

AN UNCERTAIN FATE

DOMINICANS OF HAITIAN DESCENT AT RISK OF
EXPULSION IN THE DOMINICAN REPUBLIC

AMNESTY
INTERNATIONAL



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DOMINICANS OF HAITIAN DESCENT AT RISK OF EXPULSION IN THE DOMINICAN REPUBLIC

“**No one can be expelled from the territory of the state of which he is a national”**

Article 22.5 of the American Convention on Human Rights



Liliana Nuel and her family, Province of Monte Plata, March 2014.

Cover photo: Dominican family of Haitian descent, Province of El Seybo, March 2014.

Liliana currently lives in fear in her own country. The 21 year-old Dominican woman was born and has lived all her life in the Dominican Republic (DR). She gave birth to three children there. But today, Liliana is wracked with fear whenever she leaves her house. She is constantly aware of the growing risk of being arbitrarily arrested, separated from her family, and expelled to a country that she does not even know.

This uncertain fate is shared by thousands of people in the Dominican Republic, people who, like Liliana and her children, were born there but happen to be of Haitian descent.

For many years, the DR has denied Dominicans of Haitian descent access to their identity documents. The consequences are dramatic for their daily lives and the enjoyment of their basic human rights: the denial of their documents makes it impossible for them to work in the formal sector, to access higher education, or to get married. They face obstacles to receive adequate healthcare services and to travel. They are left at the margins of Dominican society.

This situation reached a critical point when, in September 2013, the country's Constitutional Court delivered an outrageous judgement arbitrarily depriving tens of thousands of people, overnight, of their Dominican nationality. They were rendered stateless, left with no nationality.

Despite the fact that these people have been considered all their lives to be Dominican citizens, the judges decided to change the rules of the game for the acquisition of Dominican nationality for all of those people born in the DR after 1929. According to the new criteria, children of undocumented migrants born in the Dominican Republic had been wrongfully given Dominican nationality. The vast majority of those affected, like Liliana, are the descendants of migrants who came from Haiti, the neighbouring country with which the Dominican Republic shares the same Caribbean island.

“I have never been to Haiti. If tomorrow they send me there I won't know what to do or where to go. I'm afraid that one day they will send me there, without my kids.”
Liliana Nuel in conversation with Amnesty International, May 2015.

THE RISK OF EXPULSIONS

Over the last 18 months, the Dominican Republic has been carrying out a regularization process for undocumented migrants. During this time, the government announced a suspension of all deportations, but promised to resume full-scale deportations on 18 June. When this happens, thousands of Dominicans of Haitian descent will face the risk of illegal expulsions.

The Dominican Republic has a history of collective deportations through raids targeting communities composed of Haitian migrants and their descendants. Dominican deportation proceedings fall short of safeguards established under international law, including an individualized examination, respect for due process and the right to appeal.

Those deported are almost never given enough time to collect their belongings or

identity documents. Often they are separated from their families. Not infrequently, they are ill-treated by army or migration officers on their way to Haiti and have no recourse to any form of appeal.

Dominicans of Haitian descent currently face the danger of being trapped in the midst of an upcoming wave of mass expulsions from the Dominican Republic to Haiti. So far, the Dominican authorities have not guaranteed that Dominicans of Haitian descent will not be expelled from their own country.

Not only would expulsions have a dramatic impact on the lives of individuals, uprooted from the only country they know and sent to an unknown land – it could also degenerate into a regional humanitarian crisis. Most at risk are those who lack of any form of documentation in the Dominican Republic. If sent to Haiti, with no proof of their birth in the Dominican Republic, they will face major challenges in securing their return to their homeland.

INTERNATIONAL STANDARDS

The Dominican Republic, like any other state, has the sovereign right to exercise authority over its borders and regulate the entrance and presence of foreign nationals. However, the way in which these powers are exercised must comply with international law and standards. Sovereignty is conditioned by the obligations that the Dominican state has assumed by ratifying international human rights treaties, as well as by customary international law.

Every individual is entitled to protection against arbitrary or collective deportation. This right is guaranteed in Article 13 of the International Covenant on Civil and Political Rights and Article 22 of the American Convention on Human Rights, to which the Dominican Republic is a State party. In addition, mass deportation may amount to a crime against humanity, as set out in the Rome Statute of the International Criminal Court. Moreover, nationals can never be expelled from their own country.

Any deportation decision must be assessed on an individual basis and provide due process protections. In cases of mass deportations, there is a presumption that the deportation is tainted with discrimination and arbitrariness, and therefore is unlawful. It is inherently arbitrary because, among other things, it is impossible to tell whether legal residents and even Dominican nationals are among those expelled. Its collective nature also makes it virtually impossible for the state to provide the necessary procedural guarantees.

Collective deportations also contravene the Protocol of understanding on the mechanisms of repatriation agreed by the Dominican and Haitian governments in December 1999. Where the Dominican Republic has expelled Dominicans of Haitian descent, it is obliged to allow their immediate and unconditional return.

**“No one shall be arbitrary deprived of the right to enter his own country.”
Article 12.4 of the International Covenant on Civil and Political Rights**

“In the Dominican Republic there was a systematic pattern of deportations based on discriminatory concepts, including collective deportations or proceedings that did not include an individualized examination.”

The Inter-American Court of Human Right in the judgement “Expelled Dominicans and Haitians vs. Dominican Republic”, August 2014.

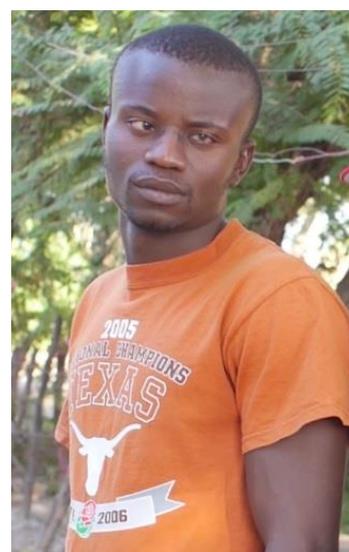
EXPULSIONS ALREADY UNDERWAY

Since the beginning of 2015, Amnesty International has documented several instances of arbitrary expulsions to Haiti of Dominicans of Haitian descent.

On 27 January, migration officials arrested 30 Dominican-born children who were travelling with their Haitian mothers. The authorities ordered their immediate expulsion to Haiti. The authorities did not examine their cases individually, and therefore the children’s families were not able to challenge the legality of their detention or appeal the decision.

On 19 February, Wilson Sentimo, a young Dominican man of Haitian descent born in 1989 in the Dominican city of Esperanza was arbitrarily arrested during a military raid because he did not hold a Dominican ID card. Wilson holds a Dominican birth certificate but has for years been denied his Dominican ID card. When he explained that he was Dominican, officers told him he was “Haitian” and expelled him to Haiti on the same day with no due process.

The 30 children and their mothers, and Wilson Sentimo were only able to return to the Dominican Republic following the intervention of local NGOs and international pressure.



Wilson Sentimo, December 2014, © Private.

Amnesty international is a global movement of more than 7 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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Deportations of alleged undocumented Haitian migrants by the Dominican army, March 2015, border of Belladère/Elias Piña, © Thierry Dutoit

TAKE ACTION NOW!

PLEASE WRITE TO THE DOMINICAN AUTHORITIES CALLING ON THEM TO:

- **Respect international law and standards at all time during deportation proceedings, in particular by ensuring individualized examinations of each case are carried out with respect for due process before a judicial authority, including the right to appeal;**
- **Establish adequate mechanisms to avoid the expulsion of Dominican-born people who were deprived of their Dominican nationality in September 2013, including a specific screening process targeting Dominicans of Haitian descent;**
- **Allow the immediate and unconditional return to the Dominican Republic of any expelled Dominicans of Haitian descent.**

PLEASE SEND APPEALS TO:

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Presidente de la Republica
Palacio Nacional
Santo Domingo
Dominican Republic
Fax: +1809 682 0827
Email: prensa2@presidencia.gob.do
Twitter: @PresidenciaRD

Director of Migration
Mayor Genera Ruben Dario Paulino Sem
Dirección General de Migración
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