


1-20-2014

Thank You and Goodbye: Stripping Citizenship From Generations of Haitian Dominicans

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Thank You and Goodbye: Stripping Citizenship From Generations of Haitian Dominicans

JANUARY 20, 2014 BY [MARK HEISEY](#) 0 COMMENTS

The Supreme Court of the Dominican Republic [recently upheld changes](#) to the citizenship provision of its Constitution, putting many Dominican Americans in an uncomfortable position. For those Dominican Americans whose U.S. citizenship is based upon their birthplace, or *jus soli*, the Dominican Republic's recent rejection of *jus soli* in favor of citizenship based on the blood of the parents, or *jus sanguine*, brings with it difficult memories of the [obstacles and discrimination](#) they themselves faced as the children of immigrants. Though the ruling applies [globally](#), it is expected to impact the Dominican Republic's Haitian Dominicans most harshly. The decision ignores the economic realities of the Dominican Republic and its history, and it creates a double standard where Dominicans Americans rely on the same rights in the U.S. that are being denied to Haitian Dominicans in the Dominican Republic.

Change From a Policy of *Jus Soli* to *Jus Sanguine* in the Dominican Republic

From 1929, the Constitution of the Dominican Republic [granted citizenship](#) to "[a]ll persons born in the territory of the Republic with the exception of the legitimate children of foreigners resident in the country in diplomatic representation or in transit." While early interpretations of the "[in transit](#)" language limited its application to those persons who stayed in the country ten days or fewer, the August 2004 passage of General Law on Migration 285-04 expanded the "in transit" language to include all nonresidents. In *Yean and Bosico v. Dominican Republic*, the Inter-American Court on Human Rights held that the Dominican Republic was barred from restricting citizenship beyond the exceptions in the Constitution itself and that the Dominican Constitution [incorporated the *jus soli* rule](#) of nationality.

In 2010, Dominican lawmakers responded by amending the language of their Constitution to exclude from citizenship all children born of "[illegal residents](#)." They also stated that "in transit" would be defined according to Dominican laws, effectively excluding the children of all nonresidents from citizenship. A [September 23rd ruling](#) by the Dominican Republic's highest court affirmed the change to a *jus sanguine* rule and declared it applies retroactively to anyone born after 1929 who does not have at least one parent of Dominican blood. The ruling gives the electoral commission [one year to compile a list](#) of people to be excluded from citizenship.

Impact of the Dominican Supreme Court's Ruling

Approximately two to three million individuals, 20-25% of the people residing in the Dominican Republic, are [undocumented](#). Culturally, the Dominican Republic places [less importance](#) on recordkeeping than does the United States. For instance, some births are not documented until several years after the children are born. [Factors](#) including illiteracy, poor official recordkeeping, lost hospital records, and the cost of traveling to government offices and paying required fees, make obtaining official birth certificates too difficult for some. In my own experience living in the Dominican Republic, I met several individuals who possessed birth certificates containing significant errors, or who simply never bothered to obtain the document.

Under the recent Supreme Court ruling, any person who lacks the documentation necessary to establish legal residence could be considered "in transit," and therefore lose the rights of Dominican citizenship. In practice, however, civil registry [officials have admitted](#) to targeting individuals with Haitian features and "Haitian-sounding names" to determine who might be investigated. The fact that the new law allows for the possibility that individuals' citizenship rights may be challenged, even when their families have lived in the country for generations, highlights the ill-conceived nature of the change.

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Economic Reality: The Dominican Republic’s Historic Dependence on Haitian Labor

The change to a *jus sanguine* rule ignores the fact that, for many decades, the Dominican Republic has encouraged Haitian laborers to migrate to the Dominican Republic to work in labor intensive industries. Not surprisingly, many of those workers stayed in the country and started families. Sugarcane in the Dominican Republic is cut by hand using machetes. The work is [labor intensive](#) and physically demanding and creates a great need for seasonal labor. In 1930, Dictator [Rafael Trujillo](#) took power, and the global impact of the Great Depression forced sugar prices down. As a result, plantation owners seeking [cheap labor](#) brought in more and more Haitian workers. The sugarcane workers lived in impoverished rural communities called “[bateyes](#).” Although many of the sugarcane plantations have disappeared, the bateyes remain. Many Haitian immigrants who came to work on the sugar plantations stayed in the country and have had children there for [several generations](#).

Today, the Dominican economy relies [more than ever](#) on cheap Haitian labor in key industries like agriculture, construction, and tourism. However, racism and discrimination against Haitian laborers abounds. Those of Haitian descent are often [discriminated against](#) due to their skin color, low income level/social ranking, and clothing quality, and because many have retained their traditional ancestral cultural values and modes.

Double Standard: Economic Reliance on Dominicans Living Abroad

The change to a *jus sanguine* rule also creates a double standard where Dominican law creates incentives for Dominican citizens to live abroad while at the same time denies rights to Haitians attempting to do the same. For both the Dominican Republic and Haiti, the economic impact of remittances is substantial. A remittance is money sent by a foreign worker back to that person’s country of origin. According to an [annual study](#) done by the Multilateral Investment Fund, the Dominican Republic earned over \$3 billion in 2012 from remittances. The influx of foreign goods and money is also encouraged by a [tax break](#) for returning Dominicans that allows each person to bring \$3000 into the country during the holiday season without paying import taxes. Dominican migration abroad was further encouraged in 2010 when [seven seats](#) in the Dominican Congress were created to represent Dominican citizens living in the United States, Canada, Europe, and Central and South America.

Like the Haitian immigrants who moved to the Dominican Republic for better opportunities in the sugar cane fields, Dominicans themselves have historically sought opportunities in other countries like the United States. Over [1.5 million](#) people of Dominican origin live in the United States. The Dominican Republic is second only to Mexico for the largest share of Latin American immigrants to the United States, and is among the [top five](#) nations worldwide in numbers of family-based immigrants to the United States. For those Dominicans who have children born in the United States, their children have a right to [U.S. citizenship](#); a right now denied to children born to Haitian parents in the Dominican Republic.

Conclusion

The Dominican Supreme Court’s September 23rd ruling is a step backward for the country’s international policy. It is bound to promote confusion and discriminatory application and ignores the country’s reliance on similar rights granted to children of its citizens born abroad. Dominican lawmakers should revisit the logic of promoting a law that strips the citizenship rights of those who know no other country than the Dominican Republic.

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