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Amnesty International ends visit to the Dominican Republic: further actions needed to protect Dominicans of foreign descent

Amnesty International carried out a visit in the Dominican Republic from 14 to 27 June 2015, with the aim of assessing the situation of people who were deprived of their Dominican nationality by the ruling 168-13 of the Constitutional Court. The visit also aimed at advocating with the Dominican authorities to avoid the expulsions of those people and other human rights violations.

Amnesty International thanks the Dominican authorities for their availability to meet with the organization's delegates, to provide information and to engage in a constructive dialogue.

Amnesty International has documented for years the human rights violations occurring in the Dominican Republic as a consequence of the deprivation of identity documents that has left thousands of people in a legal limbo affecting their lives in multiple ways and preventing them to exercise their human rights. Amnesty International acknowledges that Law 169-14 has sought to provide for a solution to a number of Dominican-born people of Haitian descent who had been denied for years of their identity documents, including those made stateless by the 2013 Constitutional Court ruling.

However, such solution for people born in the Dominican Republic to undocumented foreign parents and whose birth were at some points registered (so-called group A) has come at a very slow pace and through a process that in many occasions lacked clarity and transparency both for the affected people and the general public. Despite the adoption of law 169-14, Amnesty International still documented cases of dozens of people whose rights have been neglected or severely affected due to the state's refusal to provide them with the identity documents they are entitled to.

Amnesty International welcomes the announcement on 26 June 2015 by the Central Electoral Board that 55,000 people from so-called group A would now be able to access their identity documents. It is important to note, however, that until 22 June Amnesty International still witnessed and documented the persistence of bureaucratic obstacles and procedural hurdles that prevented affected people to

obtain or re-access their identity documents in several communities. The authorities should allow a process of thorough monitoring that fully includes the participation of civil society organisations to be able to confirm that the affected population of so-called group A receive all their identity documents, are able to register their children and have all their citizenship rights fully granted.

Amnesty International is concerned that many of the people included in the list of the 55,000 will have their birth certificates transcribed in a separate civil register, (*"libro de transcripción"*), which is not a well-defined mechanism in the law and could translate in future acts of arbitrariness. Furthermore, given that affected people who need to register their children will now have to go through a longer process than if they had been able to register them within 60 days from their birth, the Dominican authorities should provide adequate legal and financial support to those families in order for them to be able to carry out this registration process, especially considering that the delay in registration is imputable to the state.

As far as people from so-called group B (people born in the Dominican Republic to undocumented foreign parents and whose births had never been registered) are concerned, Amnesty International notes that many of the 8,755 people who applied to the naturalization plan under law 169-14 do not seem to have received a final response to their applications after 5 months since the expiration of the plan.

While their situation remains uncertain, Amnesty International is mostly concerned by the fate of those who were not able to enroll in the naturalization plan under law 169-14.

Dominican authorities interviewed by Amnesty International do not seem to acknowledge that many people were left out from the naturalization process established by law 169-14 and deny that the vast majority of people in such group remain stateless, unless they have acquired another nationality.

Amnesty International interviewed dozens of people who did not enroll in the naturalization plan due to several reasons, including unawareness of the process, lack of resources to pay for the requested documents, inability to apply within the deadline, and the impossibility to obtain their parents' identity documents – a requisite not foreseen by the law and its implementing regulation but nevertheless imposed by most application units.

Following the expiration of the deadline set up by law 169-14 on 1 February 2015, there is currently no legal recourse for people under group B who could not apply to re-access their Dominican nationality and to obtain identity documents,

essential for the exercise of several human rights, including access to higher education, adequate medical care and formal employment.

This group represents one of the most vulnerable and marginalised population living in the Dominican Republic. Most of these people live in extreme poverty in remote rural communities, and are at risk of violence and exploitation. Because of their undocumented status, they are unable to improve their socio-economic situation and to register their own children. Amnesty International documented families composed of three generations of undocumented people of Haitian descent. In some parts of the country, Amnesty International documented cases where hospitals denied the issuance of the proof-of-birth certificate to babies born there, which automatically prevents the declaration of birth of those babies, born of Haitian mothers or Dominicans mothers of Haitian descent.

While Dominican authorities have provided clear assurances that people belonging to group A and those from group B who applied under law 169-14 will not be expelled, the situation of those from group B who could not enrol to the naturalisation plan and therefore continue to be undocumented still remains uncertain ahead of the deportation operations due to start soon.

Dominican authorities have ensured to Amnesty International that no massive deportations will take place. The authorities committed to assess each case individually and to respect due process. They have explained that, if intercepted by migration officers or detained, people from group A and group B who applied under law 169-14 will be easily identified and protected from expulsion. According to the authorities, undocumented people claiming to have been born in the Dominican Republic, if intercepted or detained by migration officers, will have to demonstrate that they were born in the country by going through an interview process.

Amnesty International is urging the Dominican authorities to:

- Promptly expedite the issue or renewal of identity documents to all people whose names have been published by the Central Electoral Board on 26 June and ensure that all their children are promptly registered, including by providing legal and financial support to families for this purpose;
- Ensure that nobody born in the Dominican Republic, whose names are not included in the list provided by the Central Electoral Board, is in the future deprived of or denied their identity documents on the basis of their parents' ancestry or migration status;
- Eliminate practices which prevent the declaration of birth of people of Haitian descent, and in particular the children of people pertaining to groups A and B;

- Promptly provide valid documents to the 8,755 people from so-called group B who applied to the naturalisation plan, enabling them to apply for the Dominican nationality within two years;
- Acknowledge the existence of a number of people from so-called group B who could not register under law 169-14 and who, in the majority of cases, are stateless, unless they have acquired another nationality;
- Put in place adequate and effective measures to ensure that people who have been rendered stateless can be identified (taking into account that families belonging to this group live in very remote areas, have very limited financial resources and have limited access to mass media) and have access to claim their Dominican nationality;
- Establish transparent, clear and fair procedures to screen and protect from expulsion people born in the Dominican Republic to undocumented foreign parents, in particular those lacking any identity document, and make them public;
- Maintain the prohibition of mass deportations and ensure that each case is individually assessed and due process is respected;
- Review all relevant legislation in order to ensure that deportation orders are issued through a judicial procedure and that every person at risk of being deported is granted with the right to appeal the deportation order;
- Grant access to the detention centres to national human rights organisations and international observers;
- Allow for national human rights organisations and international observers to thoroughly and closely monitor the deportation operations;
- Establish accountability mechanisms, and strengthen those already in place, to ensure that all migration officers and members of the security forces involved in the deportation operations comply with due process and respect human rights, and that allegations of human rights violations are thoroughly and independently investigated.