenever her current Dominican visa expires (A. Peña, personal interview April 25, 2016). Lastly, the youngest of the five siblings had no issue with his nationality whatsoever, as at the time of his birth his mother was in

¹¹ For explanation of this term see chapter on *Consequences of legal changes*.

possession of her legal documents (26-year-old female, personal interview, April 26, 2016).

Next to seemingly arbitrary granting of nationalities are cases of individuals who were denied some rights but could still exercise others. One such case is a 28-year-old Dominico-Haitian from Santa Fe, San Pedro de Macoris. She was declared as Dominican national the year after she was born and was issued her minor identity card at age 16 and her adult identity card at age 18. In 2007, at the age of 19, however, she was denied a copy of her birth certificate, which she requested to enroll in university. When requesting it at the Central Electoral Office, she was told by officials: “We cannot give it to you because you are the child of Haitians. You do not have the right to have it” (28-year-old female, personal interview, May 6, 2016). After the negation of said copy followed seven years where the respondent was denied the issuance of any identity document or copy thereof. In these seven years, however, she could still exercise the rights of a Dominican citizen, such as partaking in elections and even representing the Central Electoral Office during elections. The only thing for which she could not use her identity documents any longer was to declare her son. At the Central Electoral Office, the respondent was told she could not declare her child, as she was daughter of a foreigner and therefore a foreigner herself. Nonetheless, she deposited all necessary documents at the Central Electoral Office, revised with the judge, and was rejected. “I returned and deposited the documents. That is to say, we did the process every day. Until one time, she (the lawyer) gave them (her child’s identity documents) to me. I did not do anything differently. Nothing.” (28-year-old female, personal interview, May 6, 2016). After being able to declare her son in 2013, the interviewee finally managed to obtain her own documents in 2014 through *law 169-14* and had no issues to declare her daughter who was born the following year. Said respondent very well illustrated the arbitrariness of the Dominican constitutional state in the following quote:

“I was Dominican to vote, to work, to pay taxes, but not to go to university, because I did not have the birth certificate, a requirement to enter university. (...) I even had my loan at the bank, everything was normal. But when declaring my child, I was not Dominican and when I asked for a copy of my birth certificate I was not either. But thank God I turned 18 before the emittance of *resolution 012*¹²”

(28-year-old female, personal interview, May 6, 2016).

The arbitrary treatment of cases of Dominico-Haitians was also reported by interviewed organizations and professionals. The National Commission for Human Rights (CNDH), for instance, stated that before the emittance of *sentence 168-13*, the Central Electoral Board often acted in an inconsistent and arbitrary way, but that after the emittance of *law 169-14* this had improved (anonymous¹³, personal interview, March 2, 2016). Bridget Wooding from OBMICA, the Centre for the Migratory Observation and Social Development in the Caribbean, agreed that even before the sentence, registration practices in the Dominican Republic had been very arbitrary, adding that now these practices had to be challenged (B. Wooding, personal interview, March 3, 2016).

¹² For explanation of this term see chapter 2007 – *Revocation of citizenship*

¹³ Interviewee did not want to appear in the paper with his/her name.

LACK OF & INCORRECT INFORMATION

Another obstacle for many interviewees preventing them from obtaining the nationality they are entitled to is a lack of or incorrect information. Many interviewees do not know the rights they are entitled to and thus should be able to exercise and hence which rights to claim. This has become clear through responses along the lines of the following answer, making clear that many respondents were not aware of the fact that they have the right to the Dominican nationality as well as the importance of and rights connected to holding Dominican identity documents. When asked why she was not declared and never tried to obtain any documentation, a 32-year-old interviewee from Andres, Boca Chica, responded: “I don’t know why. My mom does not have documents either. None of us has any documents. We do not do these procedures (referring to the process of obtaining their documents). It is of no use. We do not have any documents, nothing.” (32-year-old female, personal interview, May 4, 2016). The lack of information both concerns general information on the rights of Dominico-Haitians and the legal framework around obtaining the Dominican nationality but is also very evident in the actual procedure interviewees go through at governmental offices.

“They sent me from one place to another, from one place to another and they did not tell us anything. Until we came here to Centro Bonó and they explained us what *resolution 012* and the other things were. That was when I started to understand.”

(27-year-old female, personal interview, May 12, 2016)

The lack of knowledge has shown to stretch up to basic practices which are part of a nation state. An 18-year-old undocumented interviewee from Palmarejo, when asked where a person’s declaration was to be made, answered: “I think at the maternity clinic. I think” (18-year-old female, personal interview, April 14, 2016) whereas in reality, it is the Dominican registry office that responsible for such undertakings. The uninformedness about declaration of a child, however, was not limited to the location where a declaration was to be made but stretched to the uncertainty and misinformedness about the circumstances under which a child could be declared as Dominican in the first place. As many Dominican-born children of first-generation Haitian immigrants were not declared at birth, the interview included questions about why this was the case, with by far the most common answers being, “because we (the parents) are from Haiti” (e.g. male (age unknown), personal interview, May 11, 2016) and “because my mother does not have any documents” (e.g. 32-year-old female, personal interview, May 4, 2016), both of which do may complicate but not rule out the possibility to obtain Dominican identity documents.

Further it became clear that there is a large knowledge deficit with respect to *sentence 168-13*. The majority of respondents either shook their head when asked if they had heard of the sentence or turned out to have only very basic knowledge about it when any follow up questions about the sentence were asked. Only very few interviewees had thorough knowledge of *sentence 168-13*, and those who did were mostly engaged in social movements such as *reconoci.do*. These results were supported by an interview with an employee of the National Commission of Human Rights, who argued that many Dominicans had no knowledge of *sentence 168-13* and that most individuals were only aware of “the law” (i.e. *law 169-14*) and “the plan” (*PNRE*)

(anonymous¹⁴, personal interview, March 2, 2016). Moreover, some interviewees turned out to have misperceptions about the sentence and its consequences. A 46-year-old woman from Batey Siete, for instance, said the following:

“I heard about it on the radio. When I heard about the sentence I was very happy it had come. Now I will get my documents. The sentence did not reach us. We did not participate. I don’t know what happened. They said they will give documents to those who were born here and those whose parents did not have any documents will receive one that says foreigners, right? To those who are from here they were going to give one (an identity card). Within two years. One of my daughters wanted to get into that and I told her not to. We did not go to that because we do not have documents. We have problems, but we did not go to that thing.”

(46-year-old female, personal interview, April 22, 2016)

The above statement clearly shows the interviewees misunderstanding of the sentence. She partially mixes it up with *law 169-14*, but, more importantly, she is clearly not aware of the options she currently has to obtain the Dominican nationality, and which steps she would have to undertake herself. The above statement very well reflects the lack of knowledge and confusion around the recent legal developments that could be observed throughout the interviews with respondent group II. This observation is supported by Jorge Baca Vaughan, chief of mission of the International Organization for Migration, according to whom there is a great need for information campaigns on these issues. Many individuals, he adds, do not get registered due to their mistrust in the government, fear, discrimination and questioning which benefits applying for identity documents will bring about (J. Baca Vaughan, personal interview, February 23, 2016). An interviewed employee from the National Commission for Human Rights (CNDH) concretized the need for information campaigns, saying that information about the *PNRE* and *law 169-14* needs to be properly disseminated (anonymous¹⁵, personal interview, March 2, 2016).

Further, both from interviews taken with *respondent group I* as well as with *respondent group II* it became clear that there is some confusion around the right to nationality of third-generation Haitian migrants, i.e. the grandchildren of first-generation Haitian migrants¹⁶. According to Ana Geraldo from the Centro Bonó, there has been very little information on this issue, leading to a number of cases where third-generation Haitian immigrants’ identity documents say, “Place of birth: Dominican Republic; Nationality: Haitian”. Further, due to lack of information, many individuals from this group have registered themselves as foreigners (A. Geraldo, personal interview, March 30, 2016). Registering as foreigners, i.e. Haitian, even though being entitled to the Dominican nationality, however, is not limited to third-generation Haitian immigrants but has been reported by second-generation Haitian immigrants born before 2007¹⁷ as well. An example of this is the before mentioned

¹⁴ Interviewee did not want to appear in the paper with his/her name.

¹⁵ Interviewee did not want to appear in the paper with his/her name.

¹⁶ As the parents of third-generation migrants were born on Dominican soil before the entering into force of the new constitution, they, the parents are entitled to Dominican nationality through *jus soli*, and consequently, third-generation Haitian migrants are entitled to the Dominican nationality through *jus sanguini*, even if born after the emission of *law 285-04* in 2007.

¹⁷ If born before the emission of *law 285-04* in 2007 second-generation Haitian immigrants are entitled to obtain the Dominican nationality through *jus soli*.

26-year-old Dominico-Haitian born in the maternity clinic *Los Mina*, who by the time of the interview was a Haitian citizen. In her case, the reason for not exercising her right to the Dominican nationality was, from her perspective, the fact that her mother was no legally registered citizen at the time of her birth and hence, the interviewee had to acquire the nationality of her mother, i.e. the Haitian nationality (26-year-old female, personal interview, April 26, 2016). Cases such as this, where interviewees believed they had no right to access the Dominican nationality while in reality they were entitled to do so, have been reported several times throughout the interviews.

When interviewing organizations and professionals on the just discussed issues, an interview that stood out was with Alfredo Peña from the Solidarity Center, who was working with Haitian migrants educating these about their labor rights. According to Peña, Haitian law prohibits Haitian nationals from becoming a national of any other country. When asked whether a child of two Haitians which is born in the Dominican Republic before 2007 and can therefore acquire the Dominican nationality through *jus soli*, can opt for the Dominican instead of the Haitian, Peña replied with the following: “No, the Haitian constitution prohibits him from doing so, because they (Haitians) try to preserve their race, their class. He continues to be Haitian.” (A. Peña, personal interview April 25, 2016). When asked how it is possible that there are Dominicans of Haitian descent, he replied that these are the children of mixed couples, i.e. one parent being Haitian and the other Dominican. When looking to reason for how Dominicans, both of whose parents are Haitian, have acquired their Dominican nationality, Peña had the following explanation:

“They are residents. Their constitution... due to the law, the modification of the law, they have been acquiring it (the Dominican nationality). Due to the current regularization process. Many are children of Haitians that are neither Dominican nor Haitian. Probably they are Haitian, due to the (*jus sanguini*). That’s the reason for the congestions we have now. Because many had the identity card. If you had the identity card you have been nationalized.”

Peña, personal interview April 25, 2016)

REASONS FOR PURPOSEFUL INACTION

Other reasons for Dominico-Haitians not possessing any identity documents are subtler than the lack of a birth certificate or the inability to pay for transport and are often related to the just discussed lack of information. One of such reasons for statelessness is being afraid of the consequences of the lack of documents. Not wanting to get into any trouble for not possessing valid identity documents stopped some interviewees from putting any effort into obtain them. A 20-year old woman from Consuelo, for instance, said: “I never tried (to obtain documents), because I thought it wasn’t possible. I did not want to have any type of problems” (20-year-old female, personal interview, April 27, 2016). Other interviewees refrained from taking action to get themselves or their children documented, as they were relying on the government or another institution to take the first step. A first-generation Haitian migrant who had been living in the Dominican Republic for the last 17 years had not declared his Dominican-born children yet replied with the following when asked for the reason not having done so yet: “I will do so as soon as possible to help her (his daughter)¹⁸ get the documents. When the process (referring to either *PNRE* or *law*

¹⁸ Referring to one of his daughters who needs identity documents to enroll to secondary school.

169-14) gets here, we will see what can be done.” (male (age unknown), personal interview, May 11, 2016). According to Carolina Zapata Estevez, protection assistant for the UNHCR, there is a great number of people, both first and later-generation migrants, who never applied for either regularization or naturalization. One of the reasons for not doing so, she adds, is not understanding the dimension of having a document, as the affected might live in a very remote community working with sugar all day long. Hence, they may never have had the need to possess an identity card and therefore do not comprehend the importance of such document (C. Zapata Estevez, personal interview, March 2, 2016).

CONSEQUENCES OF STATELESSNESS

“They say you have to stop being Dominican because your parents are Haitian. Just image, you are having dreams of working, going to university, even being able to travel, getting married and having a family. And you see how they take your kids out of school without you being able to keep them at school because you do not have documents to declare them. It was quite a difficult time we have had to go through. And it continues, and continues, and continues. Despite me having received the identity card there are many adolescents who are still having a hard time.”

(27-year-old female, personal interview, May 12, 2016)

The consequences of statelessness, whether caused by *sentence 168-13* or not, are numerous. Some of the consequences manifested themselves in a very clear, definable way, such as the inability to obtain formal employment, finish school or enroll in university. Others, however, are less visible. The more covert types of consequences included, for instance, the impact of losing one’s nationality on one’s self-worth or feeling of identity. Below is an overview of the consequence of not possessing valid identity documents experienced by interviewees.

EDUCATION

One of the two most mentioned consequences stateless individuals suffer from is not being able to fully access education. While in theory, pupils are legally entitled to attend school up until grade eight (i.e., approximately up until age 13) without possessing any valid identity documents by Dominican law (e.g. *circular 017-2007*), in practice many schools do let them do so regardless (A. Geraldo, personal interview, March 30, 2016). A young mother from Yacot, a former *batey* close to the capital, one of whose children being in fifth grade of the elementary school, said: “My children tell me all the time ‘the teacher will take me out (of school)’” (26-year-old female, personal interview, April 10, 2016). Even if pupils without valid identity documents would manage to attend secondary school up until the last year, however, they cannot take the *pruebas nacionales*, the Dominican final exams, as taking these requires students to provide a copy of their birth certificate. Hence, without valid identity documents one cannot graduate from secondary school, even though in theory one could attend it up until grade eight.

Age	Grade	Educational establishments	
3-4	Maternal	Preschool Education (Nivel Inicial)	Special School (Educación Especial)
4-5	Kinder		
5-6	Pre-primario		
6-7	1	Elementary school (Nivel Básico) Compulsory Education	
7-8	2		
8-9	3		
9-10	4		
10-11	5		
11-12	6		
12-13	7	High school / Secondary school (Nivel Medio, known popularly as Bachillerato)	
13-14	8		
14-15	1		
15-16	2		
16-17	3		
17-18	4		

Table 4. Educational establishments in the Dominican Republic (Education in the Dominican Republic, n.d.)

However, as the interviews with *respondent group II* showed, there seem to be some cases in which finishing high school was possible nonetheless. A 26-year-old woman, for instance, told us:

“I had a lot of problems studying. It took me two years to finish (secondary) school. I had to take a break of two years, because here they ask for a birth certificate to take the national exams. In the third year they were requesting it, so I could continue to the fourth, but as I didn’t have it I had to stay there (in the third year). Later we asked for a letter at the Central Electoral Office confirming we were *in process* and I could finish secondary school. I finished without any type of documentation. We had to move us a lot to the secretariat of education, so they could permit me to enter school again and finish it, to complete the fourth year and take the national exams.”

(26-year-old female, personal interview, April 26, 2016).

For most, however, not possessing valid identity documents, did mean that they could not finish school. The mother of a 15-year-old Dominico-Haitian girl, for example, said: “She should be in second (year of high school) and due to the papers, she is in eights (year of elementary school). She had to go down a level, go down a level, go down a level to keep studying and not stay illiterate. She’s in eight now, and they ask for a last name, they asked for documents. The father is Haitian, he has Haitian documents. I don’t have anything.” (44-year-old female, personal interview, May 4, 2016). For those who could finish secondary school, either because they graduated before having any issues with their documents or because they found a way to be able to graduate without documents, more problems presented themselves when wanting to continue to higher education. When wanting to enroll in university, for instance, it is required to bring a copy of one’s birth certificate. Not being able to do so, leads to exclusion from enrolling. Theoretically, however, undocumented individuals could still attend university as a *listener*, thereby, however, being excluded from some of the university’s most essential services. An example of such a case is a 27-year old Dominico-Haitian, who wanted to enroll in university after finishing secondary school. She said:

“They referred to me as foreigner at the university. I could not enter without the identity card. [...] I could not borrow books from the library, I could not enter the administrative building. I could not because you needed a student

card for that. But if you do not have the identity card you cannot get the student card. It is a limbo, really. It affected us very much” (27-year-old female, personal interview, May 12,2016).

Also for those who did not want to pursue an academic education, not possessing legal documents brought about many complications. Many interviewees reported wanting to take technical courses, for instance in computer science or to become a hairdresser but were not able to do so as this required them to possess legal documents as well. Similar to secondary education, some interviewees reported that they were able to take technical courses, however, without receiving any diploma for having taken them (e.g. 18-year-old female, personal interview, May 10, 2016). An interviewee told she used another person’s birth certificate to be able obtain certificates for the courses she had taken. When subsequently applying for jobs, however, the certificates were not accepted as the employer questioned how she could have done the courses without possessing any documents.

FORMAL EMPLOYMENT

Another consequence of not possessing any identity documents is facing severe difficulties finding employment. Interviewees reported that not possessing valid identity documents made it difficult to impossible for them to obtain any formal employment and they were therefore forced into low paying, insecure day jobs. As a consequence, many interviewees reported struggling to support their family. Even informal employment, however, was often difficult to obtain for undocumented interviewees. As one interviewee reported, when she had not yet obtained her identity documents, she tried to resell shoes on the streets to make a living, but did not manage to do so, as no retailer wanted to work with her (27-year-old female, personal interview, May 12,2016). Others, however, did manage to find work in the informal sector. A 30-year old Dominico-Haitian from Yacot says he would want to find a secure, well-paying job, but not being documented his only option at the moment is to drive a *concho*, i.e. a motorbike taxi (30-year-old male, personal interview, April 10, 2016).

Further, interviewees who had not possessed any identify documents prior to the emittance of *sentence 168-13* reported that even though they might have had some difficulties finding employment before, the overall situation with respect to finding employment has worsened since the emittance. Some interviewees, even though they were a minority only, even reported not having had any issues finding a job before the sentence’s emittance, despite not possessing identity documents. “Before I could work anywhere without the documents” a Dominico-Haitian from Batey Siete told, “but when this problem (the sentence) came I could not even work in construction. They do not accept you anywhere. Not even in the consortium.” (30-year-old male, personal interview, April 22, 2016). He further added, that government controls had increased, leading to many employers being much more stringent with respect to their employees’ documentation. According to ASCALA, the areas where it is the most likely that undocumented individuals can find employment at the moment are the construction sector, the farming sector, in security, cleaning, driving concho or in domestic employment (ASCALA, personal interview March 31, 2016).

FREEDOM OF MOVEMENT

“Because this is where we are from, right? We should be able to always walk freely.”
(20-year-old female, personal interview, April 23, 2016)

Obviously, not possessing any valid identity documents, one cannot legally leave the country one is residing in or enter another one. However, interviewees freedom of movement was not only restricted on a national level. Lacking valid identity documents had much more far-reaching consequences than that. Interviewees reported their mobility within their own country to be very restricted as a consequence of not being documented. Driving from one city to the next, especially on the route between Haiti and the Dominican capital often caused difficulties. An interviewee from Batey Siete, just under 200 km west of the capital, told: “I go to the capital every month because I sell merchandise. Every time I go to the capital I have problems on the way with the *jefes de puesto* (GB: *Heads of the post*, i.e. the migration control posts. They always ask for my documents. They always want to send me back so I don’t get there (i.e. to the capital). I get through, I tell you, I get through. Now they attack me. I can’t get to the capital anymore.” (46-year-old female, personal interview, April 22, 2016). Other interviewees reported that they struggled even just to get to their own province’s capital. An interviewee wanting to go to Barahona, the capital of the province with the same name, was unable to do so. At the migratory control post on the road she would be sent back to the direction she came from, which was west (20-year-old female, personal interview, April 23, 2016). Generally, respondents reported more incidents with the Dominican migratory control trying to go from the west towards the capital than the other way around. However, respondents were not only reporting being hindered to move from one city to another. One respondent from the eastern municipality of Consuelo very well summarized the feeling of walking the streets as an undocumented person: “Not being able to freely walk down the street, because there is nothing that represents you - where are you from, what is your name, to which family do you belong? That is what is causing many problems.” (20-year-old female, personal interview, April 27, 2016).

Even though most interviewees did not express intention to leave the country and the comprised freedom of leaving the country in practice would not have turned out not to be an issue for most due to their difficult financial situation, for some not being able to obtain the identity documents they are entitled to largely influenced their future. *Reconoci.do* coordinator Ana Maria Belique told about a boy who had recently sought help from *reconoci.do*. He had been elected to represent a group he belongs to in Costa Rica, but could not join his group on the journey, as he was not in possession of any valid identity documents, neither was he able to obtain either the Dominican nor the Haitian passport (A. M. Belique, personal interview, May 5, 2016).

INSURANCE, PURCHASES & ELECTIONS

Another difficulty brought about by not possessing any means of identifying as a Dominican citizen is that one cannot obtain a health care insurance. This, in practice, excludes many from receiving any health care services, either because they cannot afford them without being insured, or because hospitals will simply not assist them. As a 30-year-old carpenter told me: “I am a carpenter. I got a hit on my eye and went to the doctor and they told me they could not see me because I have no documents. I need an insurance that covers my health care. They did not see me, and it took many

months with my eye. [...] What was I going to do? Start stealing? Because there is nothing left I can do now..." (30-year-old male, personal interview, April 22, 2016).

Next to obtaining health insurance, there have been a various situation where interviewees reported that they could not make use of certain services the way documented individuals could. These included, for instance, buying certain items which required the buyer to show an identification document. One interviewee, for instance, reported he could not buy a motorbike on his own as the dealership required the buyer to identify himself. When wanting to buy a motorbike to make his living as a *concho* driver, he had to ask his father to make the purchase for him (21-year-old male, personal interview, April 19, 2016). Further, several interviewees said they were not able to buy a phone without an identity document either. Even to buy a prepaid card they had to ask another person to buy it for them, resulting in using a number not registered on their own name (e.g. 27-year-old female, personal interview, May 12, 2016). Other situations mentioned by interviewees and organizations in which the undocumented were having difficulties exercising the rights of a regular citizen were for formally owning or renting a property or a piece of land, partaking in elections, entering prison as a visitor and partaking in formal events which require attendees to show their identification documents, such as an event organized by the United Nations, that an interviewee wanted to attend.

DECLARATION OF CHILDREN

As described previously, many interviewed Dominico-Haitians struggled to declare themselves and obtain their Dominican identity documents. Interviews showed, that these struggles were often passed on to the next generation, even if interviewees had already obtained their identification before their children's birth. Interviewees who reported to have difficulties declaring their children, had stories that greatly differed from one another, but through which a number of bottlenecks became evident. The largest group of interviewees that stated they could not declare their children was comprised of Dominicans of Haitian descent who did not possess any valid means of identification. Not being able to present one's identification documents led to government officials not allowing the declaration of a child. Several interviewees, such as a 24-year-old woman from El Seibo, reported they could not declare their first child(ren) born while they were undocumented but had no issues declaring their later born child(ren) at the time of whose birth they were already in possession of Dominican identity documents (24-year-old female, personal interview, April 19, 2016).

In other cases, however, difficulties in the process of declaring one's children continued even when having obtained Dominican identity documents. Ana Maria Belique, who had been working with many currently or formerly undocumented individuals, added, that many individuals she had supported had difficulties declaring their children, sometimes even if in possession of their identity card. "Many things happened. Firstly, delays on behalf of the civil registry offices, of the system", she said. "We have several cases of women who gave birth to their child in the hospital without having any documents. All they had was proof of an identity card or the birth certificate. Thus, when leaving the hospital with their babies the hospital at gave them the child the pink *foreigner document*¹⁹, because the mother did not have her identity card. So now, the mother has obtained her identity card, but the children have a

¹⁹ Instead of a blue document, which is issued to Dominican newborns.

document saying *foreigner*, which is why they could not make the declaration. Because a person with Dominican identity card cannot declare a child which allegedly is foreign. It has been very difficult to change these things at the hospital, which has restricted many mothers from declaring their children.” (A. M. Belique, personal interview, May 5, 2016)

Another case illustrating the unclear declaration practices is the case of 28-year old Dominico-Haitian woman from Santa Fe. She struggled to declare both of her children. What is worth mentioning, however, is that by the time she attempting to declare her first child, she was not in possession of any identification documents, but when attempting to declare her second child, she was. Nonetheless, she had complications with both declarations and, ironically, managed to declare the child which was born while she was undocumented, but not the other, at the time of whose birth she was in possession of her birth certificate. When asked to elaborate on her situation, she told the following:

“I could not declare my son when he was born (in 2009). I declared my son in 2013. After many difficulties I managed. It was a really long, legislative process. I visited the CEB many times and they told be no. All those years (2009-2013) I went to the CEB, went to the CEB, went to the CEB. They said I was a foreigner and therefore I could not declare my son until there was a decision taken about us (Dominico-Haitians). I deposited all the documents and revised them with the judge and she told me no. I returned and deposited all the documents. In other words, we were in the process every day. Until one day, she gave me the documents. I did not do anything differently.

Through the law emitted by the president in 2014 I received my birth certificate. Normally they give the documents to you right away. But it was an entire administrative process before that. I had a girl in 2015 and they did not let me declare her, saying I was born to foreign parents and that I had to wait until they transcribed my birth certificate to the *book of foreigners*²⁰. But they had already given me my birth certificate. But still, until my certificate was not transcribed I could not declare my daughter. Until now I am in that process. I already handed in all the documents and I am waiting for them to call me.”

(28-year-old female, personal interview, May 6, 2016)

“SEARCHING FOR A MOTHER”

Part of the difficulties and mistrust Dominico-Haitians are faced with when attempting to declare their children might be attributed to something called “searching for a mother”. This common expression refers to an undocumented mother searching for another woman, who is in possession of Dominican identity documents, to declare her child. Thereby, the child is registered as the child of a woman different from its actual mother but will receive the Dominican nationality. This practice has been reported by interviewees throughout the country, both by Dominico-Haitians as well as by Haitian immigrants. Mostly, interviewees said they chose to let another woman declare their child, as it was impossible for them to do so due to not possessing any documents. One 26-year-old interviewee from Yacot, when asked why she could not

²⁰ A special registry created by the Dominican government for all children born to foreigners in the Dominican Republic between June 21st 1929 and April 28th 2007.

get her Dominican identity documents at the CEB, even said: “I asked, and they told me I had to go back and look for a mother, so they can declare me anew... that is causing me many problems” (26-year-old female, personal interview, April 10, 2016). According to Germania René, a member of society organization *reconoci.do*, who was present during the interviews in Yacot, many women declare other women’s children for money. One woman in Yacot, she added, had already declared ten children, which were not her own (G. René, personal interview, April 10, 2016). According to *ASCALA*, some women chose to borrow a Dominican identity card to declare their children. This undertaking, if successful, does result in the child obtaining the Dominican nationality, however, with the person registered as a person’s mother in the Dominican civil registry not corresponding to the person’s actual mother (*ASCALA*, personal interview March 31, 2016).

Consequently, an issue encountered by most interviewed mothers when declaring their children at the civil registry offices is mistrust. Some mothers reported, that government officials did not believe, that the children they were about to declare were in fact their own. A similar situation happened to a father of four who was interviewed. He said that if he were to declare his children, government officials would not let him: “They will say they are not my children, because they make it so difficult for you to resolve this problem. They make it a big struggle for you.” (30-year-old male, personal interview, April 22, 2016). Interviewees from both *respondent group I* and *respondent group II* reported that there was much mistrust parents have to face when declaring their child. The inability of many to declare their child in a *normal* way, at times creates very complicated situations. One story that stood out in this respect was that told by an interviewee from Batey Siete.

“There is a boy who they call Manuelito²¹ and who had been in the process for quite some time. They came to investigate him, but they have doubts about the mother. Because the one who declared him was his grandmother. And they come, and they ask questions, and they investigate. But the grandmother also had some issues because she declared a lady that was not her daughter. This brings about problems at the CEB. They took the identity card away from the lady and all her children. And the grandmother of the boy is also... they have lots of doubts because she did this, and they are doubting that he is her child as well. They do not want to give him any documents.”

(30-year-old male, personal interview, April 22, 2016).

NATIONAL IDENTITY

“I was born here even if they say I am Haitian because I am black. But I am Dominican because I was born under their flag. Where one is born is where one is from.”

(30-year-old male, personal interview, April 22, 2016)

Even though practically speaking one’s nationality is categorical rather than a continuum, the nationality one identifies with does not necessarily have to be. Neither, as results showed, does one’s actual nationality always correspond with how one identifies. In this section of the results light will be shed on how interviewed

²¹ Name changed for the sake of anonymity.

Dominico-Haitians view nationality and what nationality they identify with themselves. As it turned out, in most interviewees' perception, one's nationality is defined by the country in which one was born. A term often used by interviewees in this context was "la tierra que me vió nacer", literally translating to *the land which saw me being born*, referring to their understanding of nationality, according to which one would always be a national of the country one was born in. One interviewee, for instance, said the following: "The only (country) which has the right to give me this nationality is the country which saw me being born [...] As I was born here, the Dominican Republic has to say, well I am Dominican." (28-year-old female, personal interview, May 6, 2016). Moreover, many interviewees were not aware of the recent legal changes undertaken by the Dominican government resulting in an abrogation of *jus soli*, i.e. obtaining the nationality merely by being born in the Dominican Republic. One interview with a Haitian first-generation immigrant taken in Villa Mella very well illustrates this. The Haitian mother of two Dominican born children was under the impression, that both of her children were entitled to the Dominican nationality, due to being born in the country. In reality, however, only the older one had the right to obtain the Dominican nationality, whereas the younger one, born after 2007²², was not entitled to the such (38-year-old female, personal interview, April 9, 2016). While most interviewees perceived themselves as nationals of the country in which they were born, some based their nationality on the identity documents they possessed rather than on the nationality they were entitled to have by law. A Dominico-Haitian woman interviewed, who was theoretically entitled to the Dominican nationality but recently received her Haitian passport, said the following when asked which nationality she identifies herself as: "Dominican. I am Dominican because I was born here, but now I am Haitian because I have my documents from over there and I have never been to Haiti. I mean, my mother took me once when I was three years old, but I do not remember." (26-year-old female, personal interview, April 26, 2016).

While the nationality individuals thought they had a right to possess was based on the aforementioned factors (i.e. place of birth or identity documents in one's possession), the nationality they identified most with was generally defined very differently. Interviewees responded mostly in terms of traditions and culture which they had adapted to, habits they had taken on, and where they had created most of their memories. Following are two examples of how interviewees worded this which help illustrating how Dominico-Haitians identify themselves in terms of nationality.

"Dominican, of course. I was born here, I was raised here, my customs are from here" (21-year-old male, personal interview, April 23, 2016)

"I feel Dominican because I know this is where I am from. I don't know anything from over there. What would I do in a country where I don't know anybody nor the culture or the writing" (20-year-old female, personal interview, April 27, 2016)

Other interviewees who saw themselves as Dominicans and in most cases never having been to Haiti, acknowledge their Haitian roots. An example is a 19-year-old Dominico-Haitian from the eastern province San Pedro de Macorís. She says: "I feel like both. Many people say that I am not, but I have Haitian blood. And I was born in

²² After the emission of circular 017-2007 and resolución 012-2007. See chapter 2007 – Revocation of citizenship.

the republic and grew up here but have never been to Haiti.” (19-year-old female, personal interview, April 27, 2016). Besides exemplifying the reluctance of some respondents to categorize themselves as either one or the other nationality, this comment touches upon two other issues which came up during conducting the research. These are the notion of blackness being connected with being Haitian and either accepting or rejecting one’s Haitian roots. The first point is very well illustrated by a comment by an interviewee from Batey Siete, whose parents had issues declaring him because of his skin color: “They say all blacks are Haitians [...]. Because the CEB determines we all are. We are the *morenitos*²³, they are from Haiti.” He further added that when he wanted to declare himself later on, somebody told him: “They will give you a Haitian card because the *sentence 169*²⁴ does not allow you because you are black.” (30-year-old male, personal interview, April 22, 2016). The last comment both very well reflect the opinion of a large part of the general population who very easily equate being black with being Haitian, as well as hints at the difficulties many people encounter in the Dominican Republic purely because of being black. With respect to the second issue, accepting or rejecting one’s Haitian roots, a comment made by 28-year old Dominican born daughter of Haitian immigrants very well represents the answers of the majority of respondents who touched upon this topic.

“(I feel) Dominican. One is thinking about rejecting the part of oneself which is Haitian. One starts to say, why did I have to be born to a foreign family, why did my mom have to give birth to me here? One starts to deny and get angry. So, I consider myself Dominican of Haitian ancestry. I am proud of my parents being foreigners. They are people who did not come here to rob anybody, they did not come here to take something from other people, they came here to work in dignity just like every other foreigner who goes to a different country. Any Dominican who leaves this place goes to another country to work to forge a better future.

I do not deny who I am, nor do I deny my roots. I am Dominican just as any others with Spanish ancestry or English ancestry or any other ancestry. See if there was a person with fair skin, with straight hair, light eyes, who is Dominican, his ancestry would not be an issue, because he would be assumed to be European. He is a Dominican with European ancestry, and nobody is asking him. They don’t even question it. So why is my ancestry being questioned? I am the same as any other Dominican.”

(28-year-old female, personal interview, May 6, 2016)

Besides picturing the struggle of identity many Dominico-Haitians deal with, this comment hints at some of the issues related to the values attached to being Haitians or Dominico-Haitian by Dominican society.

BELONGING SOMEWHERE

Further, the results give insight into how the current legal situation interviewees find themselves in influence them on a more psychological level, i.e. the non-touchable consequences of not being a legal citizen. One of the issues mentioned by

²³ The Spanish diminutive of brown referring to a person’s skin color.

²⁴ Note: Respondent is mixing up *sentence 168-13* and *law 169-14*.

interviewees was missing a feeling of belonging or being home somewhere. Many interviewees claimed they had no place they could call their home, as their belonging to the Dominican Republic had been questioned. Interviewees said they felt as though they had no place that accepted them as its citizens with which they can identify. The struggle is very well put into words by a 28-year-old Dominico-Haitian from San Pedro de Macorís:

“They say you are not from here, that you are not Dominican. Which nationality are you then? You are not from Haiti because you have never been there, it is a culture you don’t know. So where are you from? You are no atom, you are not a cloud living in the air, you are not a star in space. There is supposed to be a place where you belong. They make you doubt yourself, where you are from, who you are. This is where all the questioning begins; who am I, what value do I have, if neither the Dominican nor the Haitian government recognizes me, where will I stay then, what will be my future and the future of my children? [...] You’re neither from here nor from there. You’ll stay in the in-between. You don’t belong. You don’t exist. And we’re people who were born here, who grew up here, we know all the stories, we study, think, all we understand, all our universe is here.”

(28-year-old female, personal interview, May 6, 2016)

As becomes clear in the second half of above comment, not belonging anywhere strongly impacted interviewees emotions and self-esteem. The mere fact of *not being legal* was reported to create a feeling of unease for many interviewees (e.g. 21-year-old male, personal interview, April 23, 2016). Not possessing any identity documents frequently led interviewees to feeling like a nobody, to feeling as though they did not exist. A 26-year-old Dominico-Haitian, for instance, said the following: “If I would die they would not notice because I do not have any documents and I am not registered anyway” (26-year-old female, personal interview, April 26, 2016). Further, many reported a feeling of being stuck and being unable to make any progress in their lives, both personally as well as in terms of their career. Some referred to their peers finishing school, starting their careers and earning money, while they themselves could not finish school and were hindered from making any progress.

FEAR & DISCRIMINATION

“Because I am from here I know nobody, nobody, nobody. I will die over there.”

(30-year-old male, personal interview, April 22, 2016)

Another important aspect of not being legal is the constant fear in which the undocumented live. With very few exceptions interviewees reported being afraid as a consequence of not possessing documents. While some named the overall consequences of statelessness as the reason for their fear, most interviewees clearly referred to Dominican migratory control as being the main reason for being afraid. Many told about deportations they had either witnessed or even experienced these themselves, resulting in a real fear of being deported. One interviewee from the western province Barahona said: “Afraid! Because there were always trucks collecting people. Twice they almost took me, but I hid myself. Because even possessing the birth certificate they can take me.” (21-year-old male, personal interview, April 23, 2016). According to interviewees, the deported individuals

included both people without valid identity documents as well as darker-skinned individuals, being deported merely because of their “Haitian looks”. Interviewees claimed the decision of who Dominican migratory control forces would deport not always to depend on whether or not someone had legal identification documents but often being based on a person’s skin color. An interviewee from the capital said: “Because even being from here, I have certain physical features. Often, they do not deport people for not having documents, it’s because of the physical features. When they see my hair being like this²⁵ or they see my color they say I am Haitian. So, I walked ducked, I walked quick and with fear, thinking *migration*²⁶ would deport me.” (27-year-old female, personal interview, May 12, 2016)

Mentioned by many interviewees was the fear of being deported to a country they did not know and mostly had never been to either. “There is no safety. I was afraid. What will happen if *migration* comes? If they take me I am from over there. I was born here, I grew up here, but if *migration* takes me they’ll send me to Haiti which I don’t know. It will be a battle. I could die there. It all makes me very afraid.” (21-year-old male, personal interview, April 23, 2016). Further, several interviewees who had been taken by Dominican migratory control in the past reported to have been asked for money in order to be let go off.

Overall, both the fact of not being a Dominican citizen as well as limitations brought about by not possessing the Dominican nationality, resulted in many interviewees reporting to feel sad and inferior to documented individuals. While most interviewees reported feelings of sadness and desperation, some even reported having cried or having suicidal thoughts due to not seeing any way out of their situation (e.g. 26-year-old female, personal interview, April 26, 2016; 20-year-old female, personal interview April 27, 2016). Interviewees further reported being discriminated against for not possessing any identity documents. The discriminations ranged from being seen as inferior to documented Dominicans (e.g. 25-year-old female, personal interview, April 19, 2016) and being rejected (e.g. 27-year-old female, personal interview, May 12, 2016) to being humiliated (e.g. 20-year-old female, personal interview, April 27, 2016).

THE ROLE OF ORGANIZATIONS

With the sudden urgency of the issue of statelessness in the Dominican Republic many organizations dedicated their work to helping those at risk of loosing or with difficulties obtaining their nationality. Further, new organizations and groups were formed and became active in assisting the stateless. These organizations differ both in size, type of organization and in the way in which they work with statelessness. While some assist the stateless directly by explaining them their rights or assisting them with legal advice others work to reduce statelessness on a higher level such as representing the stateless in front of the Inter-American Court of Human Rights. In order to get a better idea of what exactly the various organizations do, a number of them will be presented in this chapter whereafter the effectiveness of their work will be discussed.

²⁵ Her hair being curly. Darker skin and more curly hair are some of the stereotypes connected to Haitians.

²⁶ Dominican migratory control is often referred to as merely *migration* by interviewees.

MUDHA

MUDHA, short for *Movimiento de Mujeres Dominico-Haitianas* or *Movement of Dominico-Haitian Women*, is one of the larger, long-established organizations working with Dominico-Haitians in the Dominican Republic. Already since the 1990's, thus since almost 30 years, MUDHA has been running a campaign for the right to nationality, an undertaking which has become only more relevant in recent years. Founded in 1983, they since help Dominicans of Haitian descent to claim their rights and are currently working with individuals from over 20 communities within in five different municipalities. The organization's community activities focus on education, ideally with residents reproducing the received information in their own surroundings. On the topic of documentation their work ranges from informing the stateless about the rights they have and the documents they need, accompanying them to the civil registry offices, filing lawsuits and more generally, empowering the communities and raising awareness about the issue of statelessness. Further, MUDHA is active in improving health, i.e. through education about the right to health, sexual health and the prevention of STD's, as well as in the area of education, where they give workshops, speeches and trainings and even count with its own school with 200+ scholars, the majority of which are undocumented. Lastly, they give vocational trainings in order to enable people to provide people with the tools to earn their own livelihood (L. Dolis & C. Luis (MUDHA), personal interview, March 29, 2016).

CENTRO BONÓ

Another relevant institution is Centro Bonó, which recently changed its name to *Centro de Reflexión y Acción Social Padre Juan Montalvo* (EN: Centre for Reflection and Action Father Juan Montalvo), or short Centro Montalvo. Centro Bonó, a social outreach center of the Society of Jesus in Santo Domingo, is active in four overarching areas, namely in strengthening social movements, accompanying vulnerable and excluded populations, collectively establishing and disseminating critical, intercultural thinking and, lastly, organizational strengthening and institutional sustainability (Centro Bonó, n.d.). With respect to the stateless, Centro Bonó assists them in preparing records proving of their birth, such as the document of seven witnesses proving their birth on Dominican soil, and accompanies them on visits to the relevant institutions, which due to employees of Centro Bonó being knowledgeable about the rules and what the stateless can claim, greatly impacts the treatment they receive by government officials.

Further, Centro Bonó does outreach activities in the *bateyes*. At one point they reached the entire country with their activities, recently, however, this task has become distributed with other organizations such as the *Centre for the Formation of Social and Agrarian Action* (CEFASA), covering some of the country's regions. Part of their activities is giving talks about issues such as the importance of documentation and simplifying legal documents for the people living in the *bateyes*, both in Spanish as well as in Haitian Creole. With respect to their target group, Centro Bonó states not to exclude anyone. All those whose human rights are violated and who are in need of assistance will be helped by the centre (A. Geraldo, personal interview, March 30, 2016).

ASCALA

Another organization very involved in the reduction of statelessness in the Dominican Republic is ASCALA, an institution of the *Missionary Sisters of San Carlos Borromeo Scalabrinianas* which promotes the human rights and development of vulnerable migrant groups and their descendants. More precisely, ASCALA aids stateless individuals, mainly those in *Group A* with obtaining their documentation as well as collects data on stateless individuals born in the Dominican Republic before 2010, both of the above in collaboration with the UNHCR. The result of this intricate, costly process of collecting biometric data of stateless individuals is supposed to eventually be presented to the government, in order to provide them with a free data base on the basis of which granting Dominico-Haitians the nationality they deserve would be greatly simplified (ASCALA, personal interview March 31, 2016)

ETHNICAL INTEGRAL FOUNDATION

The Ethnical Integral Foundation, abbreviated FEI, is an accompaniment organisation promoting the self-development of a society working towards socio-economic gender equality based on law. Their legal department assist individuals with difficulties with their documents. To not “fight with Goliath” as an employee of the FEI put it, they work hand in hand with the CEB since the year 2007. In order to help the stateless to (re-)obtain their documentation they work with the board in an administrative way, asking for instance what steps exactly have to be taken for a person’s nationality to be restored. Further, they analyze the national context of the issue of statelessness and thereby contribute to the overall discussion about the issue (W. Charpantier, FEI, personal interview, March 10, 2016).

OPEN SOCIETY FOUNDATIONS

The Open Society Foundations, short OSF, is an international foundation active in countries on five of the world’s continents in order to build “vibrant and tolerant democracies whose governments are accountable to their citizens” (OSF, n.d.). To achieve this they aim to strengthen the rule of law and increase respect for minorities, human rights and diverse opinions, strengthen democracy, and work towards a civil society contributing to regulating government power (OSF, n.d.). In the Dominican Republic their work consists of the empowerment and support of NGOs, as the OSF argues these organizations’ strength to lie in administrative work rather than in litigation. Hence, the OSF was involved in increasing national and international awareness of statelessness and promoting and facilitating that cases of statelessness were brought up to the Commission for International Human Rights (CIDH). Now, as Liliana Gamboa, one of the OSF’s employees said, the issue has become more public and the need for an international organization to be involved has decreased (L. Gamboa, personal interview, March 17, 2016).

OTHER ORGANIZATIONS

Other organizations and institutions very much involved in the issue of statelessness, which due to the scope of this paper will not be described into further details, are for instance the Centre for Migratory Observation And Development in the Caribbean (OBMICA), the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the Dominican Centre of Legal Advice and Investigation (CEDAIL), the Movement of Dominican Youths of Haitian

Descent (*reconoci.do*), the National Commission for Human Rights of the Dominican Republic (CNDH-RD), the Committee of the Human Rights of Dominico-Haitians (CODHA), Lazos de Dignidad (EN: ties of dignity) and the Solidarity Center.

IMPROVING THE LIVES OF THE STATELESS

To summarize, the interviewed organizations, both those which are presented above as well as those which are not, collectively aid the stateless in many distinct ways. Their support ranges from practical tasks, such as explaining the stateless their rights and how to claim these, to legal advice and aid in completing the legal requirements and submitting the necessary forms and documents. More generally, many organizations aim at educating the Dominico-Haitian population and to some degree the general population about statelessness in the Dominican Republic, the rights that Dominico-Haitians have and how to claim these. In addition, many organizations work with the issue of statelessness in the Dominican Republic on a higher level, not focusing on practical issues individuals face but attempting to work with the issues as a whole with the goal of putting national and international pressure on the government and thereby influencing politics concerning statelessness. MUDHA, for instance, submitted a petition to the Inter-American Commission of Human Rights as early as 1998 about two children being refused their birth certificates (IACHR, 2005). Further, organizations such as *reconoci.do* organize demonstrations and other collective action both to spread information as well as to create awareness and put pressure on the government to act upon their claims to fulfill every Dominico-Haitian's human rights.

Consequently, as these organizations possess much more bundled knowledge and legal and practical expertise than most of the affected individuals themselves, their work has proven essential for many reasons. Many individuals and professionals reported that the way in which the affected were treated by the officials at the CEB and at other government offices differed greatly depending on whether they would visit these on their own or accompanied by a professional (e.g. 20-year old female, personal interview, April 23, 2016). As Ana Geraldo from Centro Bonó states, there has been cases of stateless Dominico-Haitians going to the the civil offices responsible for registration who have been told to go to their embassy instead. When, however, they were accompanied by a person with thorough knowledge about their rights, they were often treated quite differently (A. Geraldo, personal interview, March 30, 2016).

While many stateless are still in the process of obtaining their nationality, both with and without the assistance of any organization or professional, it is safe to say that the lives of many stateless Dominico-Haitians as well as the overall situation in the country has greatly improved due to the organizations' existence. While both the organizations' legal and practical knowledge has helped many stateless to claim their nationalities, having a point of contact and a place to reunite has given many a great deal of hope and created a community to fight with together. Further, with respect to putting pressure on the government these organizations are of great importance as they create a counterbalance to the government's power. Thereby, they help the stateless increase their political leverage to put pressure on the government to be able to put forward their claims. Taking Centro Bonó as an example, up until March 2016 all processes of individuals from *Group A* which the center had accompanied were successful, with the exception of those that have given up and withdrawn themselves during the long, timeconsuming process (A. Geraldo, personal

interview, March 30, 2016). Other organizations, however, have less positive experiences. The CNDH, for instance, aiding 46 individuals²⁷ in their process of naturalization, stated that in the last two years they had only been successful in ten cases (anonymous²⁸ (CNDH), personal interview, March 2, 2016). For individuals from *Group B*, however, even organizations struggle to find a solution. After *law 169-14* had terminated, there was no more option for *Group B* to optain the Dominican nationality, not even with the help or organizations. However, while organizations might not be able to help every stateless individual in obtaining his or her nationality, they still play a large and important role in educating and informing the stateless and advocating their interests. Particularly with respect to keeping the topic of statelessness on the national and international agenda, continuing to put pressure on the government and creating a safe space for stateless individuals to reunite and seek advice their role is not to be underestimated.

DISCUSSION

As mentioned in the beginning of this paper, the main goal of the research was to investigate the reasons for and consequences of statelessness in the Dominican Republic, both regarding *sentence 168-13* as well as concerning issues beyond the sentence's scope. Interviewing both professionals working with the topics statelessness and documentation as well as affected individuals themselves, an elaborate picture of the situation in the Dominican Republic could be composed. Subsequently, it will be used to discuss statelessness in the country and put the issues at hand in relation with other relevant theories and recent developments. Lastly, possible suggestions for improving the situation will be presented.

REASONS FOR STATELESSNESS

SENTENCE 168-13

As became clear looking at the investigation's results, discriminatory practices in the issuance of nationality documents have been present long before the issuance of *sentence 168-13*. While there have been several causes for statelessness, the main and most current reason for statelessness is clearly *sentence 168-13*. Causing intense turmoil in the country and being widely criticized within and beyond the country's borders, one asks oneself for which reason and with which intention the Dominican government emitted *sentence 168-13* in September 2013. Could it merely be due to the need for modernization of the Dominican civil registry or are there other driving forces which led to the denationalization of hundreds of Dominico-Haitians? In order to answer this question, one needs to look back further than the emittance of the sentence itself and take into consideration its precursors, i.e. Dominican immigration law 285-04, *circular 017-2007*, *resolución 012-2007* and the 2010 constitution²⁹. According to Ana Maria Belique, *circular 017*, one of the government's attempts to suspend Dominico-Haitians' identity documents, caused a lot of internal controversy at the Central Electoral Board, as a circular does not have the power to suspend a person's documentation if the concerning document is issued based on law (A. M. Belique, personal interview, May 5, 2016). Consequently, the circular, a fragile

²⁷ No distinction is made between *Group A* and *Group B* in this case.

²⁸ Interviewee did not want to appear in the paper with his/her name.

²⁹ For details on these legal documents see chapter on the *Juridical background*.

instrument attempting to have force of law, was followed up by *resolución 012-2007*, a legal instrument with slightly more legal force, only nine months later. Initially, the *resolución* was aimed at people with any kind of irregularities in their birth registration rather than at children of immigrants in particular (A. M. Belique, personal interview, May 5, 2016). It was only the change in the 2010 constitution, which very explicitly targeted descendants of immigrants by excluding “children of [...] foreigners who are in transit or reside illegally on Dominican territory” (Asamblea Nacional en Nombre de la República, 2010, January 26, art. 18, sec. 3) from birthright citizenship. Yet, also legislation emitted prior to the constitution, e.g. the 2004 *migration law 285-04*, clearly showed an effort to deprive citizens of their nationality (B. Wooding, personal interview, March 3, 2016), supporting the claim that the attempt to deprive a certain part of the population of their nationality has been present for longer than only a few years and merely culminated in the emittance of *sentence 168-13*.

But what are the intentions behind the endeavor to deprive thousands of Dominican citizens of foreign heritage of their nationality? While the Dominican government argues, that all the sentence did was correctly implementing Dominican legislations, there are other voices claiming that interests beyond simply following Dominican legislation were present. Idalina Bordignon, executive director of *ASCALA*³⁰, argued that interests of the Dominican elite had played a prominent role in recent legal developments. She claimed that certain groups within the Dominican society were benefitting from the emittance of the sentence and thus were likely to have had an interest in politics supportive of such developments. Those referred to here are, for instance, certain fractions within the government, a discriminatory elite existing within the country and sugar factories, banana companies and other groups or individuals with economic power (I. Bordignon (ASCALA), personal interview March 31, 2016). Broadly referring to the same population groups, those in favor of the sentence are also termed *the conservatives* by other interviewees (e.g. A. M. Belique, personal interview, May 5, 2016).

What is likely to have played a role in recent developments as well is maintaining the availability of cheap, unskilled labor. Back in the days, the life of the cheap labor force was often in the hands of its employer and thereby left to his or her arbitrariness (I. Bordignon (ASCALA), personal interview March 31, 2016) and non-compliance with labor regulations was a phenomenon particularly common in the lower-skilled jobs (e.g. the case of Boca Cachón, T. Pichardo, personal interview, April 1, 2016). Recently, however, there has been an increased level of awareness of and information about labor rights and rights in general within this population group leading to the workforce claiming their rights to be respected. “Blacks are not stupid”, Bordignon added, “so the *elite* had to look for a way to keep the cheap source of labor” (I. Bordignon (ASCALA), personal interview March 31, 2016). Consequently, the state had an interest in the cane cutters maintaining their illegal status (L. Dolis & C. Luis (MUDHA), personal interview, March 29, 2016), a group constituting one of the main components of the cheap work force together with construction workers, as being undocumented would restrict workers from protecting and enforcing their rights. Hence, with further interests being present beyond merely complying with legislation and the Dominican political environment being one where power is not necessarily

³⁰ Association Scalabriniana in the Service of Human Mobility (ASCALA), an institution of the *Missionary Sisters of San Carlos Borromeo Scalabrinianas* working with bateyes in the east of the Dominican Republic.

distributed equally, it comes as no surprise that prior legal instruments too weak to achieve their objective were eventually followed up by *sentence 168-13*.

Another possible contributor to the long existing discrimination of foreigners and their descendants, directed at Haitians in particular, is neo-nationalism. The Dominican people's felt need to defend their homeland was present before the sentence, as has been elaborated upon in the historical background, and is likely to have helped create the breeding ground for discriminatory legislation such as the sentence to emerge. Anti-haitianism fostered during the Spanish colonization and the Trujillo's administration set the ball rolling which eventually led to overt, generally accepted discrimination within a substantial part of Dominican society, most in evidence in *sentence 168-13*. After the sentence's emittance, unfortunately, nationalistic voices have only gotten stronger. These voices, often referred to as *ultranationalists*, only comprised of a relatively small but affluent fraction of the Dominican people, such as millionaires, politicians, lawyers, correspondents, and business owners, amongst others (A. Geraldo, personal interview, March 30, 2016). Being in fact a quite powerful subgroup within Dominican society, they gave themselves the task of ridding the country of Haitians and "refining the race" (A. Geraldo, personal interview, March 30, 2016). With the emittance of the sentence ultra-nationalist groups and organizations such as the *National Sovereignty Defense Network* emerged, defending the sentence's rightfulness by criticizing foreign interference and stressing the Dominican Republic's right to exercise its national sovereignty (Dominican Today, 2013, December 2). According to Liliana Gamboa from the Open Society Justice Initiative, also the Dominican state claims that complying with the demands of the international community would be in conflict with preserving the state's own sovereignty, and hence, the decision that was to be made was between either complying with international rights or retaining the country's sovereignty. Yet, Gamboa adds, the Dominican state was and is obliged to adhere to the following three principles; no discrimination, not causing statelessness and not arbitrarily depriving an individual of the nationality he or she possesses (L. Gamboa, personal interview, March 17, 2016). The latter of the three constitutes one of the human rights as stated in the United Nations' Universal Declaration of Human Rights. More specifically, the right referred to here concerns article 15, stating that everyone has the right to a nationality and shall not be arbitrarily denied of the such (UN General Assembly, 1948, December 10). Collectively, the aforementioned factors both leading up to *sentence 168-13* as well as being fueled by society's reaction to the sentence's emittance, contributed to the state's current politics being relatively defensive towards the international society (anonymous³¹ (CNDH), personal interview, March 2, 2016), thereby not fostering an environment allowing the various parties to seek a mutually acceptable solution to the situation.

DISCRIMINATION, BUREAUCRATIC FAILURE & LACK OF OR FALSE INFORMATION

Next to *sentence 168-13* there were plenty of other factors that caused or contributed to statelessness in the Dominican Republic. Looking at interviewees' responses, it became clear that most of these factors can be linked back to one of three overarching themes, which are discrimination, bureaucratic failure and lack of or false information.

³¹ Interviewee did not want to appear in the paper with his/her name.

DISCRIMINATION

According to *MUDHA* employees Liliana Dolis and Christiana Luis the sentence was merely the decree validating a system of discrimination which denied the stateless their rights. Discrimination itself had existed for much longer already and violations of the rights of descendants of Haitians had been present as early as between the 1960's and the 1990's already (L. Dolis & C. Luis (MUDHA), personal interview, March 29, 2016), supporting the claims made by interviewees, that discrimination of Dominico-Haitians was enrooted in the country also before the sentence. The discrimination referred to here has its roots amongst others in the *Dominicanization* of the country discussed in the chapter on the *Regional Framework*. Discriminatory politics during the Trujillo administration (e.g. Hintzen, 2016), for instance, are likely to have contributed to the way Haitians and darker skinned individuals are viewed and which stereotypes are connected to them up until the present day. While the current main reason for statelessness in the Dominican Republic, *sentence 168-13*, clearly falls into the category *discrimination*, there are numerous other elements leading to and having led to statelessness which fall into this category. One such factor is the discrimination of Dominico-Haitian or Haitians based on characteristics considered to be *Haitian*. These can be either physical, *Haitian-looking* traits or francophone first or last names, for instance. Using Weis' (1995) concept of *othering*, such stereotypes and beliefs about a certain population group create optimal conditions for racial, origin-related discrimination, which is exactly what could be observed in the Dominican Republic. In many cases, particularly concerning women giving birth, this type of discrimination lead to government officials or hospital employees assuming the women to be Haitian and consequently excluding them from accessing the same rights as a Dominican woman, or rather, a woman with a more "Dominican" appearance or a more "Dominican sounding" name. Cases of such discrimination were reported even before Dominican legislation ordered government officials to be restrictive in the issuance of certain identity documents.

The very multifarious discrimination present in the Dominican Republic directed at people seemingly or truly being of Haitian descent is very likely to have links to several of the previously discussed issues. As has been explored in the regional framework, the shared history of the two countries largely influenced their peoples and more often than not put a focus on the inhabitants' differences rather than similarities, leading to animosity rather than sympathy between the two neighbors. Looking at the way many Haitians and Dominico-Haitians are treated in the Dominican Republic nowadays clearly shows the marks the countries' history has left on the island and its people. The fact that both government officials as well as the general population very self-evidently see and act upon ethnic differences and characteristics indicating Haitian descent, thereby classifying people of Haitian offspring as inferior very openly and shamelessly, is proof of the clashes that have happened between the countries and which influence politics and social interaction up until today. One of the reasons for such classification of people, which lays at the basis of the discrimination of a certain population group, is the former Dominican identification card. Up until the year 2014, the card would state the holder's skin color, either *black*, *mulatto*, *white* or *indio*³² a categorization unthinkable to be found on an official document in most other parts of the world nowadays (Listin Diario, 2011, November 11). The fact that the Dominican state categorized its people in terms

³² The category *indio* was eliminated in 2011.

of their skin color explains a great deal of why people attach much importance to the color of their skin.

By enhancing the discussed phenomenon of *othering*, the categorization of people into different skin colors, with the darkest often being generalized as Haitians, a fear omnipresent present in the Dominican Republic is very much increased. What is referred to here is on of Ferguson’s (2013) *myths of discrimination* – the Dominican people’s remaining fear of invasion. While back in the days, particularly in the years following the Haitian occupation, this might have been a fear of losing the country’s independence, the type of invasion feared by many Dominican this day and age is a very different one. Analyzing the public discourse and media publications, it becomes clear that what is feared is losing the privileges of what in comparison to Haiti may be perceived as a welfare state. Those Dominicans not in favor of Haitian immigration often refer to the influx of Haitians as an invasion, even calling it a “Haitian wave of unbelievable proportions” (Herrera Miniño, 2017, March 25). The article in *Hoy digital* which used these words to describe the immigration of Haitians further argues that Haitians would take away Dominicans’ jobs and be the cause of land scarcity in certain regions in the Dominican Republic, thereby very well exemplifying fear of Haitian immigration leading to a decreased quality of life in Dominican society. On the basis of this fear lays the belief that Haitians and Dominicans are fundamentally different from each other, the second myth of discrimination within the dominant collective psyche according to Ferguson (2013).

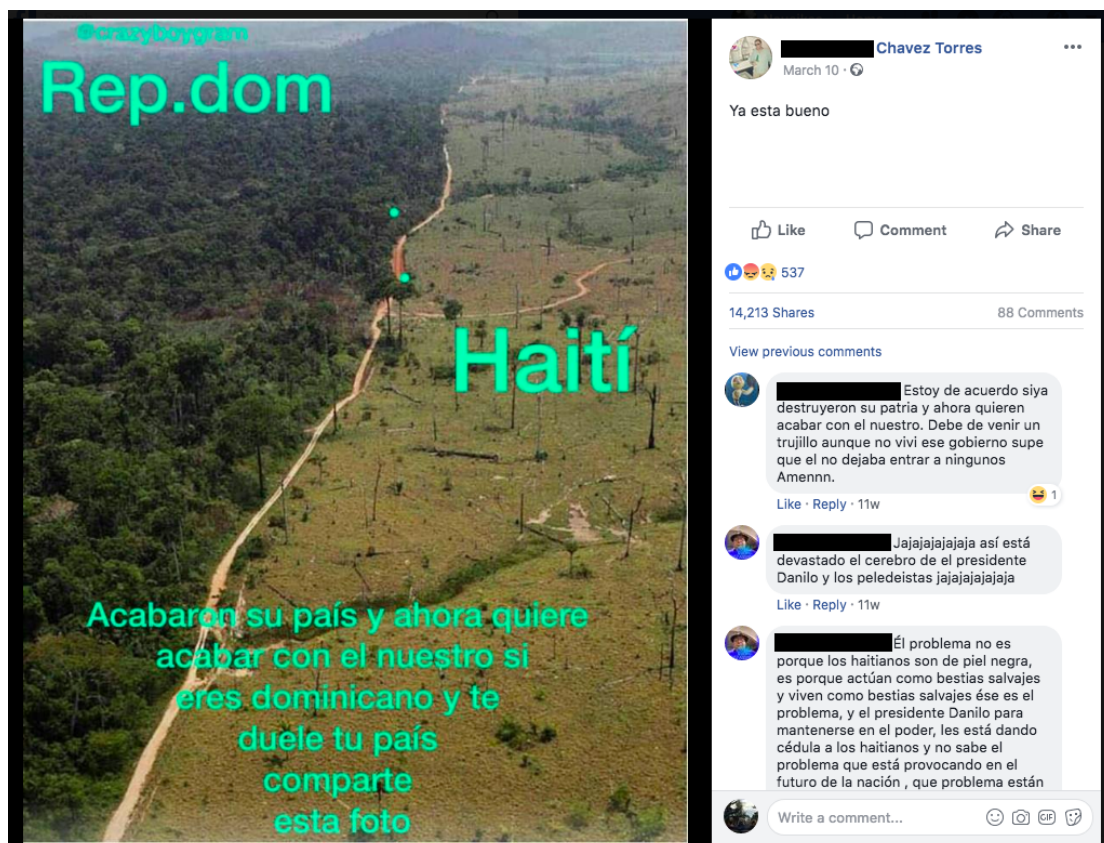


Figure 9. Facebook post claiming Haitians to be a threat to the Dominican Republic (Chavez Torres, 2018, March 10).

Moreover, Dominicans’ fear of invasion becomes clear looking at social media. One example hereof can be seen on *Figure 9*, showing a post made by a Dominican in

March 2018 (Chavez Torres, 2018). Supposedly, it shows area in the border region between the Dominican Republic and Haiti, with the Dominican Republic's vegetation clearly being in a better condition. The Spanish text on the picture's lower half translates to: "They (i.e. Haitians) finished their country and now they want to finish ours if you are Dominican and you feel pain for your country share this photo." Sadly, opinions such as this are widely supported, as can be seen looking at the picture's comments section and the amount of times the picture was shared. Approximately three months after its publication the picture was shared 14.214 times, being evidence for the support anti-Haitian opinions receive in the country. Blaming one single ethnic group for deteriorating a country's standard of living or disparaging them in another way, however, often has more than one underlying reason. What is very likely to have contributed to the way many Dominicans view Haitians is remaining resentment from the more than two decades long Haitian occupation which has been passed down through the generations. Even though one could argue that much of the discrimination within the Dominican Republic can be blamed on the government, such far-reaching discrimination as can be observed in the country can only occur if a substantial part of the population actively or passively agrees with or tolerates it.

Another type of discrimination not related to race which became evident throughout the investigation is gender-based discrimination. Whereas commonly, if *jus sanguini* is a means of conferring a nationality to one's child in a given country, the nationality can be conferred on a child by both its father and mother, this is not current practice in the Dominican Republic. While in most other cases of discrimination in the conferral of nationality it is the mother being discriminated against, this is not the case in the Dominican Republic. The UN Refugee Agency reported that there was still no equality between women and men with respect to the conferral of nationality upon legislation in an astounding 26 countries (UNHCR, 2017), in none of which, however, it was men who were disadvantaged in terms of conferring their nationality on their children. This, however, is exactly what can be observed in current Dominican legislation. While the 2010 constitution, just as its predecessors from 1994 and 2002 (*Asamblea Nacional en Nombre de la República, 1994 & 2002*), states that all those born to either a Dominican father or a Dominican mother are entitled to be Dominican (*Asamblea Nacional en Nombre de la República, 2010, January 26, art. 18*), thereby establishing equal rights for men and women in conferring nationality, legislation emitted more recently conflicts this. Several recently emitted legal documents do not give fathers the same ability to confer their nationality to their children as mothers. *Sentence 168-13*, for instance, states that a person is not born Dominican, if the person's mother is in an irregular situation at the time of giving birth and thereby cannot justify her entrance and stay in the Dominican Republic (*Tribunal Constitucional, 2013, j.*). By failing to include the father and his ability to confer his nationality on his children, the sentence is discriminatory on the basis of gender with respect to the conferral of nationality. This discrimination is resumed in *presidential decree 250-14* establishing how *law 169-14* should be applied which when referring to the duties of the executive unit of the rules of procedure of *law 169-14* states that the unit should "orient and help the interested in the register of applications for registration in the birth registry book for children born to a foreign mother non-resident in the Dominican Republic" (Medina, 2014, July 23, chapter 2, art. 7b). The focus in this context is on the *foreign mother non-resident in the Dominican Republic* which completely leaves out the father. In the decree the only relevant parent with respect to a child's nationality is its mother. Even though conferral of nationality by

the mother rather than by either parent seems to be perceived as common in the Dominican Republic, this was not engraved in stone in Dominican legislation as unmistakably as now until recently. Given that this discrimination only manifested itself recently, simultaneously with the largescale denationalization of Dominico-Haitians, leaves the possibility that there might be a correlation or an intended side effect to excluding Dominican fathers from conferring their nationality. Namely, with this limitation to *jus sanguini*, another large portion of Dominico-Haitians, more specifically the children born to a Haitian mother and a Dominican father, will be facing difficulties they would not face otherwise. In the attempt to denationalize those with Haitian roots, restricting the access to *jus sanguini* could be a purposeful measure, making it more difficult for many children born to mixed couples to keep or re-obtain their Dominican nationality. Altogether, the discriminatory practices seem to show a political attempt to rid the country of people with Haitian ancestry by denying Dominico-Haitians their right to the Dominican citizenship.

BUREAUCRATIC FAILURE

As a country that introduced nationwide compulsory documentation of its citizens almost a hundred years ago³³, one would expect the Dominican Republic to have developed a bureaucratic structure allowing for organized, comprehensive registration of its citizens and other residents and the issuance of the respective documentation. In reality, however, as results showed, one finds a system incapable of documenting people residing in the Dominican Republic in a consistent, lucid way. The number of flaws which became evident in Dominican bureaucracy are many and hard to be argued away purely by the fact that the recently emitted *sentence 168-13* and its aftermath were overstressing an otherwise well-functioning system. Issues stemming from a flawed or malfunctioning national registration system are worrisome, as correcting or renewing an entire country's civil registry and processes connected to the such is an intricate undertaking – even more so if the country is not open for foreign advice or cross-national collaboration.

One of the reasons for statelessness falling into the category of bureaucratic failure is the state's failure to ensure that all individuals born in the Dominican Republic are issued with some kind of proof of their birth, irrespective of the nationality of the parents. This can be either a Dominican birth certificate, a certificate of live birth or a document emitted by a midwife in case of a home birth. Irrespective of the fact that not all of these documents guarantee the Dominican nationality, they do serve as proof of the time and place where an individual was born as well as document the as the parents' details. Possessing such a document enables an individual or his or her parents to either receive the Dominican nationality or, if a person has no claim to the such, the nationality of one of the parents. As has been described in the results, there were many cases where proof of a person's birth in the Dominican Republic was lacking, with most of these cases being children of Haitian immigrants. By failing to ensure the emission of such documentation and the registration in the hospital's registry and the civil registry to every individual born in the Dominican Republic, complications with identity documents and nationality later on are predetermined. Irrespectively of the nationality of a newborn's parents, a country should have a mechanism in place to properly register a birth and provide the means to acquire the

³³ Trujillo introduced laws obliging citizens to carry their identity documents at all times in the early 1930's.

Dominican nationality for those entitled to the such according to current Dominican legislation.

Connected to the failure to issue proof of birth is the subject of the documents issued to first generation Haitian migrants. As has been discussed previously, Haitian migrants who entered the country to work in the sugar industry were issued a so called *ficha*, a workplace identity card, which many used to declare their children born in the Dominican Republic. As a matter of fact, most of those affected by *sentence 168-13* were declared with such a document. Up until the emission of the sentence, the *ficha* was commonly accepted by Dominican authorities to declare one's children. Therefore, logically, it brought about much criticism when the state argued that using the *ficha* to declare one's child was fraudulent. It can be argued that to be compliant with legal international standards, the Dominican state should either have made very clear from the moment when the first *fichas* were issued that they are not valid documents to declare one's children as Dominican nationals, both in practice as well as in its legislation, or accept those declared with a *ficha* as Dominican nationals. By not doing either, but instead retroactively changing the interpretation of its own laws, the Dominican state is not consistent in the way it implements its legislation. Such behavior prevents citizens from following Dominican law, as what is considered correct changes along with the interpretation of each law. The state should either have adjusted the constitution to clarify that children of migrants are not eligible for birthright citizenship (*jus soli*) from the point of its alteration onwards, or accept the *ficha* or provide legal migrants, irrespectively of whether they are permanent or temporary migrants, with identity documents that fulfill all the necessary functions of an identification documents, such as the registration of one's children. Not doing either of this and retrospectively declaring the *ficha* as invalid for the means of declaring one's child is being inconsistent with the interpretation and application of Dominican national law. Such inconsistency logically leads to disagreements with respect to the nationality of Dominico-Haitians later on, as can be seen in the presented results. Hence, the state's failure in being consistent with respect to the interpretation of its legislation is another major contributor to statelessness in the Dominican Republic. Moreover, when looking at the Dominican judicial apparatus, one principle that comes to mind is the principle *in dubio pro reo*, translating to *when in doubt, for the accused*. This principle referring to the generally accepted guideline that when more than one interpretation is possible, the one favoring the defendant should be chosen, clearly brings out the stand the Dominican government takes with respect to Dominico-Haitians right to nationality. While usually there is a presumption of innocence of the accused until proven otherwise, in the case of a Dominico-Haitian being accused of having obtained his or her Dominican nationality in a fraudulent way, the Dominican Central Electoral Board makes the accused prove they are entitled to the Dominican nationality they used to possess before they recognize his or her citizenship. Hence, they act according to the principle *guilty until proven innocent*, rather than *innocent until proven guilty*.

As can be concluded from the results, issues surrounding documentation are not limited to imperfect registrations at birth and changing interpretations of Dominican legislation but are much more far-reaching than that. Another observed consequence of imperfect bureaucratic processes, for instance, is the widespread lack of documentation within the general population, particularly in rural areas. This general lack of documentation is likely to have its roots the fact that the value and necessity of legal identity documents were not sufficiently clear to the population resulting in

many Dominicans not being registered. As this is an issue very much related to a lack of or poor distribution of information, it will be discussed in the subsequent part of the discussion taking a closer look at topics related to the provision of information.

Further, the arbitrariness of the judicial apparatus, evidently influencing Dominican bureaucracy, is illustrated by the seemingly random enactment of certain laws by state agencies. This arbitrariness, particularly well-illustrated by the case of two twins being differently affected by *sentence 168-13* (see chapter *Arbitrariness*), together with the state taking the liberty to interpret legislation in whatever way is most suitable at any given moment (i.e. changing the interpretation of *in transit*), displays a certain degree of self-righteousness of the Dominican state. The fact that the state claims, contrary to most regional and international human rights bodies' opinions and despite the Inter-American Commission of Human Rights expressing its concern about *sentence 168-13* (OAS, 2013, October 8), that it is merely following Dominican legislation according and that not doing so would impinge Dominican sovereignty, paints a scary scenario about what else the state is capable of doing whenever it believes itself to be in the right. Rejecting such deep concerns as uttered by the Inter-American Commission of Human Rights (e.g. OAS, 2013, October 8) is an action which lets the country's prioritization come to light – a prioritization on which taking care of its people, more precisely taking care of all of its people, is not on the first spot.

Moreover, the costly, slow and at times incomprehensible processes to reobtain one's nationality through *law 169-14* was a frequently appearing topic during the interviews. While a system of registration for whichever process can malfunction or exhibit flaws or difficulties what is striking is that most defects were carried out on the back of the affected. This concerns long waiting periods, costs of transports or requirements difficult to fulfil, issues discussed in more detail in the chapter in the *Reasons for statelessness*. Lastly, it should be said that although some of the mentioned issues are related to Haitian migrants and their descendants in particular, many failings of the Dominican state are independent of any migrant group and exemplify defects of national governance as a whole.

LACK OF INFORMATION & FALSE INFORMATION

The last of the three categories encompasses reasons for statelessness related to a lack of necessary information or the existence of false information. This category is partially related to bureaucratic failure as one of the conditions impeding the effective distribution of correct information is the state's failure to establish a bureaucracy enabling this. However, due to the considerable scope of this issue, it will be presented in a separate subchapter.

Characteristic of many of the reasons for statelessness falling into this category is the poor distribution of knowledge or information that could have helped the affected to counteract their statelessness. As has been described in the results, the areas where results showed the effective provision or distribution of information to be lacking were very diverse and ranged from unclear communication about which steps were missing in a person's procedure to reobtain their nationality to more general information about one's human rights as a Dominico-Haitian. One reasons for statelessness falling into this category are is instance the uninformedness of a large part of the target population of *sentence 168-13* about the fact that their documents are under investigation and which options they have to reacquire their nationality in

case their citizenship has been revoked. In practice this means, that there are people who either were in danger of or have become stateless and were not aware of this. Being adequately informed about the status of one's documents and the actions one can undertake to evade statelessness is crucial, as it allows the affected to be active and take the necessary steps to keep or reobtain their nationality.

What further became clear from the individual interviews in particular was that even if they were aware of their nationality being in danger many individuals did not know their specific rights with respect to obtaining the Dominican nationality nor the procedure to acquire the such. Details on recent legal development in general, such as *migration law 285-04*, *sentence 168-13* and *law 169-14* were often no knowledge the affected population disposed over. Moreover, the limited information some of the affected possessed about *law 169-14*, for instance, was often mixed up with the *PNRE*, in some cases even leading to Dominico-Haitians registering as foreigners in the *PNRE* instead of applying for citizenship within *law 169-14*. As has been discussed more elaborately in the result section, missing adequate information about one's rights and how to claim them is crucial, whether it is because an individual has no access hereto or because the information simply does not reach a person's community. The absence of crucial information is a main contributor to the widespread lack of registration, both of Dominico-Haitians as well as Haitian migrants in the Dominican Republic. Not being well-informed about what to do to escape statelessness was found to lead to inaction on the part of the affected in many cases. This inaction was often exacerbated by a fear of the consequences of not possessing any documents as well as a more general lack of knowledge about where and how to declare oneself or one's child if being undocumented. The fact that many Dominico-Haitians reported to be afraid of the consequences of the authorities finding out they did not possess any valid identity documents suggests that they do not believe in the state acting in their favor and granting them their rights and the nationality they are entitled to. Rather, it shows a certain degree of fear and mistrust towards the Dominican government many Haitians and Dominico-Haitians live with. Such observations yield plenty of information about the way in which a minority group is able to acculturate in a different culture, topic which will be looked at in more detail in a latter part of the discussion. Overall, the lack of knowledge about the consequences of not possessing any documents as well as the rights individuals have, shows very clearly the existing need to educate the population on their rights and the procedures of declaration as well as recent legal development. Hence, the missing communication between Dominican authorities and the country's population is a major factor in the imperfect Dominican civil registration.

What is more is the sluggish adaptation of the population to the altered legislation concerning the acquisition of the Dominican nationality. While acquiring the Dominican nationality through being born on Dominican territory *de facto* seized to exist in 2007 and the newest constitution was adapted accordingly three years later, many citizens and residents are not aware of said changes even close to a decade later. When the research was conducted the abolition of *jus soli* in the Dominican Republic had not yet translated to people's perception of how the Dominican nationality could be acquired and many interviewees were under the impression that the Dominican nationality still corresponds to all those born on Dominican soil, even though in practice this was no longer the case. Again, the fact that the changes these legal adaptations brought with them did not reach many of those most immediately

impacted by them, is a clear sign of a missing communication of relevant legal information to Dominico-Haitians and Haitians living in the Dominican Republic.

Misconceptions and knowledge gaps such as the abovementioned can be argued to have had a great influence on the current situation in the Dominican Republic. One could argue that had there been thorough, extensive and clear information campaigns about recent legal changes including the implications thereof for the affected and practical steps to be undertaken, the current situation in the Dominican Republic with respect to statelessness could have looked very differently today. On the other hand, informing oneself about current laws, their implications and steps to be taken in response could be seen as an individual's own responsibility. However, before the sentence's emission there was little actual need for a large proportion of the population, particularly in rural areas, to possess identity documents, at least in the perception of many, and hence, the relevance of possessing valid identity documents or keep oneself informed about related legislative changes was not clear to many and still is not to some. Irrespectively of the stand one takes on this issue, the lack of awareness and poor access to information of particularly rural communities has to be taken into consideration. Even though not all of the abovementioned factors fall under the state's responsibility, they most definitely are a shared responsibility of both citizens and residents as well as the government. Instead of finger pointing Dominico-Haitians' wrongs (i.e. fraudulent declarations or uninformedness), one could argue, the state should do its best to provide sufficient information and make sure it reaches the more distant communities as well.

Lastly, a few factors causing statelessness fall either outside of the just discussed categories or too indirect to be placed into either of them. An example are for instance language difficulties of first generation Haitian migrants impeding them to declare their children in the correct way. Another example are practical difficulties such as not having the financial means to undertake any action to (re-)obtain one's nationality. Factors such as these are likely to amplify many of the just discussed issues, as they impede a person's ability take appropriate action due to not being properly informed or able to effectively communicate with both hospital staff and government officials in case of the first of the just mentioned mediating factors.

CONSEQUENCES OF STATELESSNESS

Reviewing the consequences of statelessness it quickly becomes clear that they are multifarious and the impact on both the stateless people's lives individually as well as society as a whole is substantial. With respect to human rights it becomes very clear, that the consequences of statelessness result in a serious violation of several of the most basic human rights. Taking a closer look, one can conclude that the issues the interviewees faced, and which were partially or entirely related to their statelessness, led to a violation of at least seventeen of the thirty basic human rights as stated in the United Nations' Universal Declaration of Human Rights (UN General Assembly, 1948, December 10). The human rights which have been abused due to consequences of statelessness as described in the results are the right to equality (art. 1), freedom from discrimination (art. 2), right to liberty (art. 3), freedom from degrading treatment (art. 5), right to equality before the law (art. 7), freedom from arbitrary arrest and exile (art. 9), right to be considered innocent until proven guilty (art. 11), right to free movement in and out of the country (art. 13), right to a nationality (art. 15), right to own property (art. 17), right to participate in free elections (art. 21), right to social

security (art. 22), right to desirable work (art. 23), right to adequate living standard (art. 25), right to education (art. 26), right to a social order that articulates this document i.e. the Universal Declaration of Human Rights (art. 28) and freedom from state or personal interference in the above rights (art. 30). Other human rights not mentioned may have been restricted by interviewees' statelessness as well but have not been referred to directly by interviewees.

Moreover, by being unable to obtain the Dominican citizenship, individuals are not only excluded from many human rights, such as the above mentioned, but are also excluded from being a citizen of a nation state and thereby from normally participating in society. According to the Stanford Encyclopedia of Philosophy (2006) being a citizen is being "a member of a political community who enjoys the rights and assumes the duties of membership". Not possessing any nationality, undocumented Dominico-Haitians are thus excluded from participating in Dominican political life without restrictions, an exclusion to some degree holding true for Dominican social life as well. Being denied many of the rights essential to enable an individual to partake in a country's political and social life, individuals can suffer from severe consequences of social exclusion. As discussed in the thematic-theoretical overview of this paper, social exclusion, or a "rupturing of the social bond (...) a process of declining participation, access, and solidarity..." (Silver, 2006, p. 4419) can lead to underachievement in education and on the labor market, low income, stress, poor access to services, ill-health and negatively impact children of those excluded (SEU, 2001), putting the often already disadvantaged stateless individuals into an even worse situation. Due to being excluded individuals are thus stopped from leading a normal life and pursuing their dreams and ambitions in a way they could as Dominican nationals. An often-used expression by interviewees from both respondent groups was therefore the term *suspended lives*. This refers to individuals' lives being put on hold both by the mere process of waiting for their identity documents to be issued as well as being severely impeded to move forward due to not being able to for instance finish their education, find formal employment or have the financial means to start a family. To use Silver's words, "the incapacity to participate in normatively expected social activities and to build meaningful social relations" (Silver, 2006, p. 4419), literally put many individuals' lives on hold. These *suspensions*, taking up to almost a decade for some respondents, led to both practical bottlenecks as well as left emotional scars on the stateless due to the immense insecurity and rejection they had to face.

While individuals born to Haitian parents in the Dominican Republic before 2007 in practice should be able to obtain the Dominican nationality and thereby have the same rights as Dominicans without foreign ancestry, in practice they are often treated as second class citizens. Being disadvantaged in so many aspects and having their lives put on hold, Dominico-Haitians' ability to lead "normal" lives has been seriously challenged. However, the British Social Exclusion Unit (SEU, 2001) emphasized that the consequences of social exclusion are not limited to those excluded but can have an effect on the wider society as well. Thus, just as statelessness leads to exclusion on an individual level, the current situation with respect to statelessness greatly affects exclusion on a societal level as well. According to research, such an exclusion on a societal level is mainly reflected as inadequate integration and social cohesion (Silver, 2006), but can also lead to increased crime rates and fear of crime as well as reduced mobility and higher stress levels as well (SEU, 2001).

On the other end of the spectrum, however, is the integration of Dominico-Haitians in Dominican society. With respect to the way in which Dominico-Haitian acculturate, one important source of information is the fear and mistrust of for instance the consequences of being undocumented or the Dominican migratory control which was reported by many respondents. Taking Berry's model of the acculturation of ethnocultural groups (Berry, 2005) as a starting point, mistrust and fear indicate a low value on one of the dimensions along which a minority group can vary and which according to the model is an indicator of the minority group's acculturation strategies. This dimension is relationships sought among groups, i.e. the minority group and the host culture. Fear of for instance expulsion and mistrust towards the host culture suggest a low level on this dimension. According to Berry (2005), the two possible acculturation strategies in such a scenario would be *separation* or *marginalization*, depending on whether or not the ethnocultural minority group maintains their heritage culture and identity (i.e. the model's second dimension). Of course there are more than one factor influencing the relationship between the minority and the host culture, however, looking at the results and the overall situation in the Dominican Republic, one can say almost certainly that recent developments such as the emittance of *sentence 168-13* have been to the detriment of such relationship, endangering the successful integration of Dominico-Haitians in the long term. With respect to the model's second dimension, i.e. a minority group maintaining their heritage culture and identity, especially looking at the descendants of Haitian migrants (i.e. second or higher generation immigrants) one can clearly see that while they maintain their Haitian culture to some degree, many clearly identify both as Dominicans as well as with Dominican culture and identity, thereby decreasing the actual differences between the minority group and the host culture and clearly being a sign for the minority group's intention to integrate.

THE CURRENT STATE IN THE DOMINICAN REPUBLIC

Altogether, the consequences of statelessness described in the results very well underline the severity of the issue of statelessness in the Dominican Republic and stress the urgency of the state to take action to reduce statelessness. Comparing the previously described circumstances under which the stateless lived when the research was conducted with the most recent Amnesty International report on the state of the world's human rights (Amnesty International, 2018), one sees that an actual solution to statelessness is still absent, even five years after the emission of *sentence 168-13* triggering the national and international discussion about statelessness in the Dominican Republic. No measure taken by the Dominican government since then has been effective in actually ending statelessness in the Dominican Republic. In its report, Amnesty International argues that only "limited progress was made in solving the statelessness crisis" (Amnesty International, 2018, p. 148) and that the country continues to fail to meet its obligations with respect to guaranteeing international human rights to those arbitrarily and retroactively deprived of their nationality. Moreover, Amnesty International argues, the solution to statelessness put forth by the Dominican government, namely *law 169-14*, has "continued to be poorly implemented" (Amnesty International, 2018, p. 149). While initially the law was meant to be a way for all Dominico-Haitians born before 2007 to reobtain their nationality, Amnesty International reports that out of an approximate 61,000 individuals falling into *Group A*, a mere 13,500 people were actually able to receive some type of Dominican identity document to prove their Dominican nationality (Amnesty International, 2018). While the law can be said to have had at least some

success in reducing the number of stateless individuals who had been registered in the Dominican Civil Register (*Group A*), it miserably failed with respect to those who have not (*Group B*). Out of an estimated 53,000 falling into *Group B*, only 8,755 individuals (i.e. 16%) managed to register under the naturalization plan which was part of *law 169-14*. While 6,545 of these people had their files approved by the end of 2017, not a single person was able to obtain their citizenship through means of naturalization, even though the law stated that applicants could request their naturalization two years after their registration to the law had been approved (Amnesty International, 2018, p. 148). Taking into account that the law had been adopted in May 2014, an approximate 3,5 years before the above calculations were made, the fact that so few registrations and not one naturalization were possible for individuals from *Group B* makes the failure of *law 169-14* abundantly clear. Amnesty International further argues that Dominican authorities “failed to discuss, design or implement new solutions to guarantee the right to nationality for the tens of thousands of Dominican-born people who could not benefit from Law 169-14” (Amnesty International, 2018, p. 149), thereby specifically referring to those left out of the scope of *law 169-14*. Moreover, alleges Amnesty International, the affected “continued to be denied a range of human rights and were prevented from accessing higher education, formal employment or adequate health care, among other things” (Amnesty International, 2018, p. 149). Next to Amnesty International’s rather negative assessment of the situation there have been rumors that the validity of the only solution put forth by the government so far, *law 169-14*, would be questioned. Several news articles from March 2018 predicted that the Constitutional Tribunal, the organ of government who emitted *sentence 168-13*, is preparing to declare *law 169-14* as unconstitutional (e.g. Díaz, 2018, March 29). Little later, however, the Dominican government stated that it would not modify the law but defend the law itself as well as protect the Dominican legal order (Díaz, 2018, April 5). Besides the momentary fear, however, that the only mechanism meant to combat stateless already in place might be revoked, not much has happened with respect to providing better options for stateless individuals to improve their situations. As of May 2017, to the regret of both the national and international community, there was no measure in place for the stateless to reclaim the Dominican nationality (Guittlard, 2017, May 25), circumstances which have not changed to the present day (June 2018). Taking into account that by August 2017 more than 300,000 compatriots’ births were not registered (Bosch, 2017, November 15, confirmed by the CEB), a number counting only those who had reached full age, the fact that there is no solution provided for close to a third of a million people without nationality, is shocking.

CONCLUSION

In this study, the reasons for and consequences of statelessness in the Dominican Republic as well as the broader regional, juridical and political context were examined. Given that Dominicans of Haitian descent, i.e. Dominico-Haitians, were and are the single largest group affected by statelessness, they were in the focus of the investigation. For the sake of determining the main reasons for and consequences of statelessness both stateless individuals themselves as well as relevant organizations and professionals were interviewed to provide the reader with a complete picture of the situation at hand. Interviews revealed the reasons for statelessness to be multifarious and go far beyond *sentence 168-13*, the most current and well-known reason for statelessness in the Dominican Republic. Reasons for statelessness ranged

from arbitrary negation of birth certificates, lack of or errors in existing documents to past registration practices in general and turned out to have been an issue for several decades before the emittance of *sentence 168-13* already. Further, mistrust in Dominican authorities as well as a lack of correct information and the access hereto were found to contribute to statelessness in the Dominican Republic. Most reasons for statelessness found in this research can be broadly categorized to fall into either the category discrimination, bureaucratic failure or lack of and false information. While most human rights organizations working on the topic focus on violations of rights as a result of *sentence 168-13*, the research at hand made clear that the reasons for statelessness go far beyond the scope of the sentence. While the sentence is the most well-known and above all most recent reason for the rise in statelessness in the Dominican Republic, many other reasons for statelessness can be found in the country. One overarching theme which stood out in this respect was discrimination. Due to the often difficult shared history of the Dominican Republic and Haiti, the need to protect their country against foreign immigration and everything that is perceived to threaten what is considered *Dominican* has taken a firm place in a large part of the collective Dominican consciousness, and, additionally, periods such as the Haitian occupation and the era of Trujillo have helped create xenophobic opinions towards Haitians and darker skinned individuals which clearly left their marks on Dominican society until today. Consequently, the research has shown discrimination to be at the root of many of the reasons for statelessness and it is an issue that needs to be tackled thoroughly if a successful integration of Dominico-Haitians into Dominican society wants to be achieved.

With respect to the consequences of statelessness, results showed that these were just as manifold as the reasons for statelessness. Above all, consequences of statelessness were found to violate at least seventeen of the thirty basic human rights as stated in the United Nations' Universal Declaration of Human Rights, as well as negatively impact the stateless individuals' ability to access education, obtain formal improvement, freely move within and outside the country, declare their own children and live a life free of fear and discrimination in a place that they can feel home at. To give an impression of the impact statelessness was found to have on individuals' lives one of the by far most appropriate phrases is *suspended lives*. The often-used expression puts many of the stateless struggles into two words, summarized as their inability to move forward in pretty much any aspect of live, both academically and professionally as well as in their personal lives.

Further, the role of organizations and professionals working with statelessness in the Dominican Republic was investigated. The organizations' diverse contribution to combatting statelessness, ranging from practical and legal advice through advocacy to even bringing cases in front of the Inter-American Court of Human Rights, proved essential. Even though far from every person accompanied or supported by an organization eventually received their Dominican citizenship, the community built around these organizations and the large national and international attention their work brought on the issue, were and are essential to eventually eradicating statelessness in the Dominican Republic.

Lastly, looking at the current climate regarding statelessness in the Dominican Republic it becomes clear that in order to pave the way for a solution to statelessness to come forth, an enabling environment has to be created where the different camps are pulling in the same direction. When reviewing the just discussed issues, it becomes very clear that drastic changes are necessary in order to actually end

statelessness in the Dominican Republic. Before the statelessness crisis can be effectively tackled both the mindset with which the problem is tried to be solved as well as the system laying the basis for a nation without statelessness need undergo a radical change.

First and foremost, discrimination and prejudice of Haitians and individuals with darker skin and facial features associated with being Haitian needs to be taken seriously and effectively tackled through education. Naturally, it is a lengthy, intricate process to challenge the attitudes and sentiments people have with respect to a certain population group, however, without taking this issue into account, no policy or legislative change with respect to statelessness will be either accepted by the population nor be effective in the long run. More generally speaking, the animosity between the two countries needs to be tackled on a political, institutional and social level in order to diminish and eventually eliminate negative prejudices of the neighboring country's people.

Secondly, the civil registry and practices connected to it need to be modernized. Starting at a very practical level, a mechanism needs to be put into place enabling all citizens, residents and foreign individuals' births in the country to be registered. This is essential in order to be able to collect comprehensive data on the exact numbers of the affected and further process their cases. Modernizing the registry, however, entails much more than having the hardware for registration, i.e. a system for registering civil society. A well-functioning software, i.e. well informed, non-discriminatory personnel in for instance administrative offices is crucial to ensure correct application of Dominican legislation and eradicate arbitrariness.

Last but not least, an increased awareness and informedness about every individual's rights, including Dominico-Haitians, Haitians, Dominicans and the stateless, needs to be created in order for both the affected as well as the general population to be able to stand up for and collectively prevent the violation of these rights. As has been reported by ASCALA, the level of awareness of one's rights has already increased in the younger generations, as has their understanding of the importance of identity documents and the literacy rate (ASCALA, personal interview March 31, 2016), factors strongly influencing whether a person can and will defend his or her rights. Even though these are signs of a development into the right direction, an efficient and comprehensive distribution of information is still overdue and has yet to be established in order to eventually eradicate of statelessness.

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APPENDIX

1.1 INTERVIEW WITH ANA MARIA BELIQUE

Ana Maria Belique, affected by *sentence 168-13* and member of the movement *reconoci.do*. Interview conducted on May 5th, 2016. Interview transcript in original language, i.e. Spanish.

Planned questions:

The interview questions mainly originate from questions which arose interviewing individuals affected by the sentence, i.e. concerning the seemingly arbitrary application of the law that I noticed throughout the interviews with individuals.

Negación de documentos a partir de 2007

- Porque a algunos le niegan la nacionalidad y a otros no?

Declarar sin papeles (Grupo B)

- Opción para declarar a niños si padres no tienen papeles. Mecanismo?
 - antes de la ley 169-14
 - ahora

Grupo A

- Que opciones tienen ellos ahora si sus documentos han sido anulados?

Definición de *en transito*

- Cuando cambio de hasta 10 días a inmigrantes irregulares? 2007 o 2010?
 - Ya incluyó a inmigrantes irregulares desde los años 50?
 - 10 días? Algunos dicen que migrantes irregulares han sido definidos como *en transito* ya hace mucho (1950's)

Hijos de las personas que han recibido sus documentos a través de la ley 169-14

- Pueden declarar los hijos como dominicanos?

Audiencia en la Corte IDH sobre derechos políticos

- Como está el proceso de llevar algo a la Corte IDH?
- Que sigue después de la audiencia que tenían?
- Que impacto directo e indirecto tenía la audiencia a la situación actual en el país?

Activismo

- Has sentido peligro por el trabajo que haces?

Futuro

- Que cambio crees que va a ocurrir después de las elecciones?
- Crees que van a presentar una solución después de las elecciones / en un futuro próximo?

Gobierno Haitiano

- Que crees que papel juega el gobierno haitiano en la situación actual? Debe defender los derechos de sus ciudadanos?

Reunión de reconocido

- Puedo asistir a una de sus reuniones?

Contacto con la embajada haitiana

- Quien es más relevante a entrevistar sobre este tema?

Interview:

Nausikaa Reimers (N): La sentencia (y leyes anteriores) no afectaron a todos que deberían afectar. Porque? (Arbitrario)

Ana Maria Belique (A): Porque a principio se comenzaron a ser disposiciones administrativas que limitaban el acceso de los que estaban ya inscrito en el registro civil dominicano. Es decir limitaban, por ejemplo, a personas que ya tenían acta de nacimiento, los limitaban en el acceso. La circular 17 del 2007 y la resolución 12 del 2007 decía bueno, que en el pasado se habían cometido irregularidades en el registro civil y como una forma de sanear el registro civil dominicano de irregularidades que se cometieron se procede entonces a suspender los documentos de las personas que tenían determinadas características. Esas características yo te los puedo buscar y señalar después en la resolución. Y el tema de los dominicanos de ascendencia haitiana o de hijos de migrantes no está de manera explícita en la circular si no que en una parte dice *entre otros* en la resolución. Pero se había emitido una circular 17 que esa ordenaba a los oficiales a abstenerse de emitir registro o certificaciones de registro de nacimiento a hijos de migrantes en situación irregular. Esa resolución causo mucha polémica interno de la junta porque una circular no puede suspender una documentación de una persona cuando esa documentación se hace en base de la ley. Me entiende? Era un instrumento muy frágil que quería tener fuerza legal. Por eso después de la circular se hizo la resolución que si tiene mas fuerza porqué tiene unos considerando tiene unos vistas y bueno emita una resolución, la 12. O sea primero fue la 17 era una pequeña circular administrativa que se emite pero después para darle mas carácter de fuerza se emitió la resolución. La resolución en principio no era destinada nada mas a los hijos de los inmigrantes si no mas bien a todas las personas que tenían algún nivel de irregularidad en sus registros de nacimiento. Entonces todo esos son como antecedentes a la sentencia. Que sucede? Lo que disponía la resolución fue muy general y afectaba de manera muy generalizada a los dominicanos de ascendencia haitiana que ya estaban inscritos no así a los que nunca tuvieron nada. Los que nunca tuvieron nada era como un tema que se sabia que estaba pero no se abordaba porque lo mas drástico o lo mas indignante era personas que tenia su documento y que no podían acceder a ellos. O sea como que eso era lo que mas indignaba a la población. Y de hecho las organizaciones trabajaron mas hacia eso porque era como una arbitrariedad de que bueno como si una persona tuvo todo el tiempo su documentación de buenas a primero de dice que no, que no tiene acceso a ello, que están suspendido, que están anulado, que hay que investigarlo. Por eso los esfuerzos de muchas organizaciones se centraron con las personas que tenían documentos y no podían gozar de ello. Ya las personas que no tenían documentos se intentaba de manera administrativa hacer el proceso aparte de que se sabia que a partir del 2010 del 2007 con la creación del libro de extranjería pocas cosas se podían hacer de manera inmediata para los que estaban inscrito en el libro de extranjería. Entonces con respecto a eso, bueno, la sentencia, bueno ni siquiera vino a afectar de manera directa a los que ya tenían un registro. La sentencia del TC del 168 no habla de personas sin registro, habla de que están en el registro civil dominicano, sacarlo del registro, crear un nuevo libro de registro, hacer una auditoria, y remitir a las diferentes embajadas los registros de estas personas, o sea a las embajadas de origen de las padres remitir este listado. Entonces la sentencia tampoco no hace la división lo que viene a hacer la división es la ley (169). La ley entonces... y porque la ley viene a

hacer esa división? Hay varios elementos que se pueden poner en cuenta pero uno que se puede resaltar mucho es el hecho de los grupos de oposición, o sea los que están a favor de régimen de la sentencia, incidentaron mucho el proceso. Y buscaron la forma, crearon tanta presión para que no se emitiera la ley que restituye los documentos que al final yo entiendo que el gobierno tuvo que hacer una concesión, tuvo que negociar, tuvo que conceder. Entonces parte de esa concesión fue aceptar que nos devolvieran la documentación bajo los términos de la ley pero los que nunca tuvieron ningún tipo de registro no reconocerle ningún tipo de derecho como dominicanos, sino mas bien obligarlos de pasar por un proceso de regularización para la naturalización migratoria. La ley hace esa división y es como una forma de concesión, es como algo salomónico. Como la historia de Salomón dique bueno, lo partimos por la mitad. Bueno para quedar bien con nosotros restituyen los documentos pero para poder quedar bien con el grupo de los conservadores pues limita, niega el derecho de los documentos a los que nunca tuvieron nada. Entonces es a partir de allí que se viene a hablar de los dos grupos de manera separada. Porque anteriormente de hecho ni siquiera nosotros como reconoci.do no nos veíamos como dos grupos separados. Pensábamos incluso, que la restitución de los derechos y de la documentación de los que ya tenían, tenían que redundar en beneficio por los que nunca tuvieron nada. Eso fue lo que siempre pensábamos que un derecho que muchos compañeros militaron juntos a nosotros, muchos compañeros que no tuvieron nada, militaron juntos a nosotros porque ellos entendían que nosotros conseguíamos nuestra documentación para ellos seria mas fácil poder inscribirse y tener también una documentación. Aunque nunca tuvieron nada. Pero lamentablemente la salida que le dio la solución que puso el gobierno no reconoce el derecho de los que nunca tuvieron nada.

N: Y por ejemplo yo conozco el caso de Estefani. Ella me ha dicho que ella tuvo problemas con su documentación pero sus hermanas no tenían.

A: Si porque es una situación muy arbitraria eso es como... yo por ejemplo, yo he tenido problemas con mi documentación, tres de mis hermanos han tenido problemas con su documentación pero cinco de mis hermanos nunca han tenido problemas así. No es una cosa, como te digo, homogénea. Es una practica que se da muchas veces me da la ganaría. De hecho hay un señor, que vive aquí el siempre viene aquí al centro. El tiene dos hijas, mellizas, nacidas el mismo día, declaradas el mismo día. Una tiene problemas y la otra no. Y tu te preguntara pero como puede ser eso?

N: Y es la misma persona que les atiende?

A: Si si si. Muchas veces depende de arbitrariedades. Porque no hay como una homogeneidad de cómo resolver tales situaciones. Y ha sido muy difícil porque las muchachas por ejemplo este caso que te comentaba, el señor iba a inscribir a las dos adolescentes ya, las iba a inscribir en un politécnico, una escuela politécnica, y necesitaba los documentos de ambas. A una se la dieron y a la otra no. Y estábamos en todo el proceso del listado, una aparecía en el listado de los 55.000 y la otra no. Una había sido transcrita, a una la habían transcrito y la otra todavía no había sido transcrita y decía que tenían que llevarlo para la junta para ver cual es el estatúo (Status) y un sin numero de cosas. Cuando se supone que es un libro, en un nacimiento de dos personas, que uno tiene que estar al lado del otro, son mellizas. Nacieron juntas el mismo día de la misma mama, del mismo papa. Se supone que si hay un registro, el registro tiene que ser de ambas. Pero sin embargo tu te encuentras con situaciones tan sencillas como esa. Es un caso muy extraño. Entonces ya una

tiene la cedula y la otra no he podido conseguirla. Yo no se si en estos días la consiguió pero hasta el año pasado cuando yo estaba dándole seguimiento no había podido conseguirla. Te preguntara pero como? Pero esas son arbitrariedades. Hay familias en las cuales, en San Pedro por ejemplo hay una familia de tres chicas donde las dos mas pequeñas ya tienen sus documentos, tienen su cedula, y la mas vieja todavía. La mayor todavía no tenía el problema resuelto cuando a las dos mas jóvenes si le habían resuelto el problema. Y tu te preguntara pero si ella había nacido primero ... pero son como de las arbitrariedades del proceso que realmente no hay una explicación lógica de porque pasa eso.

N: Hablando del grupo B – antes de la ley hubo algún mecanismo para inscribir un niño si ni los padres ni el hijo mismo tenía ningún documento?

A: Bueno si, se hacían, hay muchas organizaciones incluso como ASCALA que han trabajado durante muchísimo tiempo en el proceso para el registro de los niños. O sea, lo que procede es que a los padres pueden documentarse entonces se ha trabajado mucho con la embajada haitiana. También incluso desde aquí para los inmigrantes haitianos obtengan la documentación. Una vez los padres entonces tienen la documentación de vida pues trabajar con el proceso de nacimiento de los niños. Hay muchos casos en los cuales los niños nacen en la casa, o sea las personas nacido en casa no dieron a luz en hospital. Entonces como no dieron a luz en el hospital no tienen un registro de hospital sino mas bien, entonces como si dan a luz en casa tienen que buscar un papel de comadrona, de quien asistió el parto, tienen que buscar un papel del alcalde pedáneo de la comunidad y así entonces tienen que buscar una serie de documentos de testigos del parto. O sea mas o menos como ese ha sido el procedimiento ordinario. Ahora que sucede?

N: Disculpa, eso también era posible afuera de la ley 169?

A: Si si si. Yo te digo antes de la ley. Todo este proceso era antes de la ley. Entonces, eso es el procedimiento normal de declaración tardía. Los padres tienen que venir con los documentos y muchas organizaciones han trabajado mucho en el tema de documentación. Por lo menos aquí desde la institución del Centro Bonó se ha trabajado fuertemente con el tema documentar a los padres. Ya después de que llego la ley (169-13) que hizo la separación que hizo la ley entonces limitó el acceso a la nacionalidad. O sea, ha otorgado documentos pero ha limitado el acceso a la nacionalidad. Las personas que la ley ha declarado como grupo B no tienen la nacionalidad dominicana. El mismo estado dominicano le ha impuesto la nacionalidad haitiana, pero no la dominicana. Entonces para este proceso lo que la ley dispuso es que cualquier persona que ha nacido en el país pero que nunca haya tenido documentos... había cuatro documentos como requisito para poder entrar en el proceso. Entonces uno era el certificado de nacido vivo del hospital o centro donde nació, esa es una prueba, otra podría ser el documento del alcalde pedáneo o comadrona, otro podría ser documentos de familiares dominicanos como prueba y la otra prueba ahora mismo no recuerdo cual era. Pero como sintetisoto de los requisitos a tres, a un requisito. Eran cuatro pero tu tenias que cumplir con al menos uno de esos cuatro para poder entonces inscribirte en la ley. Y en un principio no iban a exigir el documento de la madre porque justamente el gran problema es que la mayoría no tienen documentos. Pero después como parte de la presión de los grupos conservadores exigieron que se colocara todo el tema de la documentación de los padres. Y de hecho muchas personas no lograron inscribirse porque los padres no tenían documentos para poder hacerlo. Entonces era el documento de los padres mas

una de esas pruebas que muestre que realmente la persona nació en el país para poder ingresar en el grupo B.

N: Y ahora como se ha acabado el plan para el grupo B todavía existe el proceso de antes o ya no hay ninguna...

A: No hay. No hay previsto. Ningún procedimiento los que quisieran inscribirse tendrían... hay, si hay, desde el 2007 se viene implementando el libro de extranjería. De hecho, durante el proceso de la ley muchas personas se inscribieron en el libro de extranjería independientemente. Y eso trae consigo una dificultad. Y es que por ejemplo los que tienen el derecho de acceder a la nacionalidad o solicitar la naturalización dentro de dos años son únicamente los que se inscribieron bajo la ley 169. Los que estaban inscrito desde antes en el libro de extranjería no tienen la misma oportunidad. O sea, no se si tu me entiendes.

N: Si, porque ya han sido inscrito en este libro.

A: En el libro de extranjería. Entonces el libro de extranjería esta funcionando desde el 2007. Hay muchas personas de todas las edades que se han inscrito en el libro de extranjería. La ley 169 comenzó a funcionar en el 2014. Duró 2014 2015. 9 meses. Los que tienen derecho a acceder a la naturalización en un periodo de dos años son los que se inscribieron en el periodo en que estuvo vigente la ley. Los que estuvieron antes, los que se inscribieron antes del proceso de la ley no gozan de ese mismo derecho.

N: Porque se inscribieron en el libro de extranjería...?

A: Si porque están en el... pero debería ser lo contrario. O sea, no. No debería ser lo contrario, debería ser igual. Porque que sucede? Ahora tenemos miles de personas nacidas en el país, inscritas en un libro que dice que son extranjeros, y el país no tiene a nivel de ley de reglamento disposición nada que dice que va a pasar con estas personas cuando cumplan la mayoría de edad. Los que estaban inscrito en el libro de extranjería antes de la ley – no se sabe que va a pasar con ellos cuando cumplan la mayoría de edad – que de hecho ya hay muchos que tienen mayoría de edad. De aquí mismo de la capital en lo que va de año han llegado alrededor de 20 muchachos con esta problemática que tienen 20 años, 22, 23, 24 ,25 hasta 27 años de edad y están inscrito en el libro de extranjería, no el la ley 169. Entonces no saben que hacer.

N: Porque no hay ley para ellos.

A: No hay ley para ellos. Van a la embajada haitiana y la embajada haitiana no las reconoce ese documento.

N: El pasaporte haitiano?

A: No, no, no. El acta de nacimiento. Porque no tienen pasaporte.

N: No pero ellos no les quieren dar los documentos haitianos tampoco.

A: No porque ellos lo que tienen es un documentos que se lo dio República Dominicana, pero que dice que son extranjeros.

N: Y Haití no los reconoce ...

A: Haití no reconoce ese documento. Y República Dominicana tampoco. Se lo dio pero no lo reconoce.

N: Y dice haitiano en ese papel o dice..?

A: Dice extranjero. Entonces son personas que están en un limbo. No saben que van a hacer. Tienen mayoría de edad, y no saben que van a hacer. Sería bueno tu poder entrevistar a una de estas personas.

... (ella me ofreció establecer el contacto con ellos)

A: Y tengo varios muchachos. De hecho hay uno que vino el mes pasado, desesperado porque lo eligieron para ir a representar a un grupo que el pertenece a Costa Rica, un viaje. Y el quería saber como hacer para conseguir el pasaporte.

N: Y no puede ir.

A: Pero que no tiene forma de conseguir el pasaporte. Yo tuve que decirle con el dolor de mi corazón “amor mío tu no podrás ir a ese viaje porque no hay forma de que tu consigas el pasaporte, ni por la vía haitiana ni por la vía dominicana”. Porque no tiene cedula de identidad, ni haitiana ni dominicana. A menos que se declare de nuevo, con una mamá falsa, o sea que son como de las cosas a las cuales la gente se ven obligado muchas veces a recorrer y yo le aconsejé que no piense ni siquiera en esa opción porque es una opción que no le favorece. No, no le va a favorecer porque aparte de que es un fraude es como desconocer tu raíces.

N: Y otra pregunta que tengo es con respecto a “en transito”. Porque yo me quedo confundida si esa definición se ha cambiado de *10 días* a *inmigrantes irregulares* – en que año ha pasado eso?

A: En el 2010, en la constitución del 2010. Primero la ley de migración del 2004 modifíco el termino de transito a irregularidad. Equiparo transito con irregularidad. Todos migrantes que están en condición irregular para los fines de la ley de migración están en transito. Eso era inconstitucional, verdad? Porque la constitución decía otra cosa. Entonces los que hicieron fue en 2010 en la modificación constitucional que hicieron introdujeron la categoría de irregularidad y equipararon también con transito. Entonces la constitución del 2010 dice que están exento de la nacionalidad dominicana todo aquel extranjero que esta en condición de irregularidad y como la ley de migración dice que irregularidad iguala transito entonces todos los extranjeros en condición irregular en la republica dominicana están en situación de transito.

N: A partir de 2010.

A: Si. Bueno desde el 2004 realmente pero que sucede entonces? Esa interpretación es la que han utilizado para no reconocer la nacionalidad de los hijos de extranjeros que nacen en el país que están irregulares. Porque dicen, bueno, si tu eres irregular tu estas en transito. Si tu estas en transito tus hijos no tienen derecho a la nacionalidad porque hay restricciones para los hijos de personas en transito. Entonces es una aplicación retroactiva a la ley sobre como se obtiene la nacionalidad.

N: Queda mas claro ahora. Otra duda que tengo es, esas personas que son naturalizados por la ley 169 –

A: Todavía no han sido naturalizados

N: Ninguno?

A: No. La ley les ha regularizado. La naturalización – porque hay mucha confusión. El mismo estado dice que son pero no son naturalizados. Ellos van a optar por la naturalización después de haber completado los dos años de haber sido regularizado. No hay ninguno naturalizado todavía.

N: Eso es el grupo B

A: B

N: Y el grupo A ya algunos han obtenido su documentación?

A: Bueno, si. En cuanto al grupo A si. Pero nosotros no lo vemos como una naturalización.

N: No, no, claro. Me he equivocado con la palabra.

A: Si. A los que le han devuelto sus documentos.

N: A esas personas – han tenido experiencias – si ellos tienen hijos ellos mismos, si tienen problemas obteniendo la nacionalidad?

A: Obteniendo la nacionalidad no te puedo decir, pero si para el tema de la declaración. Porque hemos tenido diversos casos de personas que no han podido declarar a los niños a pesar de que ya tienen la cedula.

N: Porque dicen...

A: Bueno, sucedieron muchas cosas. Primero tardanzas por parte de las oficialías, del sistema y luego tenemos varias experiencias como en el caso de mujeres que cuando fueron a dar a luz en los hospitales no tenían la cedula. Solo tenían la constancia de cedula o tenían el acta de nacimiento. Y por tanto a la hora de salir por sus bebés del hospital, en el hospital de manera arbitraria, se le dio a ellas un documento rosado de extranjero al niño. Porque la mamá no tenía cedula. Entonces ahora que la mamá ha conseguido la cedula los niños tienen un documento de extranjero, un certificado vivo de extranjeros, y por tanto no han podido entonces realizar la declaración. Porque una persona con cedula dominicana no puede declarar a un niño que supuestamente es extranjero. Entonces hay mucha dificultad para hacer esas modificaciones a nivel de los hospitales y eso ha limitado que muchas madres declaren a sus hijos.

N: De hecho sería imposible que una mamá dominicana tiene...

A: ... un niño extranjero nacido en el mismo país... buena pero esas irregularidades se han dado. Y tenemos varios casos así.

N: Y con respecto al grupo B tu mencionaste que después de dos años pueden optar por la naturalización. Eso ya sería en este momento para algunos verdad?

A: A final de año ya completarían los dos años.

N: Ah ok. Y entonces dicen que quieren optar por la naturalización o como funciona?

A: Todavía no sabemos porque ni siquiera el gobierno no tiene previsto como va a ser ese proceso. Porque si ellos pretenden los que los muchachos, los beneficiados de la ley del grupo B, lo hagan a través del procedimiento ordinario que hay de naturalización, va a ser muy difícil, si lo hacen con el procedimiento normal. Porque el procedimiento normal es para extranjeros. Tendrían que tener un documento que dicen cuando llegaron al país. Y estos muchachos no tienen ningún documento de cuando llegaron al país. Tendrían que tener un documento de país de origen. Y cual es el país de origen de la gente que se sometió al grupo B? O sea, el país República Dominicana les ha dado un documento que dice que son extranjeros, que son haitianos, pero realmente no son de origen haitiano. Ellos no vienen de Haití. No tienen un pasaporte que dicen que son de Haití. Cuando esas personas entraron al país? Cuando? Tu para tu naturalizarte tu tienes que llevar tu pasaporte o tu documento de entrada y mostrar en migración toda una serie de documento de que

cuando tu entraste, de tu nacionalidad, y todo lo demás, pero esto muchachos en el caso de ellos no tienen nada de esto. Entonces si no se crea un mecanismo especial para que estas personas obtengan la naturalización, si es con el proceso que esta ordinalmente va a ser muy difícil. Entonces eso todavía no está diseñado.

N: Y tu tiene una prevista o alguna idea de cómo van a hacerlo?

A: No, no. O sea todavía no sabemos como lo van a hacer pero si como grupo tenemos que incidir, tenemos que hacer presión para que se defina un mecanismo. Porque como tu bien dijiste a final de año ya hay personas que cumplen los dos años. Entonces tendrían que iniciar un proceso para obtener la naturalización. Como lo van a hacer no sabemos.

N: Y cuales son tus expectativas como va a ser tratado el tema en la política después de las elecciones? Porque lo que he notado yo es que ahora están como... como que si no existía.

A: Si, ahora no hay forma de imponer el tema, de hablar del tema, porque todo se esta muy concentrada en política. Pero yo espero que después de las elecciones podamos dar un impulso mayor a este tema. Y tenemos obligación de hacerlo y el estado tiene la obligación de hacerlo porque como ya dijimos hay personas que cumplen los dos años y se le vence el documento. Entonces que va a pasar? Entonces en dos meses en este año ya se cumple. Que va a pasar con esas personas? Van quedar en condición de irregularidad porque sus documentos se habrá vencido. El estado tiene que buscar una solución. Y nosotros como organizaciones, como grupo que defendemos los derechos humanos, tenemos que presionar para que esto suceda. Porque las personas tienen que tener algo. Además yo pienso que a nivel internacional también se puede hacer, porque el gobierno comprometió su palabra a nivel internacional.

N: Si, lo tienen escrito que..

A: Claro, dijo, el comprometió que en dos años, estableció una ley que la gente va a pasar por ese camino, que dentro de dos años iba a resolver – vamos a ver. No vamos a quedarnos de brazos cruzados – vamos a accionar! Tu me entiendes? Porque si nos quedamos de brazos cruzados el gobierno no va a hacer nada. Si eso esta el mismo gobierno que permanece no va a hacer nada, porque este gobierno funciona en la medida en que tiene presión. Si no hay presión por uno u otro lado no hace nada.

N: Y bueno la ultima pregunta que tengo – tu trabajas con un tema medio difícil...

A: Muy difícil, no es medio difícil, es el tema mas difícil a nivel nacional. Bueno este y el tema de LGBT son los dos temas mas difíciles de tratar, de trabajar y incluso de defender a nivel nacional.

N: Vamos a decir difícil entonces. Cuales problemas has tenido representar a este grupo. O sea, algunos peligros que ...

A: Bueno de todo un poco. O sea, de todo un poco. De presión, desde amenazas físicas como amenazas a través de las redes sociales, intentos de desacreditación, confrontaciones directas con el presidente de la Junta Central Electoral, o sea, de todo un poco.

N: Y viene de todos los lados?

A: De todos los lados. Incluso confrontaciones a veces hasta con las mismas organizaciones que trabajan el tema por visiones diferentes. O sea, no todo es color de rosa. No es un trabajo de defender y defender con todo el apoyo, no. Si no de que

están los conservadores que entienden que uno no debería de estar hablando, de que cada vez que uno sale del país hablar de este tema. Como te digo, es un riesgo porque muchos pretenden que defendamos el derecho pero nada mas en lo local. Pero que sucede, que si no salimos de aquí no se nos escucha. Lo poco que se ha logrado se ha logrado por la lucha nuestra a nivel interno y a nivel externo se han hecho ecos de lo que nosotros hemos denunciado. Pero si no tenemos personas que hagan eco de lo que decimos aquí no se va a hacer nada sencillamente. Porque duramos muchísimos años luchando, demandando, y nunca se hizo nada.

N: Hasta que se escuchó por afuera.

A: Hasta que salió la sentencia (168). Y la sentencia magnifico lo que estaba sucediendo. Y permitió que el mundo entendiera lo que estábamos durante muchos años explicando y nadie quería escucharnos. Y el presidente nunca nos escuchó. Nunca nos abrieron la puerta, nunca nos invitaron a entrar, a sentar, a discutir, a buscar alternativas – hasta que salió la sentencia. Ya con la sentencia quedó muy evidente, no hubo forma de negar lo que estábamos diciendo. Entonces eso obligó a que organismos internacionales, embajadas, personalidades se sentaran con nosotros diciendo “Ok, ahora si entendemos, porque la sentencia ha hecho esto y esto y...”. O sea, lo único bueno que tuvo la sentencia es que permitió abrirle los ojos a mucha gente que estaban negada rotundamente a entender los nosotros estábamos explicando.

N: Por lo menos una cosa buena.

A: Si, si, si. O sea, permitió poner a la luz la situación que estaba volviendo en República Dominicana. Y ya allí no hubo forma de negar.

N: No, eso quedó muy claro.

A: Muy claro. Por mas intentos que hace el estado dominicano de seguir negando... entonces ahora que hizo el estado. Bueno, dice “bueno, pero ya, la sentencia la sentencia”, como que le va a hacer la mano de que “es verdad que paso eso, pero es la ley. Entonces no hay nada que hacer”. No, como que no hay nada que hacer. Es vida, es dignidad, es derecho,...

N: La hicieron, la pueden cambiar.

A: Claro que si. Claro que si. Entonces, y eso claro, dificultó mucho mas la cosa. Porque ya allí, de hecho, anoche yo estaba en una circulación de un libro de la diputada Guadalupe Valdez, y ella retomó un poco el acompañamiento que nos dio como diputada como legisladora en todo ese proceso y fue muy triste ver como amenazaban a personas por el simple hecho de defendernos. Como tildaron (beschuldigen) como traidores de la patria a diputados, periodistas, diversas personalidades, por el simple hecho de estar en contra de una sentencia racista. O sea, y se hicieron pasquines (Schmähschriften), y se hicieron grandes concentraciones para decir “muerte a los traidores”. Fue una situación muy intensa que se vivió en República Dominicana durante ese tiempo. Si, o sea, durante mucho tiempo yo incluso tenia temor de salir porque... O sea, no dejé de salir nunca, pero tenia que tener mas cuidado porque no sabíamos... había una polarización muy tremenda en la sociedad. Entonces un grupo que estaba abiertamente a favor y otro que estaba abiertamente en contra. Entonces ...

N: Eso crea tensiones.

A: Claro. A nivel social. Y la gente que no entiende, o bueno los medios de comunicación jugaron su papel pero muchas veces tergiversaban (verfälschen/verdrehen) totalmente el problema. Todavía hoy, todavía hoy hay gente que creen que yo defiendo el derecho de los inmigrantes. Que yo estoy hablando no, yo no defiendo los derechos de los inmigrantes. Yo estoy defendiendo el derecho de dominicanos, de dominicanos de ascendencia haitiana. No es que yo no quiera defender el derecho de los inmigrantes pero yo entiendo que el problema yo tengo que centrarlo porque la gente entienda. Porque primero yo no soy inmigrante. Yo soy descendiente de migrantes. En verdad la realidad de los migrantes es una, pero ahora mismo los migrantes están mejor que nosotros. Llegamos a un punto en que los migrantes están mejor que nosotros. Tu sabes porque? Porque los migrantes saben de donde son y a donde pueden ir a buscar sus documentos. Nosotros estamos aquí. Somos de aquí pero es como que no fuéramos de aquí. Y tampoco somos de allá.

N: Esta peor.

A: Somos de aquí. No nos quieren reconocer aquí. No somos de allá y allá no nos van a reconocer. Y al final, y entonces como dice los compañeros “de donde soy?”, como que “a donde pertenezco?”. Si, eso ha acalado muy fuerte en el sentir de muchos, de los compañeros en los espacios donde hemos estado haciendo reflexión. Pero eso como quiera no ha dejado de uno saber y reconocerse de que uno es de aquí.

N: Uno lo sabe pero el estado no sabe.

A: Claro, el estado, no es que no sabe sino que quiere desconocer. Y decimos bueno, el vientre de una mujer no es territorio extranjero. Yo salí del vientre de mi mama que tuvo enclavado en un cañaveral trabajando aquí en la República Dominicana.

N: Eso no es territorio haitiano