



# ‘WHERE ARE WE GOING TO LIVE?’

MIGRATION AND STATELESSNESS IN  
HAITI AND THE DOMINICAN REPUBLIC

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**Cover photo:** *Viergemene Toussaint and her family, Parc Cadeau 2, April 2016. Viergemene was deported from the Dominican Republic despite having registered under the regularization plan. Her husband and eight children, all born in the Dominican Republic, followed her in Haiti a few days later.*

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## EXECUTIVE SUMMARY

In December 2013, the Dominican Republic set out an 18-month National Regularization Plan for Foreigners with Irregular Migration Status aimed at foreigners who had migrated to the Dominican Republic. In the same month, the government announced a suspension of all deportations, but promised to resume full-scale deportations immediately after the expiration of the plan, on 18 June 2015.

The possibility of mass deportations of Haitian migrants and the widely-feared expulsion of Dominicans of Haitian descent captured the attention of the international community and the media, and led to increased tensions between Haiti and the Dominican Republic.

Following the expiration of the regularization plan, the Dominican authorities explicitly committed not to expel anybody who could prove that they had been born in the Dominican Republic. They also promised that each case would be assessed individually following due process and that people born in the country would be screened and protected from expulsion.

Haitian authorities publicly expressed the government's commitment to treat Haitian nationals coming from the Dominican Republic appropriately but also said were not unduly concerned by the possible expulsion of Dominicans and stateless people.

### KEY FINDINGS

- Since the end of the regularization plan, the Dominican Republic has been deporting migrants at a sustained pace. In addition, several thousands of people returned "spontaneously" to Haiti, in many cases after having received threats or having been pressured to leave the country.
- Conclusive figures of people deported, expelled or who have "spontaneously" returned are not available. According to partial statistics collected by the IOM and Haitian civil society organizations, 40,000 people were deported from the Dominican Republic to Haiti until 26 May 2016, while at least another 66,000 returned "spontaneously".

### A HUMAN RIGHTS CRISIS FORETOLD

- More than 2,000 people who have been deported, expelled or returned "spontaneously" settled in six make-shift camps close to the southern Haitian border town of Anse-à-Pitres. The living conditions in the camps are dire, with no or limited access to services such as water and sanitation, healthcare and education. Most shelters are tents made of cardboard, branches, pieces of clothing and other discarded materials. Several cases of cholera have been reported in the camps.
- Humanitarian assistance provided to camp population in Anse-à-Pitres has been limited. It was only in mid-February 2016 that IOM, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and Haitian authorities announced a joint plan to relocate all families living in the camps towards the areas of their choice. Families are provided with rental subsidy to rent an accommodation for one year. According to IOM, by 6 May 2016, 576 families had been relocated using the rental subsidy.

- While the relocation plan is a good first step, experience with resettlement as a part of post-earthquake response in the country has shown that it is crucial to complement the relocation plan with more durable interventions for both the relocated families and the receiving communities. At the time of writing, Haitian authorities, national and international humanitarian and development organizations were discussing specific interventions to enhance access to healthcare, education and water for the relocated families and the communities where the people have settled but limited funding and weak engagement by local service-providers risked hampering those initiatives. Very few humanitarian organizations had put forward proposals for livelihood programs for the relocated families.

#### DEPORTATIONS AND RETURNS OF HAITIAN MIGRANTS

- There have been improvements in the way deportations are being carried out since the end of the regularization plan. These include, for example, the fact that the General Directorate of Migration now generally delivers a list with names and general data of the people being deported to Haitian migration authorities at the time of the deportation.
- However, Amnesty International, along with Haitian human rights organizations working in border areas, have documented a number of patterns that indicate a failure by Dominican authorities to respect safeguards established under international law against arbitrary deportations. For example, none of the people interviewed by Amnesty International were served with a deportation order nor had the chance to challenge the legality, necessity and proportionality of detention nor were offered legal aid.
- As a consequence of the failure to systematically implement procedural safeguards, in some cases people who might have had a case against deportations, including those who had applied to the regularization plan, unaccompanied children and parents of children entitled to the Dominican nationality, have been deported.
- The Haitian authorities' capacity to receive and assist the people being deported or returning "spontaneously" from the Dominican Republic seems to have been extremely limited and insufficient.

#### DOMINICANS OF HAITIAN DESCENT

- A number of Dominicans of Haitian descent have been caught up in the movement of people from the Dominican Republic to Haiti following the end of the regularization plan in June 2015. The majority of these individuals are children of Haitian migrants who returned "spontaneously", but who themselves are entitled to Dominican nationality. Others were expelled by the Dominican Republic contrary to international law.
- Data provided to Amnesty International by IOM show that, by early April 2016, 1,625 people who stated that they were born in the Dominican Republic before 26 January 2010 were expelled. Amnesty International is not aware of how many of those cases were verified as people being effectively entitled to the Dominican nationality. Regardless of the number, Amnesty International is concerned that deportation procedures are failing to protect Dominicans of Haitian descent from expulsion.
- In the Anse-à-Pitres camps, Amnesty International interviewed six individuals who stated they had been expelled despite being entitled to Dominican nationality. None of them had a Dominican birth certificate or had been able to apply to the naturalization plan set up by Dominican authorities between July 2014 and January 2015. All of them reported that they had been either expelled shortly after their arrest or after being held in a detention centre. In both cases, no checks seem to have been made to verify their birth in the Dominican Republic.

- The expulsion of a person born in the Dominican Republic often means that their children, also born in the Dominican Republic, have to go to Haiti in order to be able to stay with their parents. Two generations are therefore eradicated from their country of birth.
- The Dominican authorities have failed to acknowledge that Dominicans of Haitian descent have been expelled. This translates into a lack of formal mechanisms allowing for people who have been wrongly expelled to be formally readmitted and to claim reparations. As a consequence, expelled Dominicans of Haitian descent who wish to return to the Dominican Republic most often do so by their own means or once Haitian and Dominican human rights organisations manage to establish contact with their families in the Dominican Republic.
- Haitian authorities have not developed any specific measure to deal with the situation of Dominicans of Haitian descent who have been expelled or have arrived in Haiti, including those who are stateless. In particular, they have failed to negotiate a return protocol with the Dominican authorities to ensure that those who have been arbitrarily expelled or who fled to Haiti following threats and harassment can return promptly and be effectively protected. On the other hand, Haitian authorities have not taken measures to facilitate access to identity documents to those who are entitled to Haitian nationality and would like to settle in Haiti.

## KEY RECOMMENDATIONS

### **The Dominican authorities must:**

- Ensure that each case of suspected irregular migrants is individually assessed; that all deportees receive deportation orders in writing; that all deportation orders include information on their legal basis and its application to the individual's personal circumstances; that each deportee has the right to challenge the deportation order before an independent court of law, with suspensive effect.
- Establish transparent, clear and fair procedures to screen and protect Dominicans of Haitian descent from expulsion, in particular those lacking any identity documents, and make these procedures public.
- Allow the immediate and unconditional return to the Dominican Republic of any expelled Dominican of Haitian descent who wishes to do so and provide them with access to effective remedies and adequate reparations for the human rights violations they have suffered, as well as with identity documents if they had not yet been able to access them.

### **Haitian authorities must:**

- Systematically register people "spontaneously" returning or being deported from the Dominican Republic and document the reasons and the circumstances of their arrival.
- Increase the financial and technical capacities of the relevant authorities in order to provide returnees with immediate assistance and protection, with special attention to unaccompanied children and marginalized groups.
- Register people born in the Dominican Republic who have been expelled or arrived spontaneously, and identify those who are stateless or at risk of statelessness.

- Facilitate official settlement in Haiti and access to identity documents to stateless people born in and expelled from the Dominican Republic who wish to remain in Haiti.
- Facilitate, including through dialogue with the Dominican authorities, the return to the Dominican Republic of people born in the Dominican Republic and entitled to Dominican nationality who wish to do so.

**International organizations and donors must:**

- Encourage and support the Dominican Republic in respecting international law and standards in relation to deportations and the prohibition of expelling its own nationals.
- Support both the Dominican Republic and Haiti to identify stateless people living in their territories and find appropriate solutions according to the people's wishes.
- Support Haitian authorities in the design and implementation of livelihood and access to essential services programmes for people living in camps in Anse-à-Pitres, those who have been relocated from these camps, as well as for the local host communities. All such assistance should be planned and implemented in consultation with affected people and Haitian civil society organizations.

## METHODOLOGY

Approximately ten months after the expiration of the deadline of the regularization plan, Amnesty International carried out a visit to the Dominican-Haitian border to research the situation of those people who have been deported or who have arrived in Haiti from the Dominican Republic, with a special focus on Dominicans of Haitian descent.

In particular, in April 2016 Amnesty International visited the border posts of Anse-à-Pitres/Pedernales, Malpasse/Jimani and Belladère/Elias Piña. Representatives of the organization also interviewed scores of people who had been deported or expelled or who had arrived in Haiti "spontaneously" from the Dominican Republic. These people were living in three makeshift camps in proximity to Anse-à-Pitres. Before, during and after the visit, Amnesty International held meetings and discussions with Haitian and Dominican human rights organisations, representatives of intergovernmental organisations in Haiti and relevant Haitian authorities (the director of the National Office for Migrations and the Secretary General of the south-east delegation). However, the political crisis in Haiti and the fact that an interim government had been appointed only a few days before Amnesty International's delegation arrived in Haiti made it difficult for the organization to interview relevant Ministers and other authorities.

# 1. THE RESUMPTION OF DEPORTATIONS

In September 2013, the Dominican Constitutional Court issued judgement 168-13, which stated that children born in the Dominican Republic to foreign parents who did not have regular migration status had never been entitled to Dominican nationality. The judgement was applied retrospectively to people born since 1929 and it disproportionately affected Dominicans of Haitian descent. It constitutes a retroactive, arbitrary and discriminatory deprivation of nationality.<sup>1</sup>

Among a number of other measures, the judgement ordered the National Migration Council to prepare a long overdue "national plan for the regularization of irregular foreigners living in the country". As a consequence, on 29 November 2013, the President of the Republic signed the decree No 327-13 establishing an 18-month regularization plan.<sup>2</sup> The decree declared a moratorium on deportations of irregular migrants for the duration of the plan.<sup>3</sup>

In the weeks before the deadline for applying under the plan, set at 17 June 2015, the Dominican authorities announced that deportations of irregular migrants would resume from 18 June.

Before the moratorium, the Dominican Republic had a history of collective deportations through raids targeting communities of Haitian migrants and their descendants. Dominican deportation proceedings were known to fall short of safeguards established under international law, including the right to individual examination, respect for due process and the right to appeal.<sup>4</sup>

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<sup>1</sup> For a human rights analysis of the ruling and its implications, as well for an analysis of the measures adopted by the Dominican authorities to mitigate the ruling's impact, see Amnesty International, *Without papers I am no one – Statelessness in the Dominican Republic*, November 2015, (Index AMR 27/2755/2015), <https://www.amnesty.org/en/documents/amr27/2755/2015/en/>

<sup>2</sup> The plan was aimed at all foreigners who had migrated to the Dominican Republic before 19 October 2011 (the date on which the implementing regulation of the 2004 migration law entered into force) without regular migration status. Following a first preparatory phase, the second phase of the plan started in June 2014, giving migrants 12 months to apply for regularization. Applicants had to present an identity document of their country of origin, as well as documents proving their length of residence in the Dominican Republic, their connections with Dominican society and their labour and socio-economic conditions.

<sup>3</sup> Despite the moratorium established by the decree, Dominican and Haitian human rights organisations documented a number of deportations, including of people who were entitled to apply under the regularization plan and people entitled to the Dominican nationality.

<sup>4</sup> See for example Amnesty International, *A Life in Transit: the plight of Haitian migrants and Dominicans of Haitian descent*, 2007 (Index: AMR 27/001/2007). In August 2014, the Inter-American Court of Human Rights issued a decision in the case *Expelled Dominicans and Haitians vs the Dominican Republic*. The Court held that the Dominican Republic had violated several human rights when it collectively and arbitrarily expelled several Haitian migrants and Dominicans of Haitian descent between 1999 and 2000. The decision is available at [http://corteidh.or.cr/docs/casos/articulos/seriec\\_282\\_ing.pdf](http://corteidh.or.cr/docs/casos/articulos/seriec_282_ing.pdf)

In the weeks that preceded the expiration of the regularization plan fear mounted among Haitian migrants and their descendants that they could be deported in large numbers and made to suffer different sorts of abuses, as had happened in the past.

Moreover, Dominican, Haitian and international civil society organizations, including Amnesty International, expressed concerns that undocumented Dominican-born people who have a legitimate claim to Dominican nationality could be caught up in the deportation operations and expelled from their own country.<sup>5</sup>

The possible mass deportations of Haitian migrants and the feared expulsion of Dominicans of Haitian descent captured the attention of international media and became the cause of tense relations between Haiti and the Dominican Republic. In July 2015, the Organization of American States (OAS) sent a mission to both countries to assess the situation at the border and formulate recommendations to both governments.

At that time, the Haitian authorities recognized the Dominican Republic's power to deport irregular migrants living in its territory but insisted that a special protocol for such deportations be negotiated and agreed between the two countries, in order to ensure respect for and protection of the rights of the migrants and avoid expulsions of people with a right to Dominican nationality. The OAS mission formulated a similar recommendation.<sup>6</sup> However, Dominican authorities stood firm on their denial to negotiate such a protocol, considering the migration policy and its implementation mechanisms a matter for the Dominican state alone.<sup>7</sup>

While deportations did not officially resume until 14 August 2015, shortly after the regularization plan expired on 17 June there were reports from both the Dominican media and government authorities that high numbers of Haitian families irregularly residing in the Dominican Republic were "spontaneously" returning to Haiti.

Following the expiration of the deadline of the regularization plan, the Dominican authorities explicitly gave a commitment not to expel anybody who could prove that they had been born in the Dominican Republic. They also promised that each case would be assessed individually following due process and that people born in the country would be screened and protected from expulsion.<sup>8</sup>

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<sup>5</sup> Amnesty International, *An Uncertain Fate: Dominicans of Haitian descent at risk of expulsion in the Dominican Republic*, June 2015 (Index: AMR 27/1830/2015)

<sup>6</sup> Organization of American States, Report of the technical fact-finding mission on the situation in the border region between the Dominican Republic and Haiti, 29 July 2015, [https://www.oas.org/en/media\\_center/press\\_release.asp?sCodigo=S-030/15](https://www.oas.org/en/media_center/press_release.asp?sCodigo=S-030/15)

<sup>7</sup> Al Momento, "Gobierno RD cuestiona informe OEA; rechaza su intermediación en conflicto", 29 July 2015, <http://almomento.net/gobierno-dominicano-rechaza-informe-oea-y-su-oferta-de-medar-en-conflicto-con-haiti/122493>

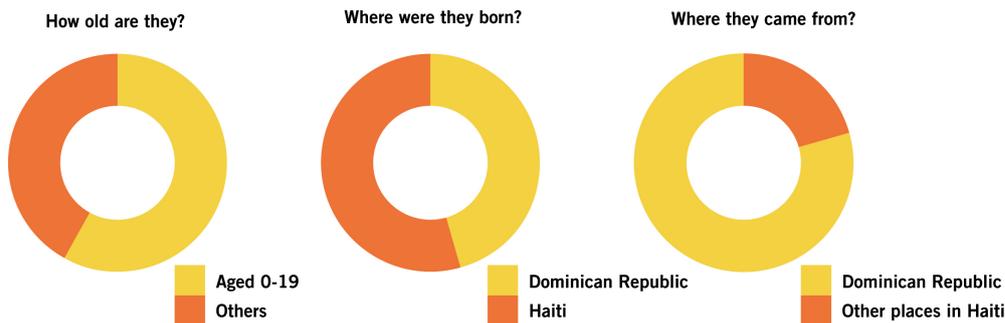
<sup>8</sup> Amnesty International's meetings with the Director of Migration and the Vice-Minister of the Presidency, June 2015.

## 2. A HUMAN RIGHTS CRISIS FORETOLD

A few months before the regularization plan expired, a few people deported from the Dominican Republic or who feared violence and persecution in the Dominican Republic started settling in makeshift camps close to the southern Haitian border town of Anse-à-Pitres. The town is located in a region that ranks among the poorest and most isolated in Haiti. The permanent population of Anse-à-Pitres and its surroundings has very limited access to services, including healthcare, water and education, and mostly depends on subsistence agriculture.<sup>9</sup> Moreover, the region has been harshly hit by a severe climate change-exacerbated drought<sup>10</sup> and consequent food insecurity.<sup>11</sup>

The numbers of camp residents suddenly increased from mid-June 2015 and new camps were created then. According to a census carried out by the International Organization for Migration (IOM), the Haitian Red Cross (Croix Rouge Haïtienne – CRH) and the Department for Civil Protection (Direction de la Protection Civile – DPC), in January 2016 544 households, corresponding to 2,203 individuals, were living in six makeshift camps.<sup>12</sup>

### THE PROFILE OF CAMP RESIDENTS



Source: IOM-CRH-DPC, January 2016

<sup>9</sup> For an overview of the socio-economic situation of Anse-à-Pitres, see <http://fr.ayitimounyo.org/association/contexte.html>

<sup>10</sup> The National Coordination for Food Security (CNSA) reported that Haiti faces the worst drought in the last 35 years. Several scientists and development organisations have highlighted the link between the current drought, the periodic climatic phenomenon known as El Niño and climate change. See for example Oxfam, *Entering uncharted waters – El Niño and the threat to food security*, 1 October 2015, [https://www.oxfam.org/sites/www.oxfam.org/files/file\\_attachments/mb-el-nino-uncharted-waters\\_1.pdf](https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/mb-el-nino-uncharted-waters_1.pdf)

<sup>11</sup> See for example IOM Haiti, *Haitian migrants returning from the Dominican Republic faced with drought, poverty and lack of opportunities*, 18 September 2015, <https://www.iom.int/news/haitian-migrants-returning-dominican-republic-faced-drought-poverty-and-lack-opportunities>;

<sup>12</sup> The camps are known as Tête à l'eau, Fond Jeannette, Parc Cadeau 1, Parc Cadeau 2, Savane Galata and Maletchpe. See IOM Haiti, *Anse-à-Pitres: profilage de la population rapatriée*, January 2016.

## THE PROFILE OF CAMP RESIDENTS

The IOM-CRH-DPC registration revealed that 58.3% of the camp population was aged between 0-19 years and that 45.7% stated that they had been born in the Dominican Republic.

While the vast majority of the camp residents had arrived from the Dominican Republic, the IOM-CRH-DPC registration showed that 18.6% stated that they had moved to the camps from other villages in Haiti. According to some Haitian and international organisations interviewed by Amnesty International, the situation of extreme poverty in which many people of the region live, aggravated by the severe drought and food insecurity, may have pushed people from surrounding villages to the camps in the hope of benefiting from some sort of humanitarian assistance.

Amnesty International representatives visited three camps (Parc Cadeau 1, Parc Cadeau 2 and Tête à l'eau) where they interviewed 145 residents. One hundred twenty people interviewed were born in Haiti, generally in the region where Anse-à-Pitres is located, and had lived for more than 10 years in the Dominican Republic, often in border areas. They were mostly working as farmers and, in the case of women, domestic workers. Twenty five individuals however stated that they had been born in the Dominican Republic.

Twenty five of those interviewed reported that they had been deported from the Dominican Republic, while one returned voluntarily after the deportation of his wife. The rest had come to Haiti and settled in the camps between June-July 2015 out of fear that they might be caught up in violent deportations. Dozens reported that they had heard rumours that Haitians would be killed and evoked the massacre of Haitians and Dominicans of Haitian descent ordered by the Dominican dictator Rafael Trujillo in 1937 at the border. Most residents of Tête à l'eau interviewed by Amnesty International were living in the same community in the Dominican Republic and decided to move as a group.

Many people interviewed described how they fled in a hurry taking only their children with them but leaving their belongings behind. Ten people interviewed decided to leave after having received specific threats or being harassed by neighbours or employers. Some people said that although their living conditions were better in the Dominican Republic, at least in Haiti they felt safe. All these findings are consistent with those outlined by a group of Haitian human rights organisations following a visit to the camps in February 2016.<sup>13</sup>

*My boss threatened to kill me and my child. When I wanted to take with me part of the crops I had farmed, he said he would cut my head off and bury it under a banana tree. So I took my children and came here with nothing.*

Marise, resident of Tête à l'eau

*I was born in Mencia, close to Pedernales [...] I came here in August 2015 after I heard people were intimidating those of Haitian descent to leave otherwise they were going to burn our houses... in my neighborhood the house of a person of Haitian descent was burnt down.*

Confidante, Dominican-born resident of Parc Cadeau 1

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<sup>13</sup> Report by various Haitian human rights organizations, *Situation des familles dans les camps d'Anse-à-Pitres au regard des droits humains, Rapport d'investigation des organisations de droits humains*, March 2016, page 5, <http://www.garr-haiti.org/index.php/rapports/file/16-un-rapport-presente-par-un-groupe-d-organisations-de-droits-humains-sur-la-situation-des-familles-qui-vivent-dans-les-camps-a-anse-a-pitres>

## LIVING CONDITIONS IN THE CAMPS

The camps sprung up spontaneously as families arriving from the Dominican Republic settled in privately-owned unoccupied plots of land near the border. Haitian human rights organisations reported that residents of the four biggest camps (Tête à l'eau, Fond Jeannette, Parc Cadeau 1, Parc Cadeau 2) created internal management and decision-making committees.<sup>14</sup> According to their findings, women's participation in such committees is limited, with the exception of Tête à l'eau.

The living conditions in the camps are dire. Some of the camps (Parc Cadeau 1, Parc Cadeau 2 and Maletchpe) are located in dusty and arid plots of land a few kilometres away from Anse-à-Pitres. The sites of Tête à l'eau and Fond Jeanette are situated uphill in more remote areas, where residents are exposed to rain and colder temperatures.

Most shelters in the camps visited by Amnesty International were tents built with cardboard, branches, pieces of clothing and other discarded materials. However, in Tête à l'eau, some residents had managed to build more resistant shelters using tins and, in a few cases, bricks. Most people sleep on the floor or on beds made with tree branches.



 Parc Cadeau 2, April 2016. ©Amnesty International

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<sup>14</sup> CE-JILAP and all, *Situation des familles dans les camps d'Anse-à-Pitres au regard des droits humains, Rapport d'investigation des organisations de droits humains*, page 8-9.

Access to water and sanitation infrastructure is extremely limited. The smallest sites (Maletchpe and Savane Galata) have no latrines, while Parc Cadeau 1, Parc Cadeau 2 and Fond Jeanette have only 2 latrines and Tête à l'eau has 12.<sup>15</sup> As documented by Haitian human rights organizations, up to February 2016 only Parc Cadeau 1 was equipped with a water tank provided by CRH, while residents of Parc Cadeau 2, Fond Jeanette and Tête à l'eau are forced to take water from nearby rivers and streams whose drinking quality is questioned by residents.<sup>16</sup> There is no waste management system in any of the camps and garbage is burnt in close proximity to the camps.

Humanitarian and human rights organizations have documented the existence of several diseases in the camps, such as diarrhea, frequent vomiting, skin infections, fever, and breathing problems.<sup>17</sup> As witnessed by Amnesty International, many children walk around naked and barefoot, increasing their vulnerability to diseases. Since cholera broke out in Anse-à-Pitres in October 2015,<sup>18</sup> at least 26 people were affected and 7 died, most of whom were living in the camps.<sup>19</sup> Access to health care facilities is limited, given that there are no health facilities in the camps or in proximity and that most people cannot afford medical care.

*My son died in November following a high fever. I had no money to bring him to the hospital. He was only 9 years old.*

Locita, resident of Parc Cadeau 2

Access to education is restricted, as there are no formal schools within the camps. According to Haitian human rights organizations, in Parc Cadeau 1 about 80 children were attending a school in Anse-à-Pitres run by a local clergyman, while the others were only attending

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<sup>15</sup> IOM Haiti, *Anse-à-Pitres: profilage de la population rapatriée*, January 2016

<sup>16</sup> CE-JILAP and all, *Situation des familles dans les camps d'Anse-à-Pitres au regard des droits humains, Rapport d'investigation des organisations de droits humains*, page 7-8.

<sup>17</sup> Mécanisme harmonisé d'évaluation de vulnérabilités (MHEV), *Rapport d'évaluation multisectoriel, Localité de Fond Jeanette*, September 2015 ; CE-JILAP and all, *Situation des familles dans les camps d'Anse-à-Pitres au regard des droits humains, Rapport d'investigation des organisations de droits humains*, page 8. Between October and November 2015, the Haitian human rights group GARR (Groupe d'Appui aux Rapatriés et Réfugiés), reported the death of a 25 year-old-man following a high fever and of a 10 year-old-boy who had suffered from fever and diarrhea. See GARR, *Décès d'un ressortissant haïtien au site Parc Cadeau II à Anse-à-Pitres*, 27 October 2015, <http://reliefweb.int/report/dominican-republic/d-c-s-d-un-ressortissant-ha-tien-au-site-parc-cadeau-ii-anse-pitres> ; *Alterpresse*, « Haïti-Rapatriements/ Droits Humains : Un enfant décède dans un camp à Anse-à-Pitres suite aux mauvaises conditions de vie », 10 November 2015, <http://www.alterpresse.org/spip.php?article19173#.Vw6qhvkrKUI>

<sup>18</sup> A cholera epidemic has been blighting Haiti since October 2010 and has killed more than 9,000 people. Several scientific studies found that UN peacekeeping troops from Nepal, which was suffering from an outbreak of cholera at the time, brought the disease with them to their assignment in Haiti. The UN has so far refused to ensure victims' right to remedy and reparations.

<sup>19</sup> GARR, *Plus d'une vingtaine de cas de choléra enregistrés à Anse-à-Pitres*, 12 November 2015, <http://reliefweb.int/report/haiti/plus-d-une-vingtaine-de-cas-de-chol-ra-enregistr-s-anse-pitres-sp-cial>



 School in Parc Cadeau I. Parc Cadeau I, 2016. ©AmnestyInternational

informal educational activities organized by some camp members.<sup>20</sup> In Tête à l'eau, some residents told Amnesty International that their children continued to attend school in the Dominican Republic.<sup>21</sup>

Most people interviewed by Amnesty International complained about the lack of employment opportunities and income-generating activities in the area. A few reported continuing to slip into the Dominican Republic irregularly to farm, but the majority said there was nothing for them to do there. Hunger was a common complaint among interviewees.

*"I don't do anything here. I spend all day sitting in the dust"*

Yanic, resident of Parc Cadeau 1

*"I came here to suffer misery. Only a few times people have come to give us food. We are constantly hungry"*

Prenelis, resident of Tête à léau

According to OCHA, concerned about the creation of pull-factors, national and local authorities did not encourage the deployment of fully-fledged humanitarian operations in the camps.<sup>22</sup> The humanitarian assistance provided has been therefore limited and often on an ad-hoc basis.

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<sup>20</sup> CE-JILAP and all, Situation des familles dans les camps d'Anse-à-Pitres au regard des droits humains, Rapport d'investigation des organisations de droits humains, page 9.

<sup>21</sup> This was also reported by Haitian human rights organisations in their March 2016 report (see the previous footnote for reference). The camp in Tête à l'eau is located very closely to an unofficial border crossing point. Children going to school in the Dominican Republic cross the border unofficially and Dominican soldiers generally let them cross if they are wearing a school uniform.

<sup>22</sup> Amnesty International's meeting with OCHA, April 2016.

## THE RELOCATION PROGRAM

For several months, Haitian authorities failed to take leadership in finding a solution for people living in the camps.

It was only in mid-February 2016 that IOM, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and Haitian authorities announced a joint plan to relocate all families living in the camps towards the areas of their choice. The program follows the same methodology used to relocate internally displaced families from the Port-au-Prince camps following the 2010 earthquake.<sup>23</sup>

According to this scheme, families who had a tent in the camp at the time of registration are allocated a rental subsidy to rent an accommodation for one year and a transportation allowance to move to the selected destination. IOM, which is the implementing agency, visits the chosen accommodation beforehand to ensure its compliance with its own minimum standards, and pays the rent directly to the landlord. If the rent is lower than the allowance, the relocated family can keep the rest of the money.<sup>24</sup>

When Amnesty International visited Anse-à-Pitres, the relocation of some families had already begun. By 6 May 2016 IOM had made relocation payments to 576 families.<sup>25</sup> According to IOM, the vast majority of people entitled to receive the rental subsidies had chosen to remain in Anse-à-Pitres or to be relocated to villages within the same region.<sup>26</sup>

While many of the residents interviewed in Parc Cadeau 2 had already started looking for houses to rent, the majority of people interviewed in Parc Cadeau 1 had heard about the relocation program but did not seem to have much information about when they would be able to leave the camp and under which conditions.

Many residents of Tête à l'eau indicated some unease about the program, complaining that it is only a temporary solution and that with no additional support to access income-generating activities they would not be able to improve their situation. They also said that since most of them were living in the same community in the Dominican Republic before moving to Haiti, they would prefer to continue living together. Several told Amnesty International they didn't like the idea of renting, as they would prefer to remain on the site and improve their homes.

*We are 12 people in my family. We now have to move to a one-room house. How are we going to do to eat, send the children to school and survive?*

Loceanie, resident of Tête à l'eau

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<sup>23</sup> For a description of the approach and an analysis of the associated concerns, see Amnesty International, "*15 minutes to leave*": denial of the right to adequate housing in post-quake Haiti (Index AMR 36/001/2015), available at <https://www.amnesty.org/en/documents/amr36/001/2015/en/>

<sup>24</sup> Interview with IOM, April 2016.

<sup>25</sup> Notes from a meeting on the relocation process held on 6 May 2016 and attended by a number of national and international organizations.

<sup>26</sup> Interview with IOM, April 2016.



 Residents destroy their tents before relocating. Parc Cadeau 2, April 2016. © AmnestyInternational

*I have seven children. Once the year is gone, if I have no cattle or anything else to live off, what are we going to do? Where are we going to live?*

Remane, resident of Tête à l'eau

*At the beginning they were talking about giving us land. I would prefer that, as there would be no need to waste money renting a house somewhere else.*

Abel, resident of Tête à l'eau

The relocation of people from Anse-à-Pitres camps through the rental subsidy approach seems to have been conceived as a pragmatic solution aimed at offering some temporary relief to affected people and to closing camps. The March 2016 OCHA Humanitarian bulletin clearly states that the relocation program "is executed in accordance with the Government policy to avoid developing sites and camps on Haitian territory for returnees and deported people, without losing sight of the protection and dignity of those affected by the binational mixed migration crisis".<sup>27</sup>

According to several representatives of international organizations interviewed by Amnesty International, the choice of relocating people in Anse-à-Pitres camps through the rental subsidy approach came as a result of a convergence of factors including the limited amount of funding available, donors' and development agencies' failure to put forward development programs in the area and the Haitian authorities' lack of capacity to identify suitable land for relocation.

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<sup>27</sup> See <http://reliefweb.int/report/haiti/haiti-humanitarian-bulletin-issue-59-march-2016>

While these considerations are understandable, Amnesty International believes that it is crucial to complement the relocation plan with more durable interventions for both the relocated families and the receiving communities.<sup>28</sup> At the time of writing, Haitian authorities, national and international humanitarian and development organizations were discussing specific interventions to enhance access to healthcare, education and water for the relocated families and the communities where the people have settled but limited funding and weak engagement by local service-providers risked hampering those initiatives. Very few humanitarian organizations had put forward proposals for livelihood programs for the relocated families.<sup>29</sup>

Amnesty International is concerned that very few lessons seem to have been learned from the implementation of such a program in the post-earthquake scenario. The first evaluation of the rental subsidy programs published in January 2013 found that 75% of beneficiaries who had moved out of their homes after the end of the grant were generally living in declining standards of accommodation. The second evaluation, published two years later, determined that 51% of the beneficiaries responding to the survey had moved after the end of the subsidies. While it stressed that only 5.5% of people had moved for security concerns, it failed to provide all the reasons behind the movement.

Following the visit to Haiti of the UN Special Rapporteur on the rights of IDPs in May 2015, he stated in his report that the rental subsidy policy "is a transitional measure to decongest the camps. Therefore, in order to be sustainable, this policy must be linked to livelihood and income-generating activities. It should also benefit the entire community in which IDPs are settled, including through enhanced access to basic services".<sup>30</sup>

Amnesty International is concerned that people who might refuse to leave the camps, those who settled in the camps after the registration was carried out<sup>31</sup> or those who might settle in the camps in the future might be at risk of forced evictions. Local authorities are due to conduct awareness sessions on all sites to discourage the construction of new tents and

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<sup>28</sup> For example, following a visit to some relocated families at the end of April 2016, the Haitian chapter of the Jesuit Service for Migrants found that while many beneficiaries acknowledged that they had improved their situation from living in the camps they were still facing many challenges due to the lack of income-generating activities and access to identity documents. See SJM-Haiti, *Infolettre* No 4, April 2016.

<sup>29</sup> Notes from a meeting on the relocation process held on 6 May 2016 and attended by a number of national and international organizations.

<sup>30</sup> Human Rights Council, Report of the Special Rapporteur on the human rights of internally displaced persons, Mission to Haiti, 8 May 2015, A/HRC/29/34/Add.2, paragraph 74.

<sup>31</sup> On 6 May 2016, IOM informed a number of national and international organizations that the number of new tents identified had gone from 217 at the end of April to 189 at the beginning of May. People who settled in the camps after the January registration are not automatically included in the relocation program.

landlords have also been instructed not to accept newcomers.<sup>32</sup> However, given the pattern of forced evictions documented in Haiti<sup>33</sup> and the limited protection provided by the national legal framework,<sup>34</sup> the risk of forced evictions is not to be underestimated, especially if the number of police officers assigned to the region is increased, as has been requested by local authorities.

**Evictions can only be carried out when appropriate procedural protections are in place. These include genuine consultation with those affected to identify all feasible alternatives to evictions, provision of adequate notice, access to legal remedies, compensation and alternative housing for those who cannot provide it for themselves.**

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<sup>32</sup> OCHA, Humanitarian bulletin, Issue Nr 59, March 2016; Amnesty International's interview with the Secretary General of the delegation of the South-east, April 2016

<sup>33</sup> See Amnesty International, *"Nowhere to go": Forced evictions in Haiti's displacement camps* (Index: AMR 36/001/2013), available at <http://www.amnesty.org/en/library/info/AMR36/001/2013/en>; and Amnesty International, *"15 minutes to leave": denial of the right to adequate housing in post-quake Haiti*.

<sup>34</sup> Haitian law does not explicitly prohibit forced eviction and falls short of the safeguards required under international law.

### 3. DEPORTATIONS AND RETURNS OF HAITIAN MIGRANTS

There is no conclusive figure on the number of Haitian migrants who have been deported back to Haiti by the Dominican Republic or who have “spontaneously” returned since the end of the regularization plan, in many case following threats or out of fear of violent deportations. According to press reports, the Dominican authorities said that more than 104,000 people returned spontaneously to Haiti and that approximately another 17,600 have been deported.<sup>35</sup> Haitian authorities have not provided any official statistics.

In early June 2015, IOM Haiti put in place a border monitoring project with the collaboration of Haitian NGOs working on migrants’ rights. Thanks to the presence of monitors at the four official border posts<sup>36</sup> and at approximately 70 of the 141 unofficial posts,<sup>37</sup> the project provides regular figures on the movement of people from the Dominican Republic to Haiti, including people returning “spontaneously”, people “officially deported” and people “unofficially deported”. However, it is to be noted that these figures are partial given that monitors are not present on all unofficial border posts and not at all times, and that people crossing the border are registered on a voluntary basis.

#### NUMBER OF PEOPLE RETURNED FROM THE DOMINICAN REPUBLIC TO HAITI SINCE JUNE 2015



Source: IOM Haiti, Border Monitoring Sitrep, 26 May 2016

<sup>35</sup> El Nacional, RD repatria a 17,668 haitianos vivían ilegal, 4 May 2016, <http://elnacional.com.do/rd-repatria-a-17668-haitianos-vivian-ilegal/>

<sup>36</sup> Official border posts are located in Ouanaminthe/Dajabon, Belladeres/Elias Piña, Malpasse/Jimaní, Anse à Pitres/Pedernales.

<sup>37</sup> IOM told Amnesty International that the number of unofficial border posts monitored was around 100 but was later reduced due to limited funding and to a reduction in the flows through some of those posts.

IOM defines official deportations as "Government-organized returns which are carried out at the official Border Crossing Points (Ouanaminthe – Dajabon, Belladeres- Elias Piña, Malpasse-Jimaní, Anse à Pitres-Pedernales) between the hours of 8:00 AM to 6:00 PM (border schedule). Before official deportations, relevant returnees receive an official notification regarding the impending deportation. Furthermore, information regarding the time and point of deportation are communicated to the Haitian authorities (Haitian Embassy/consulate). Official deportations are mostly carried out by the Dominican General Directorate of Migration (DGM)."<sup>38</sup> Such official deportations started on 15 August 2015. Although some of the "official" deportations may have been carried out in compliance with international law, it would be incorrect to assume that all "official" deportations comply with international law, as the criteria used to define "official" deportations do not include important international law guarantees, such as the right to appeal a deportation order. Additionally, none of the people interviewed by Amnesty International, either "officially" or "unofficially" deported, was served a deportation order, casting doubts on the accuracy of the classification.

"Unofficial" deportations are considered those which do not follow the above-mentioned criteria, including the notification of the deportation, and which are mostly carried out at unofficial border posts by the Dominican army and border-control guards belonging to the force specialized in ground border security (Cuerpo Especializado en Seguridad Fronteriza Terrestres - CESFRONT). Amnesty International therefore considers all "unofficial" deportations to have been in breach of international law.

Based on these assumptions, it would be reasonable to estimate that up to half of the deportations of Haitian migrants carried out by the authorities of the Dominican Republic may have been in violation of international law.

## ALLEGATIONS OF VIOLATIONS OF INTERNATIONAL LAW AND STANDARDS BY THE DOMINICAN REPUBLIC

In June 2015, Dominican authorities assured Amnesty International that no mass deportations will take place and that each case will be assessed individually and due process will be followed. They stated that potential deportees would be transferred to one of the seven recently established detention centres, where they would remain for no longer than 48 hours and will have access to lawyers, interpreters and medical officers. There, the person's biometric data would be taken to check whether the person had been registered under the regularization plan, had regular documents authorizing their staying in the country or had documents proving their birth in the country. People found not to have permission to reside in the Dominican Republic would be administratively issued a deportation order and the authorities of their country would be informed prior to deportations. Authorities also told Amnesty International that a specific protocol for dealing with children was being prepared to avoid the deportation of unaccompanied children and the separation of families.<sup>39</sup>

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<sup>38</sup> IOM Haiti, Border Monitoring Sitrep, 30 October 2015

<sup>39</sup> Some of these assurances were also given to the press. See for example, [http://www.diariolasamericas.com/5051\\_portada-america-latina/3172653\\_republica-dominicana-afirma-que-no-habra-deportaciones-masivas-y-ong-piden-protger-a-los-ninos.html](http://www.diariolasamericas.com/5051_portada-america-latina/3172653_republica-dominicana-afirma-que-no-habra-deportaciones-masivas-y-ong-piden-protger-a-los-ninos.html)

However, at that time Dominican authorities said people would not have the opportunity to challenge the deportation order in courts once it was issued. They also failed to make the deportation protocols public and to provide adequate information on the accountability mechanisms necessary to ensure that all migration officers and members of the security forces comply with due process and respect human rights and that allegations of human rights violations are thoroughly and independently investigated.

## INTERNATIONAL LAW AND STANDARDS

Every state has the sovereign power 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 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, nationals can never be expelled from their own country.

Any deportation decision must be assessed on an individual basis and provided with due process protections. In particular, individuals subjected to a deportation order have the right to receive a copy of it and to know the legal basis for the deportation and its reasons with respect to the individual's circumstances. Additionally, individuals subjected to deportation orders have the right to challenge their deportation before an independent court of law with the power to suspend the deportation.

Several Haitian and Dominican civil society organisations working on behalf of migrants' rights acknowledge improvements in the way deportations are being carried out since the end of the regularization plan. These include, for example, the fact that deportations are generally not carried out at night, that people are transported in buses rather than in trucks and are not handcuffed during the journey to the border post. Moreover, they have noticed that in the case of "official" deportations, the General Directorate of Migration now generally delivers a list with names and general data of the people being deported to Haitian migration authorities at the time of the deportation.<sup>40</sup>

However, Haitian human rights organizations working in border areas have documented a number of patterns that indicate a failure by Dominican authorities to respect international law safeguards against arbitrary deportations.<sup>41</sup> Some of the testimonies gathered by Amnesty International corroborate those claims.

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<sup>40</sup> The list (so-called "manifesto") includes the following information about the deportee: the name, date, number of identity document, country of nationality, reasons for deportation, gender. In addition, the Dominican authorities deliver a form for each deported person. This includes information such as: name of the person, employment, number of IDs, contact person and address in their countries, date of detention, number of file, reason for deportation (illegal migration), whether biometric data has been captured or not, signature of the officer and the person.

<sup>41</sup> See for exemple Groupe d'Appui aux Rapatriés et Réfugiés (GARR), *Des ressortissants haïtiens victimes de mauvais traitements lors de leur rapatriement à la frontière de Belladère*, 20 April 2016, <http://file.garr-haiti.org/index.php/nouvelles/actualite/haiti-rd-relations-fr/item/1743-des-ressortissants-ha%C3%AFtiens-victimes-de-mauvais-traitements-lors-de-leur-rapatriement-%C3%A0-la-fronti%C3%A8re-de-bellad%C3%A8re>

In particular, Haitian human rights organizations reported to Amnesty International that, in many cases, authorities carrying out deportations, mainly the army and the CESFRONT, continue to deport people without leaving any record, often through informal border posts.<sup>42</sup> They also have noted that sometimes the number and the identity of people included in the list delivered to the Haitian authorities do not match with those of the person actually being deported.

Among the most recurrent allegations is that people have been arrested in the streets, often while going to or coming out of work, and given they are without their documents, taken straight to the border.

*"I was detained in the street in La Romana in May 2015 by some officers. They had no credentials, uniforms or any other identification. They made me get on a bus where they inspected me and noticed that I had no documents. Only the bus driver had a shirt of the migration department. They brought me straight to [the border crossing] in Jimani".*

Elías Gabriel, resident of Parc Cadeau 1, Anse-à-Pitres

Those who are brought to detention centres generally spend one or two days there until there are enough people to be sent to the border. None of the people interviewed had the chance to challenge the legality, necessity and proportionality of detention nor were offered legal aid. Some people allege that during their detention they were not given anything to drink or eat.

*"They stopped me in San Luis as I was going to work. I used to work in a sugarcane plantation. They took me to the Migration office. I stayed there for 4 days. They didn't give us food or water. We only had a little to drink and eat thanks to some neighbors. They took the money I had in my pockets. Then they brought me to the border in Pedernales. I have 3 kids who are still there [in the Dominican Republic]"*

Benito Pierre, resident of Tête à l'eau

Many people claim they were not served with a deportation order nor given the chance to call their families during their detention. For example, in the local office of the NGO Groupe d'Appui aux Rapatriés et Réfugiés (GARR) in Belladère, Amnesty International interviewed five Haitian men who had just been deported. They said they had been detained two days earlier in the capital of the Dominican Republic, Santo Domingo, while they were working in a construction site. They were brought to the Haina detention centre for migrants. According to their accounts, in the centre they were not asked any questions, nor allowed to make any calls. One of them had a copy of his registration in the regularization plan. They were deported two days later and arrived in Belladère at 9 am. Some of them had left children and spouses in the Dominican Republic.

As a result of the lack of thorough checks on people's identities and documentation, Haitian human rights organizations report that a number of people are being deported despite having a receipt proving their registration under the regularization plan. By 5 May 2016, the IOM border monitoring report accounted for 548 deported households (respectively 432 "unofficially" and 116 "officially" deported), who stated that they had been registered in the plan.

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<sup>42</sup> See for exemple, GARR, *Rapatriements à la frontière : les autorités dominicaine n'en démordent pas*, 11 April 2016, <http://reliefweb.int/report/haiti/rapatriements-la-fronti-re-les-autorit-s-dominicaines-n-en-d-mordent-pas>

*"In June 2015, they took me in the street in Enriquillo, where I had been living for 17 years. The same day they brought me to the border in Pedernales. I couldn't take anything with me. I had the receipt of my registration in the regularization plan. I have 8 children all born in the Dominican Republic. Their dad brought them here a few days later"*

Viergemene Toussaint, resident of Parc Cadeau 2

Families often seem to be separated during the deportation processes. According to the IOM border monitoring report, by 26 May 2016, 12,428 "officially" deported individuals and 11,681 "unofficially" deported people stated that they had family members still in the Dominican Republic.

*"My wife was detained in the street when she was doing some shopping while I was at work. She had left our youngest child who was 3 months old with some neighbors. After that I came to Haiti to look for her. We are now all here."*

Jesnel Moise, resident of Parc Cadeau 1

Most deported people, especially women, interviewed by Amnesty International said their children later had to join them in Haiti, even when the children were born in the Dominican Republic before 26 January 2010 and are therefore entitled to Dominican nationality.<sup>43</sup>

*"I was detained in Barahona when I was leaving work. I used to work as a house-keeper. They asked me if I had documents. I didn't. They brought me to Anse-à-Pitres the same day. I have seven children, five of whom were born in the Dominican Republic. They are 18, 14, 12, 10 and 7. My brother brought them here a few days later."*

Viergenie Doxy, resident of Parc Cadeau 2

Even when not in possession of documents proving their regular status in the Dominican Republic, parents of children entitled to the Dominican nationality had a case against deportation on the basis of the principles of the best interests of the child, the principle of family unity and the child's right to a private and family life in the Dominican Republic. The lack of any procedure to challenge the deportation order meant that such a case could not be made and children entitled to remain in the Dominican Republic had to leave in order to be reunited with their parents.

Contrary to the Dominican authorities' assurances,<sup>44</sup> Haitian organizations working at the border have also reported the deportation of unaccompanied children.<sup>45</sup> For example, the

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<sup>43</sup> On 26 January 2010, a new Dominican Constitution entered into force. Children of irregular migrants born in the Dominican Republic after that date are excluded from acquiring Dominican nationality by birth. See Amnesty International, *"Without papers, I am no one"* – Stateless people in the Dominican Republic.

<sup>44</sup> See for example Embassy of the Dominican Republic in the United States, *Immigration and Documentation Policies – Key facts and FAQ*, <http://www.domrep.org/immigrationplan.html>

<sup>45</sup> See for example GARR, *Infolettre Janvier 2016*, <http://reliefweb.int/sites/reliefweb.int/files/resources/newletter%20GARR%20Janvier%202016%20web.pdf>

organisation Zanmi Timoun documented the deportation of 24 unaccompanied children, including two under-18 year-old mothers with their children, at the Belladère border point between 15 December 2015 and 10 January 2016.<sup>46</sup> By 26 May 2016, the IOM border monitoring report accounted for 889 presumed unaccompanied minors who had been "officially" deported. UNICEF told Amnesty International that the majority of the deported unaccompanied children identified by its partners had not gone through formal deportation processes and therefore did not appear on official lists delivered to Haitian authorities. Some unaccompanied deported children make the same allegations as adults in relation to the deportation process, including having been deprived of food and water during detention and the journey to the border, and having been denied the right to contact their families.<sup>47</sup> Amnesty International is concerned that the deportations of unaccompanied children may have been in violation of the principle of the best interests of the child.<sup>48</sup>

All deported people interviewed by Amnesty International said that they were not given time to collect their belongings.

*"I was detained in the street in Agua Negra in June 2015. They asked me if I had documents. When I said no, they put me on a bus and we came directly to Pedernales. They didn't allow me to take anything with me. My wife and my two children are still there. I haven't seen them since."*

Ylionard Bossiquot, resident of Parc Cadeau 1

Some of the above allegations show also a failure to fully comply with the Protocol of understanding on the mechanisms of repatriation, agreed between the Dominican Republic and Haiti in December 1999. The protocol included a number of safeguards, including the commitment by the Dominican Republic not to deport migrants at night or through informal border posts; avoid separating nuclear families; allowing those being deported to collect their belongings and keep their identity documents; giving to each person being deported a copy of their deportation order; and giving the Haitian authorities prior notice of deportations.

## HAITIAN AUTHORITIES' SHORTCOMINGS IN PROVIDING ADEQUATE ASSISTANCE

The Haitian authorities' capacity to receive and assist the people being deported or returning "spontaneously" from the Dominican Republic seems to have been extremely limited and insufficient. This is even more concerning considering that the flow of deportees and returnees was to be predicted following the end of the regularization plan in the neighbouring country.

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<sup>46</sup> Fondation "Zanmi Timoun", *La Fondation "Zanmi Timoun" dénonce l'augmentation des enfants rapatriés haïtiens de la République Dominicaine et condamne le silence de l'Etat haïtien*, 11 January 2016

<sup>47</sup> See for example, Colette Lespinasse, *La vida en Haití de los expulsados de la República Dominicana*, 30 January 2016, page 4, available at <http://www.obmica.org/images/Actualidad/2016/Lespinasse%20Expulsiones%20Dominicanos%20y%20Haitianos%20ene%202016.pdf>

<sup>48</sup> Convention on the Right of the Child, article 3.

Between June and July 2015, the Haitian President and other authorities publicly expressed the government's commitment to receive with dignity Haitian nationals coming from the Dominican Republic.<sup>49</sup> A contingency plan was also prepared in order to identify the people returning to Haiti and to take care of them.<sup>50</sup>

According to Haitian and intergovernmental organizations interviewed by Amnesty International, in the first weeks of the arrival of a considerable number of people from the Dominican Republic, Haitian authorities had put in place some measures to register the deportees and returnees, receive them at the official border posts and provide transport costs to those unable to pay for the journey to their communities of origin. However, as the weeks went by and the country was plunged into a political crisis,<sup>51</sup> these measures ceased to be implemented consistently.<sup>52</sup>

The registration of deportees and returnees from the Dominican Republic has not been carried out systematically, not even at official border posts. In the case of official deportations, most migration officers from the Directorate of Immigration and Emigration (Direction de l'immigration et de l'émigration - DIE) receive the list of deported people from the Dominican migration authorities but do not verify the match between the names and numbers on the list and the people. By failing to do so and omitting to verify the documents possessed by the deportees and their individual circumstances, the deportation of unaccompanied children, of people with residence permits, as well as the expulsion of Dominicans of Haitian descent go unquestioned.

The construction of shelters, which the government had promised to build at the border, did not take place. The National Office for Migrations (Office National des Migrations -ONM), the governmental agency tasked with the reception of and assistance to deportees, was not given an additional budget or additional human resources to cope with the task.<sup>53</sup> No reintegration programmes were put in place to provide adequate support to those deported or returning to Haiti, especially the most vulnerable, as well as to the receiving communities. No measure was established to facilitate the access of returnees and deportees to identity documents.

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<sup>49</sup> See for example *Reference Haiti*, « Rapatriement: Martelly sort de son silence...un dossier complexe avoue Evans Paul », 25 June 2015; and the speech of the Permanent Representative of Haiti to the UN at the Group of Latin American and Caribbean States, 21 July 2015, available at <http://www.hpnhaiti.com/site/index.php/hait-diaspora-trait-dunion/new-york/16349-haiti-rd-onu-allocation-de-lambassadeur-regis-a-la-reunion-du-grulac>

<sup>50</sup> *Alterpresse*, « Haiti- RD: "Dialogue patriotique" sur la situation des personnes victimes de déportations (officiel) », 19 June 2015, <http://www.alterpresse.org/spip.php?article18367#.VxJWvkrLIU>

<sup>51</sup> The first round of legislative elections was held on 9 August 2015 but were tainted by widespread disruption and violence. The first round of presidential elections, the second round of legislative elections and municipal elections were held on 25 October 2015. Due to allegations of electoral frauds and mass mobilizations, the second round of the Presidential elections due to be held on 27 December 2015 was delayed several times and has yet to be held. The day before the President Martelly's term expired on 7 February 2016 an agreement was reached among the different parties enabling the appointment of an interim President and an interim government.

<sup>52</sup> See for example, SJM-Haiti, *Infolettre No 4*, Avril 2016.

<sup>53</sup> The Director of the ONM told Amnesty International that the ONM only has offices in Cap-Haïtien, Ouanaminthe and Belladère and that these offices have no budget to assist people in need. See also Radio Métropole, *Visite de parlementaires français à un village de déportés*, 18 April 2016, [http://www.metropolehaiti.com/metropole/full\\_poli\\_fr.php?id=28402](http://www.metropolehaiti.com/metropole/full_poli_fr.php?id=28402)



 Haitian migration authorities' office in Anse-à-Pitres, April 2016. The office was not re-build after an arson attack occurred in early 2016. The migration officer was sitting in the street when Amnesty International visited Anse-à-Pitres. ©AmnestyInternational

As a consequence of Haitian authorities' poor engagement, the reception of people coming from the Dominican Republic has been left almost entirely to the care of Haitian human rights organisations. These have established shelters at most of the border posts where they provide orientation to people, and temporary accommodation for unaccompanied children, expelled Dominicans of Haitian descent and other vulnerable cases. Some of them also assist the governmental Institute for Social Well-Being and Research (Institut du bien-être social et des recherches – IBESR) in the family reunification procedures for unaccompanied children or UNHCR in retracing the families of expelled Dominicans of Haitian descent. However, these organisations have limited funds and are often unable to support affected people as much as they would like to.

The inadequacy of the measures put in place by Haitian authorities has attracted the attention of the UN Committee on the Rights of the Child (CRC) and the UN Committee on the Elimination of Discrimination against Women (CEDAW) in their recent reviews of Haiti's periodic reports. In particular, in January 2016 the CRC recommended that Haiti "ensure assistance to and protection of unaccompanied children, drawing upon the principles set out in general comment no. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin."<sup>54</sup> In March 2016, the CEDAW recommended that Haitian authorities "ensure that Haitian women deported or voluntary returning from the Dominican Republic benefit from reintegration measures in the State party."<sup>55</sup>

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<sup>54</sup> Committee on the Rights of the Child, Concluding Observations on the second and third combined reports of Haiti, 24 January 2016 (CRC/C/HTI/CO/2-3), paragraph 61.

<sup>55</sup> Committee on the Elimination of Discrimination against Women, Concluding Observations on the combined eighth and ninth periodic reports of Haiti, 8 March 2016, CEDAW/C/HTI/CO/8-9, paragraph 44.

While Haiti has not fully recovered from the 2010 earthquake, with more than 60,000 displaced people still living in camps, and it has other humanitarian emergencies to confront at the same time, there is an urgent need to protect the rights of people deported, expelled or returning from the Dominican Republic. Haitian authorities should work with the international community in finding adequate and durable solutions for all the affected people.

## 4. DOMINICANS OF HAITIAN DESCENT

A number of Dominicans of Haitian descent have been caught up in the movement of people from the Dominican Republic to Haiti following the end of the regularization plan in June 2015. The majority of these individuals are children of Haitian migrants who returned "spontaneously", but who themselves are entitled to Dominican nationality. Others were expelled by the Dominican Republic contrary to international law.

The table below illustrates the number of and the circumstances under which people who stated that they were born in the Dominican Republic before 26 January 2010 and thus were entitled to Dominican nationality<sup>56</sup> have crossed the border from the Dominican Republic to Haiti since June 2015.

### PEOPLE BORN IN THE DOMINICAN REPUBLIC BEFORE 26 JANUARY 2010 ARRIVED IN HAITI



Source: IOM, April 2016

Based on the assumption described in the previous chapter about the compliance of "official" and "unofficial" deportations with international law, Amnesty International considers that more than 1,000 Dominican nationals may have been forcibly expelled from the Dominican Republic in violation of international law. This figure contradicts the Dominican authorities' commitment not to expel anybody born in the Dominican Republic<sup>57</sup>.

At the beginning of May 2016, the United Nations High Commissioner for Refugees (UNHCR) verified the cases of 1,582 individuals born in the Dominican Republic currently in Haiti and IOM has referred over 4,850 cases/families, UNHCR is to verify approximately 3,580 families.

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<sup>56</sup> See footnote No 43 CHECK AT THE END THAT THE FOOTNOTE NUMBER REMAINS THE SAME for an explanation of why birth before 26 January 2010 is relevant for the purposes of establishing the right to the Dominican nationality.

<sup>57</sup> See for example Embassy of the Dominican Republic in the United States, *Immigration and Documentation Policies – Key facts and FAQ*, <http://www.domrep.org/immigrationplan.html>; *The Huffington Post*, "Dominican Republic succeeds where other countries have not in documenting migrants and promoting human rights", 12 September 2015, [http://www.huffingtonpost.com/josa-tomas-parez-/dominican-republic-succee\\_b\\_8118752.html](http://www.huffingtonpost.com/josa-tomas-parez-/dominican-republic-succee_b_8118752.html)

## PEOPLE ARRIVED "SPONTANEOUSLY"

Amnesty International interviewed 12 people in the camps in Anse-a-Pitre who stated that they had been born in the Dominican Republic and had arrived in Haiti "spontaneously". Like Haitian migrants, they cited the fear of being victims of abuses as the main reason for leaving the Dominican Republic. Haitian and Dominican human rights organizations documented many more cases of people who fled for similar reasons.<sup>58</sup>

*"I came back as I heard people saying that they were going to make soap out of us"*

Nana François, born in Puerto Escondido, Dominican Republic in 1993. Interviewed by Amnesty International in Tête à l'eau

Some of their testimonies bear witness to the sentiment of exclusion and discrimination that Dominicans of Haitian descent experience in the Dominican Republic, of which the lack of access to Dominican identity documents is an important manifestation.<sup>59</sup>

*"The law says we are Dominican. But many people are racist there, and it is hard to get documents".*

Confidente Uso, born in Mencía, Dominican Republic, in 1978 and interviewed in Tête à l'eau

*"If you don't have documents, they arrest you. I was detained at least 5 times. Each time I spent 2 days in the Fortaleza in Pedernales before they released me. People there know that I was born in the Dominican Republic but they arrested me anyway. When I heard that people were saying that all Haitians would be killed or beaten up, I decided to come here".*

Fefé Jean, born in Avila, Dominican Republic, in 1996. Interviewed by Amnesty International in Parc Cadeau 1

Among the Haitian migrants that Amnesty International interviewed in Anse-à-Pitres, the majority had come to Haiti with their children who had been born in the Dominican Republic, often before 26 January 2010, and were thus entitled to Dominican nationality. In the vast majority of cases, the children had not been issued a Dominican birth certificate. Some mothers said that they were not given any proof-of-birth certificate at the hospital.<sup>60</sup>

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<sup>58</sup> Watch for example the testimony of a Dominican-born woman who fled in June 2015 and was living in a camp in Anse-à-Pitres. The video is available at <https://www.youtube.com/watch?v=dsQpBeBziDQ>

<sup>59</sup> Since the early 1990s, Dominican-born children of Haitian migrants in the Dominican Republic have been the target of a number of administrative, legislative and judicial decisions aimed at restricting their access to Dominican identity documents and ultimately to Dominican nationality. See Amnesty International, *"Without papers, I am no one" – Stateless people in the Dominican Republic*.

<sup>60</sup> As described in Amnesty International, *"Without papers, I am no one" – Stateless people in the Dominican Republic* (page 12), since the early 1990s, many civil registry officers have refused to register the births of children of parents of Haitian descent, especially if those had no regular migration status. The report also documented (page 33) the refusal of certain hospitals to issue the proof-of-birth-certificate that they are obliged to give to mothers of newborn babies because they did not have documents or because they were or appeared to be Haitian. As a consequence of these discriminatory practices, many children of Haitian descent have no documents to prove their birth in the country and their Dominican nationality.



 Fefe Jean and his family, Parc Cadeau I – 1, April 2016. ©Amnesty International

Among the people born in the Dominican Republic who went to Haiti “spontaneously” there are also the children of Haitian migrants who have been deported. Some of them are children who came a few hours or days after their parents were deported.

## PEOPLE EXPELLED

International law states that nationals can never be expelled from their own country,<sup>61</sup> nor should they be prevented from entering their own country.<sup>62</sup> The UN Human Rights Committee has interpreted the concept of “own country” as including the country with which a person has developed strong links, such as the country in which they were born or where they have lived for a large part of their lives.<sup>63</sup>

Based on the figures provided by IOM border monitors, by mid-April 2016 approximately 4,8% of all those deported stated that they had been born in the Dominican Republic. This percentage indicates that the Dominican authorities did not proactively engage in expelling those who could not prove their birth in the Dominican Republic. Amnesty International is aware of a number of cases of Dominicans of Haitian descent who were detained by migration officers and released after family members were able to prove that they were born in the Dominican Republic.<sup>64</sup>

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<sup>61</sup> Article 22.5 of the American Convention on Human Rights.

<sup>62</sup> Article 12.4 of ICCPR.

<sup>63</sup> Human Rights Committee, General Comment No 27 (CCPR/C/21/Rev.1/Add.9), 2 November 1999, para 20.

<sup>64</sup> See Amnesty International, *“Without papers, I am no one” – Stateless people in the Dominican Republic*, page 47. Even though the persons were released, their detentions violated their right to free movement within the country and in some cases amounted to arbitrary detention.

However, the existence of cases of expulsions of Dominicans of Haitian descent reveal that deportation procedures are failing to protect Dominicans of Haitian descent from expulsion, especially those who have been prevented from accessing identity documents and who did not enroll in the naturalization plan under Law 169-14.<sup>65</sup>

In the Anse-à-Pitres camps, Amnesty International interviewed six individuals who stated they had been expelled despite being entitled to Dominican nationality. None of them had a Dominican birth certificate or had been able to apply to the naturalization plan. All of them reported that they had been either expelled shortly after their arrest or after being held in a detention centre. In both cases, no checks seem to have been made to verify their birth in the Dominican Republic.

*"I was born in Altigracia in 1980. My father is Dominican, my mum is Haitian. They did not register my birth. I was a domestic worker in Pedernales and I have nine children, all born there. In July 2015, I was detained when I was leaving work. They didn't ask me anything. I said I was born there, but they said that I am Haitian. They brought me to Anse-à-Pitres. I had never come to Haiti before. I went back to the Dominican Republic but they caught me again in September. All my children are there, they hide to avoid being caught as well."*

Nini, resident of Parc Cadeau 2



 Nini, Parc Cadeau 1, April 2016. ©Amnesty International

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<sup>65</sup> In May 2014, Dominican authorities adopted Law 169-14, which established mechanisms for people born in the Dominican Republic to re-access nationality following judgement 168-13 of the Constitutional Court. People whose birth had never been registered (so-called "Group B") were requested to register as foreigners and enroll in a naturalization scheme that would eventually allow them to apply for naturalization after two years.

*"I am 19. I was born in Pedernales. My parents are Haitian. I was living in Avila. I worked as a driver and I also studied in the evenings. The first time they expelled me was in January 2015, they took me when I was coming out of school. I went back there and they took me again on 23 June. Both times, officers asked me for some Dominican papers. I didn't have them and so they brought me to La Fortaleza. I spent the night there and then when more people arrived they brought us to Haiti. The first time in Jimani they told us "Walk, Haiti is there!"*

Gerarcito Suarez, resident of Parc Cadeau 1

**The expulsion of a person born in the Dominican Republic often means that their children, also born in the Dominican Republic, have to go to Haiti in order to be able to stay with their parents. Two generations are therefore eradicated from their country of birth.**

*"I am 23 and was born in Agua Negra. I have 4 children, they are between 9 and 1 years old. After they brought me to Haiti, I had to pay to cross the border and go and pick up my children. Only the one who is 7 stayed with my brother in law in Barahona"*

Louise Memene, resident of Tête à l'eau

Dominican-born people whose birth had been registered (belonging to so-called group A)<sup>66</sup> are also not protected against expulsion. For example, for several months the Haitian chapter of the Jesuit Service for Migrants hosted a young Dominican of Haitian descent who had been expelled despite possessing a Dominican birth certificate.

## OMAR

Omar was born in La Romana, in the Dominican Republic. He is 18 years old and lives with a mental disability. His parents are Dominicans of Haitian descent. He has a Dominican birth certificate and is entitled to Dominican nationality. On 5 October 2015, he was around the corner from his house when he was detained by Dominican migration officers who brought him to the Haina detention centre for migrants. The following day, he was brought to the Jimani/Malpasse border and expelled to Haiti. He was received by the Jesuit Service for Migrants and remained in their shelter in Ganther, near the border, until 22 March 2016, when his family picked him up. He is now back in the Dominican Republic. His father told Amnesty International: "The day after he was arrested I went to Haina to look for him. The officer at the reception told me that they had already released him and given him some money to go back. I initially thought he might have gone to his mother's house in Santo Domingo. When I realised he was not there, I went back to Haina. Again I was told that he had been released. As he has a mental disability, his mother and I were worried about where he could have gone. We looked for him everywhere. It was only a few months later that a neighbour, who had been deported and came back, told us that he had seen him in Haiti. I then went to look for him there. I crossed the border informally and I did the same when I came back with Omar. I think it is unfair what they did, they should keep the person at least 3 days in the centre, so that the family can go and look for them. In Omar's case, they took him to Haiti less than 24 hours later."

<sup>66</sup> See Amnesty International, "Without papers, I am no one" – Stateless people in the Dominican Republic, pages 25-30.

Amnesty International observed that in the list of deportees delivered by Dominican migration authorities to Haitian authorities at the time of the deportation, there is no indication of the person's place of birth, but just of his/her country of nationality. This omission facilitates the carrying out of arbitrary expulsions of Dominicans of Haitian descent, as the determination of the Haitian nationality is often arbitrarily made by migration officers based on discriminatory assumptions such as just the person's skin colour, his/her names, or the lack of identity documents.

The fact that the majority of Dominicans of Haitian descent are expelled "unofficially", i.e. without communicating their names to Haitian authorities, means that Dominican authorities have no record of having actually done so. The Dominican authorities' failure to acknowledge that Dominicans of Haitian descent have been expelled translates into a lack of formal mechanisms allowing for people who have been wrongly expelled to be formally readmitted and to claim reparations.

As a consequence, expelled Dominicans of Haitian descent who wish to return to the Dominican Republic most often do so by their own means or once Haitian and Dominican human rights organisations manage to establish contact with their families in the Dominican Republic.<sup>67</sup> This however often implies lengthy stays in Haiti and financial implications for the person and their families.

## NEGLECTED BY HAITIAN AUTHORITIES

Before the deadline of the regularization plan expired, Haitian authorities stated that, while they were going to accept all their nationals who were to be deported, they would not be concerned by the possible expulsion of Dominicans and stateless people.<sup>68</sup> Such statements were given at a time when the tension with the Dominican Republic was mounting and the Haitian government was under pressure from other political forces to treat the issue of expulsions and deportations as a matter of priority.

However, in practice, no obstacle has been established for expelled Dominicans of Haitian descent to enter and stay in Haiti. As the weeks passed, Haitian political actors became focused first on the organization of legislative, presidential and municipal elections and then with the electoral disputes and the political crisis that followed. While Dominican-born people who had been expelled to Haiti or who had arrived spontaneously were allowed to stay in Haiti, their situation ceased to be a matter of concern for Haitian authorities.

The absence of regular and consistent checks by Haitian authorities at border posts, combined with the omission by the Dominican migration authorities of the deported person's place of birth in the list delivered to Haitian migration officers, mean that Haitian authorities do not have records of people born in the Dominican Republic who are expelled or arrive spontaneously in Haiti.

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<sup>67</sup> For example, between October 2015 and 10 April 2016, the Jesuit Service for Migrants- Haiti hosted 11 expelled Dominicans of Haitian descent in their transitional shelter in Ganthier. They all returned to the Dominican Republic spontaneously or thanks to the organization's intervention.

<sup>68</sup> Le Nouvelliste, Martelly : « Nous recevrons nos frères debout, dans la dignité », 16 June 2015, <http://lenouvelliste.com/lenouvelliste/article/146187/Martelly-Nous-recevrons-nos-freres-debout-dans-la-dignite>

Haitian authorities have not developed any specific measure to deal with the situation of Dominicans of Haitian descent who have been expelled or have arrived in Haiti. In January 2016, the UN Committee on the Rights of the Child noted that "insufficient support is provided to undocumented children and families of Haitian descent expelled from the Dominican Republic who have been denaturalized and rendered stateless by the Dominican Republic."<sup>69</sup>

Many individuals within the affected population are stateless due to judgment 168-13 of the Dominican constitutional, as the authorities have reiterated several times.<sup>70</sup> Among them there are some who are eager to return to the Dominican Republic as soon as possible, and others who are too traumatized by the expulsion or by threats they received in the Dominican Republic who would prefer to settle in Haiti.

Haitian authorities have failed to negotiate a return protocol with the Dominican authorities to ensure that those who have been arbitrarily expelled or who fled to Haiti following threats and harassment can return promptly and be effectively protected.

On the other hand, Haitian authorities have not taken measures to facilitate access to identity documents to those who are entitled to Haitian nationality and would like to settle in Haiti. In particular, the draft Law on nationality, which could facilitate access to Haitian nationality to those who were affected by the previous ban on double nationality, has yet to be adopted and implemented.

Neither the Dominican Republic nor Haiti have ratified the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

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<sup>69</sup> Committee on the Rights of the Child, Concluding Observations on the second and third combined reports of Haiti, 24 January 2016 (CRC/C/HTI/CO/2-3), paragraph 26 (f).

<sup>70</sup> See for example *Haiti Libre*, « Le Ministère des Haïtiens Vivant à l'Étranger déplore la décision du gouvernement dominicain d'appliquer l'Arrêt du TC », 27 October 2013 ; *Haiti Press Network*, « Allocution de l'Ambassadeur à la réunion du GRULAC », 21 July 2015, available at [http://www.hpnhaiti.com/site/index.php?option=com\\_content&view=article&id=16349:haiti-rd-onu-allocation-de-lambassadeur-regis-a-la-reunion-du-grulac&catid=24:new-york&Itemid=38](http://www.hpnhaiti.com/site/index.php?option=com_content&view=article&id=16349:haiti-rd-onu-allocation-de-lambassadeur-regis-a-la-reunion-du-grulac&catid=24:new-york&Itemid=38)

## CONCLUSIONS AND RECOMMENDATIONS

Since the end of the regularization plan for irregular migrants in the Dominican Republic in June 2015, several thousands of Haitian migrants have been deported. Even larger numbers of people returned "spontaneously" after having received threats or having been pressured to leave.

Despite the Dominican authorities' commitment to respect human rights in the deportation procedures, allegations of failure to respect due process are frequently reported, as this briefing shows. One of the most serious consequences is the expulsion of a number of Dominicans of Haitian descent from their own country, which is contrary to the Dominican Republic's obligations under international law.

The Dominican Republic has failed to publish its deportation protocol and the methodology used to individually screen people to be deported and ensure that no one entitled to stay in the Dominican Republic, including those born in the country and entitled to Dominican nationality, is expelled. Moreover, the mechanisms for making migration officers and all members of security forces involved in deportation procedures accountable for possible abuses and human rights violations have not been clarified. All these factors make external oversight of the deportation procedures extremely difficult and contribute to the perpetration of human rights violations.

On the other hand, while Haitian authorities initially engaged with the Dominican Republic encouraging them to respect international law and standards during the deportation procedures, they later seemed to have lost interest in this issue. Most of the measures announced to support deportees and people returning "spontaneously" did not materialize and the situation of those born in the Dominican Republic who have arrived in Haiti has not been addressed.

As a consequence of poor planning, lack of responsiveness and leadership by Haitian authorities, as well as limited donors' interest, more than 2,000 people were left in inhuman conditions in makeshift camps in the Anse-à-Pitres region for over 10 months. The relocation programme finally put in place raises several concerns regarding its sustainability unless it is complemented with livelihood programs and interventions to facilitate access to services to the relocated people and the receiving communities.

Both the Dominican and the Haitian authorities, as well as international organizations and donors, need to respect the commitments they initially made and the obligations they have under international human rights law in order to ensure that Haitian migrants and Dominicans of Haitian descent are not arbitrarily deported or expelled and that their human rights are respected, protected and fulfilled.

## RECOMMENDATIONS TO THE DOMINICAN REPUBLIC

- Ensure that each case of suspected irregular migrants is individually assessed; that all deportees receive deportation orders in writing; that all deportation orders include information on their legal basis and its application to the individual's personal circumstances;
- Ensure each deportee's right to challenge the deportation order before an independent court of law, with suspensive effect;
- Establish or strengthen accountability mechanisms 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, prosecuted and sanctioned.
- Establish transparent, clear and fair procedures to screen and protect Dominicans of Haitian descent from expulsion, in particular those lacking any identity documents, and make these procedures public.
- Allow the immediate and unconditional return to the Dominican Republic of any expelled Dominican of Haitian descent who wishes to do so and provide them with access to effective remedies and adequate reparations for the human rights violations they have suffered, as well as with identity documents if they had not yet been able to access to those.
- Carry out a thorough and independent investigation into the reasons that prompted Haitian migrants and Dominicans of Haitian descent to move to Haiti around the end of the regularization plan. If evidence of xenophobic violence or behaviours is found, take all appropriate measures to prosecute those responsible and to avoid any repetition.

## RECOMMENDATIONS TO HAITI

### **People being relocated from make-shift camps in Anse-à-Pitres**

- Ensure that the relocation program is linked to better livelihood opportunities and income generating activities and to other programs aimed at facilitating access to services, and that they also benefit the host community where people relocate;
- Prevent forced evictions of people remaining or settling in the future in camps and ensure that all evictions comply with international law and standards on evictions
- Ensure that relocation is available to all deported people or returnees regardless of when they arrived in the camps.

### **Migrants' rights**

- Systematically register people spontaneously returning or being deported from the Dominican Republic and document the reasons and the circumstances of their arrival;
- Facilitate access to identity documents to all deportees and returnees who are Haitian nationals;
- Increase the financial and technical capacities of the relevant authorities in order to provide returnees with immediate assistance and protection, with special attention to unaccompanied children and marginalized groups;
- Ensure access to adequate housing and access to an adequate standard of living for all returnees and deportees, and especially those who cannot provide for themselves.

### **Dominicans of Haitian descent who have been expelled or arrived spontaneously**

- Register people born in the Dominican Republic who have been expelled or arrived spontaneously, and identify those who are stateless or at risk of statelessness.
- Facilitate official settlement in Haiti and access to identity documents to stateless people born in and expelled from the Dominican Republic who wish to remain in Haiti.
- Facilitate, including through dialogue with the Dominican authorities, the return to the Dominican Republic of people born in the Dominican Republic and entitled to Dominican nationality who wish to do so.
- Adopt and effectively implement a nationality law in order to facilitate access to Haitian nationality to those who were affected by the previous ban on double nationality.

### **RECOMMENDATIONS TO BOTH THE DOMINICAN REPUBLIC AND HAITI**

- Update the 1999 Protocol of understanding on the mechanisms of repatriation in order to ensure its full compliance with international law and standards and reinforce mechanisms to ensure that Dominicans of Haitian descent are effectively protected from expulsion.
- Agree on and implement a return protocol to facilitate readmission of expelled Dominicans of Haitian descent and Haitian migrants who have been arbitrarily deported
- Ratify and implement the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

### **RECOMMENDATIONS TO INTERNATIONAL ORGANIZATIONS AND DONORS**

- Encourage and support the Dominican Republic in respecting international law and standards in relation to deportations and the prohibition of expelling its own nationals.
- Support both the Dominican Republic and Haiti to identify stateless people living in their territories and find appropriate solutions according to the people's wishes.
- In consultation with civil society organisations, provide financial and technical support to Haiti to put in place effective programmes aimed at systematically registering people deported, expelled or arrived spontaneously and at providing adequate assistance and protection programmes to them.
- Support Haitian authorities in the design and implementation of livelihood and access to essential services programmes for people living in camps in Anse-à-Pitres, those who have been relocated from these camps, as well as for the local host communities. All such assistance should be planned and implemented in consultation with affected people and Haitian civil society organizations.
- Monitor the integration of relocated people in the receiving communities and carry out an independent evaluation of the relocation programme after the end of the rental subsidies.
- Ensure that people remaining in the camps in Anse-à-Pitres or those settling in the future in camps are not forcibly evicted.

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# ‘WHERE ARE WE GOING TO LIVE?’

## MIGRATION AND STATELESSNESS IN THE DOMINICAN REPUBLIC AND HAITI

In December 2013, the Dominican Republic set out an 18-month National Regularization Plan for Foreigners with Irregular Migration Status aimed at foreigners who had migrated to the Dominican Republic. In the same month, the government announced a suspension of all deportations, but promised to resume full-scale deportations immediately after the expiration of the plan, on 18 June 2015.

Since the end of the regularization plan for irregular migrants in the Dominican Republic in June 2015, several thousands of Haitian migrants have been deported. Even larger numbers of people returned “spontaneously” after having received threats or having been pressured to leave.

Despite the Dominican authorities’ commitment to respect human rights in the deportation procedures, allegations of failure to respect due process are frequently reported. One of the most serious consequences is the expulsion of a number of Dominicans of Haitian descent from their own country, which is contrary to the Dominican Republic’s obligations under international law.

On the other hand, while Haitian authorities initially engaged with the Dominican Republic encouraging them to respect international law and standards during the deportation procedures, they later seemed to have lost interest in this issue. Most of the measures announced to support deportees and people returning “spontaneously” did not materialize and the situation of those born in the Dominican Republic who have arrived in Haiti has not been addressed.

Both the Dominican and the Haitian authorities, as well as international organizations and donors, need to respect the commitments they initially made and the obligations they have under international human rights law in order to ensure that Haitian migrants and Dominicans of Haitian descent are not arbitrarily deported or expelled and that their human rights are respected, protected and fulfilled.

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