Making Foreign:
Legal Identity, Social Policy and the Contours of Belonging in the Contemporary Dominican Republic

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Declaration Page

This thesis has been composed and completed by Eve Hayes de Kalaf.

It has not been accepted in any previous application for a degree and is my independent contribution.

All quotations have been distinguished by quotation marks and the sources of information specifically acknowledged.

Eve L. Hayes de Kalaf

Dedicated to the memory of my friend, colleague and mentor
Phillip Wearne who, whenever I wanted to give up, always replied:
'*Kenbe fèm, pa lage!*[1] '

[1] Hang in there, keep going (Haitian *kreyòl*).

Abstract

This empirical, multidisciplinary study offers a critical perspective into social policy architectures primarily in relation to questions of race, national identity and belonging in the Americas. It is the first to identify a connection between the universal provision of legal identity in the Dominican Republic with arbitrary measures to restrict access to citizenship paperwork from populations of (largely, but not exclusively) Haitian descent. The study highlights the current gap in global policy that overlooks the possible alienating effects of social inclusion measures, particularly in countries that discriminate against migrant-descended populations. It also supports concerns in scholarship regarding the dangers of identity management, noting that as administrative systems improve, new insecurities and uncertainties can develop (Seltzer and Anderson, 2001; Bigo, 2006; Lyon, 2009). The project therefore serves as a warning about the potential use of social policy architectures for authoritarian practices. In this regard, it offers a timely critique of global policy measures to provide *all* people *everywhere* with a legal identity in the run-up to the 2030 UN Sustainable Development Goals (SDGs).

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Acknowledgements

This doctoral thesis is the culmination of a long personal, intellectual and transformative journey that began in the Dominican Republic (DR) and has taken me around the world. The project builds on several years of living and working on the island of Hispaniola. It is born out of a desire to amplify the lived experiences of everyday Dominicans, many of whose voices are often overlooked, ignored or forgotten in contemporary debates about race, citizenship and belonging. A chapter based on this thesis is to be published shortly in a Routledge Studies series in Latin American Development entitled *Welfare and Social Protection in Contemporary Latin America*. I would like to express my gratitude to the editor Gibrán Cruz-Martínez for helping put this publication together as well as the wonderful group of social policy scholars I met on the course *Social Protection for Development in the Emerging Welfare States of Latin America and the Caribbean* in 2017 at the University of Agder. I recently presented this book chapter at the International Congress of the Latin American Studies Association (LASA) panel *Global Haiti and the Dominican Republic: The Contradictions of Inclusion and Exclusion* in Barcelona for which I was awarded the Guy Alexandre Prize for best paper.

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eternamente agradecida.

List of Abbreviations

ADB	Asian Development Bank
ADESS	Administradora de Subsidios Sociales (Social Grants Administration Department, Dominican Republic)
CARMJ Justicia	Comisionado de Apoyo a la Reforma y Modernización de la (Commission for the Reform and Modernisation of the Justice System, Dominican Republic)
CDD-PIPS	Componente Dotación de Documentos Legales de Identidad, Proyecto de Inversión en la Protección Social (Legal Identity Documentation Component, Social Protection Investment Project, Dominican Republic)
CEDESO	Centro de Desarrollo Sostenible (Centre for Sustainable Development, Dominican Republic)
CEJNNA	Comisión para la Ejecución de la Justicia de Niños, Niñas y Adolescentes (Commission for the Execution of Justice for Children and Adolescents, Dominican Republic)
CCSC	Consejo Consultivo de la Sociedad Civil (Consultative Board for Civil Society, Dominican Republic)
CCTs	Conditional Cash Transfer Programmes
CTs	Cash Transfer Programmes
CEDAIL	Coalición ONGs por la Infancia (Coalition of NGOs for Children, Dominican Republic)
CEPAL	Comisión Económica para América Latina y el Caribe (Economic Commission for Latin America and the Caribbean)
CERSS Salud	La Comisión Ejecutiva Para La Reforma Del Sector (The Executive Commission for Health Sector Reform)
CONANI	Consejo Nacional para la Niñez y la Adolescencia (National Council for Children and Adolescents)
CARMJ Justicia	Comisionado de Apoyo a la Reforma y Modernización a la (Commission for the Reform and Modernisation of the Justice System)

CONARE	Consejo Nacional de Reforma del Estado (National Advisory Board for State Reform)
CRC	Convention on the Rights of the Child
CRC4D	Civil Registration Centre for Development (CRC4D)
DFID	Department for International Development
DNRE	Dirección Nacional de Registro Civil (National Directorate for Civil Registrations, Dominican Republic)
DPD	Despacho de la Primera Dama (Office of the First Lady, Dominican Republic)
DR	Dominican Republic
DR-CAFTA Agreement	The Dominican Republic-Central America Free Trade
EFEC	Escuela Nacional de Formación Electoral y del Estado Civil (National School for Electoral and Civil Status Training, Dominican Republic)
END	Estrategia Nacional de Desarrollo 2030 (National Strategy for Development 2030, Dominican Republic)
ENDESA	Encuesta Demográfica y de Salud (National Demographic and Health Survey, Dominican Republic)
ENHOGAR	Encuesta Nacional de Hogares de Propósitos Múltiples (National Multipurpose Household Survey, Dominican Republic)
FNP	Fuerza Nacional Progresista (Progressive National Force, Dominican politcial party)
FTZs	Free Trade Zones
FUNGLODE	Fundación Global Democracia y Desarrollo (Global Foundation for Democracy and Development)
GCPS	Gabinete de Coordinación de las Políticas Sociales (Technical Directorate of the Social Cabinet, Dominican Republic)
IACHR	Inter-American Commission on Human Rights (Comisión Interamericana de Derechos Humanos)

ICCPR	International Covenant on Civil and Political Rights
ICV	Índice de la Calidad de Vida (Life Quality Index)
IDB	Inter-American Development Bank (Banco Interamericano del Desarrollo)
ILAE	Incentivo de la Asistencia Escolar (School Attendance Incentive, Dominican Republic)
IMF	International Monetary Fund (Fondo Monetario Internacional)
INTEC	Instituto Tecnológico de Santo Domingo (Santo Domingo Technical Institute, Dominican Republic)
ISI	Institute for Statelessness and Inclusion
IOM	International Organization for Migration
JCE	Junta Central Electoral (Central Electoral Board, Dominican Republic)
LAC	Latin America and the Caribbean
MAN	Municipios Amigos de la Niñez (Municipal Friends of the Children, Dominican Republic)
MEPyD	Ministerio de Economía, Desarrollo y Planificación (Ministry for Economy, Development and Planning, Dominican Republic)
MIP	Ministerio de Interior y Policía (Interior Ministry and the Police, Dominican Republic)
MOSCTHA	Movimiento Sociocultural para los Trabajadores Haitianos (The Socio-Cultural Movement of Haitian Workers, Dominican Republic)
MUDHA	Movimiento de Mujeres Dominico-Haitianas (Movement of Dominican-Haitian Women, Dominican Republic)
OAS	Organization of American States
OBMICA	Observatorio Migrantes del Caribe (Caribbean Migrants Observatory, Dominican Republic)
ONAPLAN	Oficina Nacional de Planificación (National Planning Office, Dominican Republic)

OPHI	Oxford Poverty and Human Development Initiative
OSJI	Open Society Justice Initiative
PIPS	Proyecto de Inversión en la Protección Social (Social Protection Investment Project, Dominican Republic)
PLD	Partido de la Liberación Dominicana (Dominican Liberation Party)
PNRE	Plan Nacional de Regularización de Extranjeros en Situación Migratoria Irregular en la República Dominicana (National Regularisation Plan for Foreigners in an Irregular Migratory Situation in the Dominican Republic)
PRD	Partido Revolucionario Dominicano (Dominican Revolutionary Party)
PROSOLI	Progresando con Solidaridad (Progressing with Solidarity, Dominican Republic)
PS	Programa Solidaridad (Solidaridad Programme, Dominican Republic)
PUCMM	Pontificia Universidad Católica Madre y Maestra (The Pontifical Catholic University Mother and Teacher, Dominican Republic)
SCJ	Suprema Corte de Justicia (Supreme Court of Justice, Dominican Republic)
SCRAL	Social Crisis Response Adjustment Loan
SEE	Secretaría de Estado de Educación (Secretary of State for Education, Dominican Republic)
SeNaSA	Seguro Nacional de Salud (National Health Insurance Service, Dominican Republic)
SESPAS	Secretaría de Estado de Salud Pública y Asistencia Social/Ministerio de Salud Pública (Secretary of State for Public Health and Social Assistance)
SDGs	Sustainable Development Goals
SITF	Social Inclusion Trust Fund
SIUBEN	Sistema Único de Beneficiarios (Social Subsidies Administrator, Dominican Republic)

STP	Secretariado Técnico de la Presidencia (Technical Secretary of the Presidency)
UASD	Universidad Autónoma de Santo Domingo (The Autonomous University of Santo Domingo)
UDHR	Universal Declaration of Human Rights
UIS	Unidad de Información Social (Unit of Social Information)
UN	United Nations
UNHCR	The UN Refugee Agency
UNICEF	United Nations Children's Fund
UNDP	United Nations Development Program
UN ESCAP	United Nations Economic and Social Commission for Asia and the Pacific

Glossary of Dominican Terms and Phrases

acta	a birth certificate
amancebado	a (typically unmarried) couple that is living together/cohabiting
antihaitianismo	a term used to describe discrimination towards and hatred of Haitians in the Dominican Republic
aplatana'o	a foreigner who has culturally assimilated as a Dominican (meaning to turn into a *plátano*, i.e. plantain)
barrido	this literally means a 'sweep'. It is the term used to describe the *en masse* collation of data from households across the length and breadth of the island
batey(es)	enclosed rural sugar plantations (largely privatised since the 1970s) where Haitian migrants and their descendants have lived and formed communities in the Dominican Republic
buscones	tricksters who try and obtain money in exchange for documentation
canasta básica	basic essential food items necessary to feed the average Dominican household
Cédula de identidad y electoral	the Dominican national identity card
cédula de menor	an identity card issued to young mothers who are under the age of 18 so they can register their child.
cocolo	Afro-descended populations in the Dominican Republic with roots in the Anglophone, Francophone and Dutch Caribbean
colmado	Dominican grocery stores selling basic food items. *Colmados* are often the centre of both rural and urban communities and the main locations for the disbursement of cash transfer payments to welfare beneficiaries
Comer es Primero	Dominican targeted cash transfer (CT) programme for populations living in extreme poverty
Constancia de Nacido Vivo	Hospital record used to record the birth of a child in public health facilities
(el) dao	used to explain the state culture of gift-giving to the poor for political support
del otro lado	a phrase Dominicans use to describe people 'from the other side' of the island, i.e. Haitians

Dominicanos y Last Dominicanas con Nombre y Apellido	the registration initiative entitled Dominicans with a First and Name
dominicanidad	the state of being a Dominican. Regularly, however, the term is also used to emphasise an imagined 'white', Catholic, Hispanic identity over one that is black, Haitian and African
esposo/esposa	this literally means husband/wife but is also used by Dominicans to describe cohabitation with a partner regardless of whether or not they are formally married
ficha	work permit
(la) fundita	used to explain the state culture of gift-giving to the poor for political support
haitiano	the term 'Haitian' is regularly used to identify Haitian-descended populations, even when born in the DR over several generations and in possession of state-issued Dominican paperwork
haitiano de aquí	Haitian from here, a term commonly used to talk about Haitian-descended populations born in the Dominican Republic
indio	a focus on the (imagined) indigeneity of the Dominican people allowed for the creation of a racial category that was neither black nor white
kreyòl	Haitian Creole
La Sentencia	Constitutional Tribunal decision 168/13
levantamiento	the collation of data for a survey
Libro de Extranjería	Registry of Foreigners
machetero	person holding a machete, such as a plantation worker
motoconchistas	mototaxis
oficialías	civil registry offices
Programa Solidaridad	Dominican cash transfer and welfare benefits initiative
tecnificación	the modernisation of the civil registry

tollo from *atolladero* meaning a bureaucratic mess or general disorder

transeúnte non-resident, a transient person

Dominican Republic

NORTH ATLANTIC OCEAN

Dominican Republic

——	International boundary
—·—·—	Province boundary
★	National capital
⊙	Province capital
++++++	Railroad
——	Expressway
——	Road

0   20   40 Kilometers
0   20   40 Miles

Lambert Conformal Conic Projection, SP 19 45 N / 18 00 N

Île de la Tortue

Port-de-Paix

Cap-Haïtien

Fort Liberté

Monte Cristi

Puerto Plata

Gaspar Hernández

Cabo Francés Viejo

Ennery

Gonaïves

Dajabón

MONTE CRISTI

PUERTO PLATA

ESPAILLAT

MARÍA TRINIDAD SÁNCHEZ

Cabo Samaná

Sabaneta

VALVERDE

Mao

Moca

SALCEDO

Salcedo

Nagua

Bahía Escocesa

DAJABÓN

Santiago

San Francisco de Macorís

Sánchez

SAMANÁ

Santa Bárbara de Samaná

Hinche

Hispaniola

SANTIAGO RODRÍGUEZ

SANTIAGO

DUARTE

out of service

Bahía de Samaná

HAITI

ELÍAS PIÑA

La Vega

Río Camú

Saint-Marc

Pedro Santana

LA VEGA

Cotuí

SÁNCHEZ RAMÍREZ

HATO MAYOR

Miches

EL SEIBO

Comendador

SAN JUAN

Bonao

MONSEÑOR NOUEL

MONTE PLATA

Île de la Gonâve

Mirebalais

San Juan

Monte Plata

Hato Mayor

El Seibo

Baie de Port-au-Prince

Étang Saumâtre

Lago Enriquillo

AZUA

SAN JOSÉ DE OCOA

SANTO DOMINGO

SAN PEDRO DE MACORÍS

Higüey

Punta Cana

Cabo Engaño

Léogâne

Port-au-Prince

Jimaní

Neiba

BAORUCO

Azua de Compostela

San José de Ocoa

SAN CRISTÓBAL

out of service

LA ROMANA

LA ALTAGRACIA

Boca de Yuma

Jacmel

Belle-Anse

Duvergé

INDEPENDENCIA

San Cristóbal

Bajos de Haina

Santo Domingo

San Pedro de Macorís

La Romana

Hato Mayor

Barahona

SAN CRISTÓBAL

PERAVIA

Baní

DISTRITO NACIONAL

Punta Salinas

Bahía de Ocoa

BARAHONA

Isla Saona

Pedernales

PEDERNALES

Enriquillo

Oviedo

Isla Beata

Cabo Beata

Caribbean Sea

Base 803019AI (C00722) 11-04

Chapter 1
Legal Identity:
An Under-Appreciated Revolution

> 'If [the *Sentencia*] is retroactive then there has been a problem determining the legal status of people living in the country. They have been under the impression they are Dominican and, at some point, were even in possession of DR paperwork. Something like that can lead to other types of problems.'
>
> (Leonel Fernández, former President of the Dominican Republic) [3]

1.0 Introduction

Believing we are a citizen is not sufficient. Increasingly, we are also expected to prove it. Laurence Chandy, director of Data, Research and Policy at the United Nations Children's Fund (UNICEF) recently stated that the prioritisation of documentation within global policy, including the transition from paper to digital identity systems, is 'one of the most under-appreciated revolutions in international development'[4]. Since the mid-1990s, a period of intense global political-economic reconfiguration, inter-governmental organisations, multi-lateral and national aid agencies have problematised under-documentation[5]. They have contributed high levels of financial and technical assistance

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[3] Original quote: 'Si tiene un efecto retroactivo…entonces implicaría un problema [sic] determinar el estatus legal de quienes han vivido en el país, que han tenido la impresión de ser dominicanos y en algún momento tuvieron hasta la documentación dominicana, y eso engendra otro tipo de problemas'. *Leonel Fernández: hay gente que ha tenido la 'impresión' de ser dominicana.* [Online]. 7dias.com.do (2013) Available at: http://www.7dias.com.do/portada/2013/10/03/i149181_leonel-fernandez-hay-gente-que-tenido-impresion-ser-dominicana.html#.Wp_HkZPFJPX (Accessed 12th June 2017).

[4] See Chandy, L. (2018) 'The evolution of identification programs from birth registration to national ID cards to digital IDs. Since the year 2000, over 130 countries have started digital ID programs - surely one of the most under-appreciated revolutions in international development.' [Twitter] 16th January. Available at: https://twitter.com/laurencechandy/status/953453745416953856 (Accessed 17th January 2018).

[5] For key arguments see Human Rights Council (2014) *Birth registration and the right of everyone to recognition everywhere as a person before the law. Report of the Office of the United Nations High Commissioner for Human Rights*. New York, NY: Twenty-seventh session, Agenda items 2 and 3.

to governments to improve civil registries and ensure *all* citizens *everywhere* have their paperwork. Over this time, formal identification has come to be considered a 'prerequisite for development in the modern world' (Gelb and Clark, 2013). It is now central to development strategy planning and assumed in both policy and practice to constitute a common good for all beneficiaries[6].

As we will see in this study, legal identity is now used as a development strategy to improve the 'administrative ordering' (Scott, 1998, p. 4) of populations. Notwithstanding, few studies anywhere in the world link the extension of legal identity with exclusionary measures[7]. Indeed, international organisations and development agencies broadly assume legal identity to be inclusionary[8]. The World Bank, the United Nations (UN) and others have actively promulgated practices to document populations. A lack of documentation is thought to hinder access to both the state and private sector. The provision of legal identity is therefore seen as an essential tool in development planning to ensure that populations can access basic rights and services. These include, although are not restricted to, areas such as education, the formal labour market, cash transfer (CT) payments, banking and financial services, and voting.

Legal identity now plays a pivotal role in development planning. There is, however, no agreed definition of the term (Harbitz and Molina, 2010). Legal identity is still vastly underdeveloped in both policy and practice. As this thesis will demonstrate, this observation is important because the concept can force the issue of nationality and

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[6] See Harbitz, M. and Boekle-Giuffrida, B. (2009) 'Democratic Governance, Citizenship, and Legal Identity: Linking Theoretical Discussion and Operational Reality' *Inter-American Development Bank Working Paper.*

[7] Although it does not provide in-depth empirical examples, an exception to this is Hunter, W. and Brill, R. (2016) '"Documents, Please": Advances in Social Protection and Birth Certification in the Developing World', *World Politics*, 68(2), pp. 191–228.

[8] See World Bank (2013) *Inclusion Matters: The Foundation of Shared Prosperity* World Bank Group.

exacerbate debates over which populations should be eligible for recognition as citizens. Generally, legal identity is understood to relate to 'the recognition of an individual as a person before the law' (OSJI, 2018, p. 6). It is commonly associated with the need to provide evidentiary proof of citizenship (Lawrance and Stevens, 2017) such as a birth certificate, national identity card, passport and other types of state-issued documentation. Thus far, scholarship has largely neglected closer examination of social policy initiatives that promote the registration and documentation of populations (Hunter and Brill, 2016, p. 192). Despite this lack of scholarly engagement with the concept, legal identity has grown to become an integral component of the 2030 UN Sustainable Development Goals (SDGs). In September 2015, the UN General Assembly adopted legal identity as a core cross-cutting theme. Ambitiously, the SDGs aim to 'provide [a] legal identity for all' by 2030[9].

This multidisciplinary, empirical study is the first to identify a connection between the universal provision of legal identity[10] in the Dominican Republic (DR) with arbitrary measures to restrict access to citizenship paperwork from populations of (largely) Haitian ancestry. I use this case to illustrate how legal identity practices can create a space 'inclusive for some, but more exclusive for others' (Sagás, 2018, pp. 1–2). I argue that they can form part of a broader *destabilising* process (Aber and Small, 2013, p. 81) that can, albeit inadvertently, exacerbate exclusion. I demonstrate how international efforts to push the state to provide Dominicans with legal identity

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[9] See United Nations (2015) Goal 16, p. 28: 'Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.' 16.9: 'By 2030, provide legal identity for all, including birth registration' *Transforming our World: The 2030 Agenda for Sustainable Development.*

[10] The Inter-American Development Bank (IDB) defines legal identity as: 'a composite condition obtained through birth or civil registration which gives the person an identity (name and nationality) and variables of unique person identifiers, such as biometrics combined with a unique legal number.' See p. 4 IDB (2009) 'Democratic Governance, Citizenship, and Legal Identity: Linking Theoretical Discussion and Operational Reality' *Inter-American Development Bank Working Paper.*

documentation culminated on the 23rd September 2013 in the Constitutional Tribunal decision 168-13 (from hereon in I call this the *Sentencia*). The *Sentencia* judges ruled the state had erroneously recorded Juliana Deguis Pierre, a documented woman of Haitian ancestry, a Dominican national[11]. They argued that Juliana's father had been contracted to work on a temporary basis and was therefore not a long-term resident of the Dominican Republic. Despite having lived and worked in the country for decades, the judges decided he was 'in transit' at the time of her birth. In addition to this, he had used a *ficha* (a work permit issued to Haitian sugar cane workers) and not a Dominican national identity card (a *cédula*) to record her birth[12]. The judges decided therefore that the irregular migratory status of Juliana's parents, together with the fact they did not record her with a Dominican *cédula*, exempted her from *jus soli* citizenship. As a result, they ruled she had retrospectively inherited the illegal status of her parents and subsequently invalidated her birth certificate. Juliana, they decided, was not, nor could she ever have been, a Dominican national.

Citing the need to rectify administrative deficiencies present within the civil registry for over eighty years, the judges subsequently ordered a full audit to identify other 'foreigners' born on Dominican soil who, like Juliana, may have also mistakenly assumed they were Dominican citizens. The reach of the *Sentencia* affected tens of thousands of foreign-descended populations born in the DR between 1929 and 2007. It included individuals already in possession of state-issued documentation verifying their

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[11] CARICOM was particularly critical of the *Sentencia* and suspended the Dominican Republic's application to join the organisation. See Sentencia TC/0168/13, República Dominicana (2013) [Online] Available at: https://presidencia.gob.do/themes/custom/presidency/docs/gobplan/gobplan-15/Sentencia-TC-0168-13-C.pdf (Accessed: 5th March 2018).

[12] See p. 35 TC/0168/13, República Dominicana (2013) [Online] Available at: https://presidencia.gob.do/themes/custom/presidency/docs/gobplan/gobplan-15/Sentencia-TC-0168-13-C.pdf (Accessed: 5th March 2018).

status as Dominican nationals. The ruling was of huge international import. Notably, the Institute on Statelessness and Inclusion called it:

> '…the most egregious new violation of international human rights norms relating to nationality and statelessness that the world has witnessed in the 21st Century.'
>
> (ISI, 2014, p. 8)

This thesis examines the empirical impact of legal identity measures on (largely) *documented* citizens. Specifically, persons like Juliana who were already in receipt of state-issued citizenship documentation. My fundamental argument is that legal identity measures, while targeting unregistered and informal groups, can also have an impact on registered citizens. I use the Dominican case to illustrate how social policy measures that promote the social inclusion of domestic populations through the provision of legal identity has fomented arbitrary practices that block, impede and cast doubt over the claims of native-born foreign-descended populations to state membership. Through a focus on documented populations (i.e. persons the state has identified as citizens), this thesis moves away from traditional approaches that largely examine the impact of registrations on foreigners and/or the undocumented. The study moves in line with the recent efforts of Dominican and Haitian scholars to reframe scholarly approaches from an inward-looking focus on ethnocentricity and nationalism on the island to instead map out broader discussions around regional, transnational and indeed global themes of identity and belonging[13]. I contend that greater analysis of social policy and the role of international organisations in promoting legal identity measures will help us expand this conversation.

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[13] See Mayes, A. *et al.* (2013) 'Transnational Hispaniola: Toward New Paradigms in Haitian and Dominican Studies', *Radical History Review*, 116(116), pp. 147–158.
Mayes, A. J. and Jayaram, K. C. (eds) (2018) *Transnational Hispaniola: New Directions in Haitian and Dominican Studies*. Gainesville, FL: University of Florida Press.

1.1 Under-Registration in Latin America and the Caribbean

Today, Latin America and the Caribbean is widely considered the success story in the global fight against under-registration. Since the 1990s, regional governments have halved the number of undocumented births (Dunning, Gelb and Raghavan, 2014, pp. 5–6), and the region is seemingly on track to achieve the UN Sustainable Development Goal (SDG) of universal birth registration (UNICEF, 2007b, p. 42). It has achieved this through the implementation of social policy programmes that have specifically targeted marginalised groups, such as indigenous, Afro-descended populations and the poor, to provide them with citizenship documentation (Márquez *et al.*, 2007, pp. 193–199). These are traditionally excluded groups living in areas with high levels of under-registration. Recent legal identity measures have included the implementation of social protection programmes that require targeted (i.e. marginalised) populations to be properly documented so they are eligible for welfare assistance (Perrault and Begoña, 2011, pp. 4–9).

Here the historical context, so often overlooked or discarded by development actors, is significant. In the Americas, colonial administrations systematically excluded indigenous and Afro-descended groups from formal membership (Fisher and O'Hara, 2009). Settlers implemented numerous attempts to control non-white bodies through the use of legal restrictions, registrations, vagrancy laws and the practice of whitening (*blanqueamiento*). Colonial administrators created at times elaborate racial categorisation mechanisms that favoured whites and foreigners over indigenous and Afro-descended groups, the poor and women. Bureaucracies, central to settler colonies, upheld the interests of dominant parties whilst systematically excluding native populations from economic, political and social power (Parker, 2015). In the Caribbean in particular, colonial era registrations demanded conformity to the values of the world system. They

embedded everyday oppression within the African body (Fanon, 1952) through an economic rationale which restricted the rights of people to exercise their agency. Formal membership was an exclusive status reserved for the privileged few. Most poor populations remained unregistered without any form of state recognition.

1.2 How Legal Identity is Defined and What It Promises

Legal identity has become a fundamental component of the human rights and international development agenda (Ladner, Jensen and Saunders, 2013, p. 1). Although international organisations agree that this term involves the legal recognition of a person's existence[14] (United Nations ESCAP, 2014, p. 77; OSJI, 2018, p. 6), it is evolving and as yet not defined within international law[15]. Although there is still no agreed definition, legal identity links 'identity (a rights- and status-based concept), registration (a system for recognizing and recording rights and status), and documentation (an instrument of proof)' (The World Bank Legal Review, 2016, p. 106). Development actors tend to focus more on birth registrations, particularly in the case of children (Gelb and Manby, 2016; Manby, 2017, 2018, p. 54). While the civil registration of children is a key component of the SDG goal of legal identity, there is nevertheless a lack of clarity concerning legal identity as a term and the strategic vision around its effective implementation.

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[14] At the Hague Colloquium on the Future of Legal Identity in April 2015, participants agreed that the term is directly linked to the right of recognition as stipulated within the Universal Declaration of Human Rights (UDHR), the Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR). See Van Waas, L. (2015) *The right to a legal identity or the right to a legal ID? European Network on Statelessness*. Available at: https://www.statelessness.eu/blog/right-legal-identity-or-right-legal-id (Accessed: 2 April 2018).

[15] In October 2015, the Open Society Justice Initiative (OSJI) and the Civil Registration Centre for Development (CRC4D) met in New York to also discuss the definition of legal identity. This was part of a number of discussions among development professionals to examine the term. See p. 4 OSJI (2018) *A Community-Based Practitioner's Guide. Documenting Citizenship & Other Forms of Legal Identity*. New York, NY.

A major interest of this study is that legal identity is not just about the recognition of status. Inevitably, it also demands evidentiary *proof* of status. A necessary observation here is that the effective documentation and categorisation of populations is central to the bureaucratic and administrative effectiveness of social policies. It facilitates the disbursement of welfare payments and ensures that development assistance reaches targeted groups. Social policy therefore demands that beneficiaries are traceable and identifiable to both the state and non-state actors.

Physical documents that confirm an individual's legal identity can vary extensively and include, although are not exclusive to, certificates of birth, marriage, divorce, death and adoption as well as nationality paperwork such as a national identity card or passport (OSJI, 2018, p. 6). The ways in which this recognition is verified remains unclear and can vary depending on the region where these measures are implemented. In the Asian-Pacific context, for example, the UN Refugee Agency (UNHCR), UNICEF, the United Nations Development Programme (UNDP) and Plan International define legal identity as:

> '…the recognition of a person's existence before the law, facilitating the realization of specific rights and corresponding duties. Legal identity, evidenced by legal documentation that is produced on the basis of the registration of vital events, can encompass such characteristics as name, age, place of birth, address, sex, gender, marital status, nationality and, depending on the national context, these are sometimes linked to a personal identification number or/and identity card.'
>
> (United Nations ESCAP, 2014, p. 77)

This thesis focuses specifically on how international organisations are interpreting and implementing the concept of legal identity as well as the sizeable import they are placing on the need to provide populations with documentation. I am particularly interested in the Inter-American Development Bank (IDB) definition of the concept. As we will see, this most closely reflects the efforts of the Dominican state to provide Dominicans with a legal identity. This is understood to be:

'a composite condition obtained through birth or civil registration which gives the person an identity (name and nationality) and variables of unique person identifiers, such as biometrics combined with a unique identity number'[16]

This interpretation of legal identity involves the need to record the details of an individual as an identification tool. Legal identity practices not only acknowledge a person's identity, their registration within a civil registry and the provision of a document (i.e. a birth certificate or national identity card), it also demands the marking of the individual with an identifiable number. My interest is the ways in which legal identity, as well as the use of unique identifiers, can tie an individual and his or her ancestry to the state. My specific concern is that social policy which encourages the improved targeting and identification of populations can also increase the visibility of 'undesirable' individuals to the authorities. More specifically, that states can use these data to trace and discriminate against citizens based on their ethnic, racial and national origins.

I am therefore interested in how legal identity can be used as a bureaucratic tool to determine the political community to which we belong and the set of rights we can access. In the case of social policy, this is of particular import as noncitizens are often ineligible for state benefits and find it harder to access specific healthcare, education and welfare services. It is necessary therefore to examine which populations are being included as citizens eligible for social protection and who potentially is being left behind or excluded from these privileges. With this in mind, I contend that legal identity measures intended to be inclusive can also help increase the 'administrative existence' of individuals (Torpey, 2000, p. 166). As I have stated, this project focuses on the impact of improvements in efforts to provide domestic populations with a legal identity on (largely)

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[16] See p. 5 Harbitz, M. and Boekle-Giuffrida, B. (2009) 'Democratic Governance, Citizenship, and Legal Identity: Linking Theoretical Discussion and Operational Reality' *Inter-American Development Bank Working Paper.*

documented populations. This is an important observation because of the broad assumptions in policy-making that legal identity measures solely target undocumented or informal groups and largely impact them in a positive way.

In this regard, development specialists and policymakers tend to oversimplify and homoge nise civil registrations. Often they ignore the *interconnectedness* of documentation practices with broader state and global systems (Torpey, 2000; Caplan and Torpey, 2001). In contrast to most studies, this thesis moves away from a traditional focus on campaigns centred around the question of legal identity and children's rights[17]. This is because the experiences of children are usually considered at the point of registration, i.e. when a child is first issued with a birth certificate. They are also largely quantifiable. The post-15 development agenda, for example, measures the successes of legal identity measures through the number of birth certificates issued (Perrault and Begoña, 2011, pp. 4–9). This strategy encourages the issuance of as many birth certificates as possible and has important implications for the practical application of social policy measures. I examine how, in the Dominican case, the state tried to block children born to Haitian parents from accessing their Dominican birth certificates. As these practices expanded, it was not only children but also documented adults who began to find it increasingly difficult to renew or obtain legal identity documentation (i.e. a birth certificate or an identity card) from the civil registry.

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[17] Some useful publications that focus on the right of children to birth registration include Apland, K. *et al.* (2015) *Birth Registration and Children's Rights: A Complex Story*, *The effects of brief mindfulness intervention on acute pain experience: An examination of individual difference.*
Cody, C. (2009) *Count Every Child: The Right to Birth Registration*. Woking: Plan International. Available at: http://plancanada.ca/downloads/CountEveryChildReport.pdf.
Perrault, N. and Begoña, A., pp. 1–12 (2011) 'A rights-based approach to birth registration in Latin America and the Caribbean', in *Challenges Newsletter. The right to an identity: birth registration in Latin America and the Caribbean*. Santiago de Chile.

How easy is it, for example, for a mother and/or father to access the civil registry and obtain birth documentation for theirp child? What demands (both monetary and bureaucratic) are placed on the parent(s) to evidence a birth? What is the intersectionality of these practices, particularly in terms of gender and race? (see Crenshaw, 1989; Carbado *et al.*, 2013) What happens when an undocumented mother (i.e. an individual with no evidentiary proof of citizenship) tries to register her child? What are the architectures governing the issuance of legal identity documentation and how do these facilitate/restrict access? In the case of adult populations, in what ways is a birth certificate necessary to facilitate access to other forms of state-issued documentation, such as a national identity card or a passport?

As we will see in the literature review, the role of social policy in facilitating the registration and documentation of populations has thus far been completely side-lined in contemporary discussions on citizenship, noncitizenship and statelessness. The impact of measures that promote legal identity has also been overlooked in both policy and practice (Szreter, 2007, p. 67). There exists therefore a significant gap in scholarship providing critical empirical analysis of the architectures governing registrations (Hunter and Brill, 2016, p. 192). This oversight in scholarship is particularly surprising because identity is now pivotal to the regularisation of welfare payments (Harbitz and del Carmen Tamargo, 2009). Identity documents have either become a pre-requisite to acceptance onto social programmes, or these initiatives are being used to help facilitate the improved targeting and registration of beneficiaries for welfare payments.

1.3 Legal Identity: A Passport to Protection?

At present, social policy actors, legal specialists, statelessness scholars and development practitioners widely regard identity papers as the *solution* to under-

registration and statelessness[18]. Dahan and Gelb, for example, argue that documentation is the gateway to unlocking further rights (2015b, 2015c). This is because improved documentation can facilitate access to other state-led services, such as welfare, healthcare and education[19]. Over the past two decades, social policy has played an important role in improving levels of under-registration[20]. Globally, one in every three (approximately fifty million) births still go unregistered each year (Brill and Hunter, 2014, p. 3). Many underline the dangers of invisibilisation and the need to narrow the global 'identity gap' (Gelb and Clark, 2013, p. 46).

Without paperwork, the undocumented are considered at risk of social exclusion[21]. Campaigners have actively promoted the implementation of pro-poor policies to encourage the improved targeting, identification and documentation of domestic populations for welfare payments and aid assistance[22]. Due to their wide reach and relevance, identification measures have been included as a central tenant of the SDGs (The World Bank Legal Review, 2016, p. 106). Notwithstanding, scholarship has already warned of the detrimental role population data systems can play in human rights abuses

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[18] See UNHCR pp. 297–335 (2010) 'UNHCR Action to Address Statelessness: a Strategy Note', *International Journal of Refugee Law*, 22(2).
See also UNHCR and Plan International (2012) *Under the Radar and Under Protected: The Urgent Need to Address Stateless Children's Rights*. Woking and Geneva.
[19] As the Open Society Justice Initiative argues: 'Proof of legal identity is fundamental for ensuring that all people are able to access their rights, including the right to acquire nationality, essential services, and other identity documents.'. See p. 7 OSJI (2018) *A Community-Based Practitioner's Guide. Documenting Citizenship & Other Forms of Legal Identity*. New York, NY.
[20] See Márquez, G. *et al.* (2007) *Outsiders? The Changing Patterns of Exclusion in Latin America and the Caribbean. 2008 Report.* Cambridge, MA: Harvard University Press.
[21] Campaigns that promote legal identity include the Global Campaign for Equal Nationality Rights, the UNHCR's #IBelong Campaign to End Statelessness by 2024 and its Global Action Plan to End Statelessness: 2014–2024, the World Bank's 'ID4D' platform, the 2014 Brazil Declaration and Plan of Action, the Africa Programme on Accelerated Improvement of Civil Registration and Vital Statistics, and the Regional Strategic Plan for the Improvement of Civil Registration and Vital Statistics in Asia and the Pacific. See pp. 9-10 OSJI (2018) *A Community-Based Practitioner's Guide. Documenting Citizenship & Other Forms of Legal Identity*. New York, NY.
[22] The World Bank, the Inter-American Development Bank (IDB), the Asian Development Bank (ADB), the International Organization for Migration (IOM), the UN Refugee Agency (UNHCR), the United Nations Children's Fund (UNICEF) and others have all actively promoted the universal registration of citizens.

(Seltzer and Anderson, 2001). Supported by a well-managed bureaucracy, the ordering of the German civil registry led to the identification and erasure of the administrative existence of Jews under Nazism in the 1930s. In the US, states actively encouraged a form of 'citizenship by design' (Zolberg, 2006), tailoring citizenship policies along Eurocentric ideals of 'whiteness'. These practices not only strategically denied state membership to native-born populations but were also used to render specific groups foreign (Parker, 2015), i.e. bureaucratically categorise them as non-nationals[23].

As we will see in Chapter 3, since the 1980s, an ideological shift in social policy has taken place. This has moved from a sole preoccupation with economic reforms to the introduction of structural adjustment policies that involve a more integrated focus on human capabilities (Giovanni, Jolly and Stewart, 1987; Nussbaum and Sen, 1993; Sen, 1999). Through these changes, social policy has increasingly insisted on the need to provide the individual with documentation to ensure they are more easily identifiable to international actors, the state and, increasingly, the financial sector. There are undoubtedly clear and significant benefits to these measures. Documentation can offer a 'passport to protection', acting as a gateway to the exercise of fundamental rights (UNICEF, 2013, pp. 6–7). Evidentiary citizenship gives citizens, as rights-bearing members, greater access to education, healthcare and welfare services. The expansion of social policy in Latin America in particular has helped bring excluded 'outsiders', such

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[23] In his recent historical study into immigration law, Parker reminds us that the US state regularly blocked persons born and living in the country from accessing US citizenship. Post-1600, state-enforced techniques to reject populations as US citizens did not solely apply to the immigrant but instead regularly excluded the native-born. Immigration policies were also tailored along Eurocentric ideals of 'whiteness' that favoured outsiders. Territorial insiders, such as blacks, Latin and Asian Americans, Native Americans, the poor and women not only faced exclusionary treatment, the state also used the law to render these groups foreign. The forced expulsions of Mexican Americans in the 1930s and the incarceration of citizens of Japanese descent during the Second World War are just two examples of processes that made little distinction between the native and foreign born, regularly mingling foreigners with domestic populations, treating them in policy and practice as one and the same. See Parker, K.M. (2015) *Making Foreigners: Immigration and Citizenship Law in America, 1600-2000*. Cambridge: Cambridge University Press.

as the poor and undocumented, within the reach of the formal economy and the social safety net (Garay, 2016). Improvements in registration systems also provide policymakers, development specialists and academics with 'vital statistics' (Mahapatra *et al.*, 2007; UNICEF, 2013; Peters, 2016), facilitating the collation of useful quantitative data used to bolster poverty reduction efforts.

Nevertheless, legal identity campaigns regularly conflate documentation with nationality[24]. Herein lies a problem for practitioners. As this empirical study will illustrate, the onus in social policy on individuals to possess legal identity documentation is far from straightforward. A person, for example, can hold a birth certificate from a country yet not be recognised as a national[25]. Equally, an individual with no evidentiary proof of his or her legal status can still exist a citizen within law. In this regard, a birth certificate does not necessarily provide confirmation of national status. Nor does a lack of documentation always mean that an individual has no nationality (i.e. is stateless). In addition to this, civil registrations, while standard practice in the West, are certainly not the norm in the developing world. While exact numbers are unclear, an estimated one third of the world's population has lived an undocumented existence for generations with no form of legal identity whatsoever.

Although a useful means to evidence legal status, documents '…do not *confer* legal identity; they merely *confirm* it' (Vandenabeele, 2011, p. 307). I argue that legal identity documentation should be complementary to the recognition of legal personhood

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[24] International law recognises the right of all individuals to a nationality. Article 6 of the Universal Declaration of Human Rights notes the 'right of recognition everywhere as a person before the law'. Article 15(1) states that 'Everyone has the right to a nationality' and (2) 'No one shall be arbitrarily deprived of his nationality'.

[25] In the United Kingdom, any person born to two foreign parents after 1983, even when in possession of a state-issued birth certificate, is not automatically entitled to British citizenship. It is important to note that even if an individual holds legal identity documentation issued in their country of birth, this does not always determine their status as a national. This is problematic as NGOs tend to equate a lack of birth documentation with a lack of nationality, and vice versa. From a technical and legalistic standpoint, the scenario is far more complex and can lead to contestations over state membership.

and serve as a tool to facilitate the visibility of an individual to state and non-state actors. There is a question of pragmatism here. It is important to note the delicate balance between the 'protective role of identity documentation as a ticket to social benefits [and] its repressive role as an instrument of surveillance and exclusion' (Bhabha and Robinson, 2011, p. 27). In this regard, it is necessary to strike a balance between policy goals (i.e. ensuring that as many people as possible receive their legal identity) and safeguarding the inclusion of *all* citizens within these practices.

Crucial to this study is the observation that development practitioners who work on under-registration and encourage the implementation of legal identity practices rarely consider any form of sociohistorical context in the countries where they work. Social protection programmes that reach local populations are regularly conceptualised at a macro level. As Ladner, Jensen and Saunders argue, these measures are often implemented 'without adequate (or any) consideration of the political, social or economic equilibrium with which [such] projects interact, and without serious consideration of the cost and benefit of such interventions' (2013, p. 4). The implicit normativity of these approaches rarely acknowledges potential disputes that can arise over who should have access to documentation. Nor does it consider the lived experiences of individuals of these practices. This observation is especially pertinent for individuals who, due to their race or ethnic origin, do not fit comfortably within state-centred and ideological notions of the 'imagined community' (Anderson, 1983) and who may find their claims to state membership contested.

In addition, social policy depends on the collaboration of the state with international actors. This strategy relies on the institutional capacity of state architectures to provide adequate documentation. It depends intrinsically on the goodwill and the cooperation of the state to record and document all citizens. Because of this, legal identity

cannot 'co-opt or compete with [the] state function [of granting citizenship]'. Nor can it 'recognise the details of an individual's birth or certify an individual's belonging to the polity' (Hunter and Brill, 2016, p. 197). Therefore, the effective provision of legal identity hinges on the willingness of the state to determine how it identifies its citizens and the documentation it issues to populations.

Disappointingly, social policy scholarship has ignored the importance of questions of race, national identity and belonging within the context of legal identity[26]. There has also been limited empirical engagement with the impact of these practices on domestic populations. Instead, problems in acquiring paperwork are often assumed to stem from failures within the civil registry, such as an overly dogmatic bureaucracy, poorly trained staff or inefficient management. Children, a major focus of concern in the development sector, can sometimes remain unregistered due to a parent's restricted knowledge of citizenship laws, lack of familiarity with state institutions, limited finances and/or linguistic ability, or the fear of detection due to an irregular migratory status (Manly *et al.*, 2014). The burden to register a birth also overwhelmingly lies with the mother. This is something can lead to disputes, particularly in countries where a father's nationality determines the legal status of his child. As this study nevertheless demonstrates, civil registry officials can also use state architectures to block specific groups from accessing citizenship documentation (van Waas, 2008, p. 155). This can include individuals already recognised within law as citizens and in possession of state-issued legal identity papers.

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[26] Writing for the Inter-American Development Bank, Mia Harbitz and Maria del Carmen Tamargo engage with these ideas but from the premise that gender and ethnicity can act as barriers to effective birth registration. They do not consider how identification systems might also be used to discriminate against populations on the basis of race, gender or ethnic origin. See Harbitz, M. and del Carmen Tamargo, M. (2009) *The Significance of Legal Identity in Situations of Poverty and Social Exclusion: The Link between Gender, Ethnicity, and Legal Identity*, *Technical Note*. Washington, DC.

1.4 Permanently Foreign? Nature and Scope of the Dominican Case

This study illustrates how legal identity measures designed to *include* Dominicans for social protection and welfare provision also resulted in *exclusion*. It began with an empirical problem. Namely, how the Dominican state had used the 2013 *Sentencia* to retrospectively and arbitrarily render Juliana, a documented native-born Dominican woman with Haitian parents, a foreigner. The project began with a desk-based review of Dominican laws, bureaucratic practices, government cables and policy which I intended to link to the lived experiences of Dominicans (see Appendix 5 and Appendix 6). Initially, I was interested in the impact of civil registrations on perceptions of national identity and Dominicanness (see 2.3.1, p. 47). As the project progressed, however, I began to identify the instrumental role of international legal identity measures governing the domestic registrations of Dominicans (see Chapter 3). I was then able to link these measures to the elaboration of state-led practices to impede and block access to documentation from Haitian-descended populations (see Chapter 4). I subsequently revisited my initial methodology (see 2.4, p. 57) to consider the use of social policy to expand measures to provide Dominicans with a legal identity (see 5.1, p.140 and 6.1, p. 184). I use the Dominican case to illustrate how increasingly the burden of proof is being placed upon native-born citizens to provide documentary evidence of their existence as state members. This, I argue, has resulted in tensions over individual claims to legal identity documentation. Specifically, I examine the numerous contestations and negotiations that have arisen for largely (yet not exclusively) Haitian-descended populations in their attempts to access legal identity documents from the Dominican civil registry.

The island of Hispaniola, shared between the Dominican Republic (to the east) and Haiti (to the west), has long 'predate[d] the modern' (Mintz and Price, 1985; Howard, 2017). A main recipient of African slaves to the region, the island was pivotal to the

bureaucratic and economic administration of the colonial project. It developed under unique systems of oppression. In the west, the French colonial powers profited handsomely from sugar plantation agriculture imposed in Haiti in the 18th century. They implemented a brutal system of slavery through a reliance on the importation of African bodies. In the east, the country today known as the Dominican Republic became an 'imperial backwater' (Roorda, 1998, p. 7). It was abandoned by its Spanish colonisers who left for Central America in search of gold. As a result, the country became a 'backward agrarian society' model (Abel, 1985, p. 339), relying on subsistence farming and hunting. The Dominican sugar industry only began to develop over the course of the 20th century, much later than its neighbour. These two different histories had a deep impact on the racial and socioeconomic make-up of the island. Not only did the Dominican Republic experience labour exploitation to a lesser degree of intensity than Haiti, racial mixing was also much more prevalent.[27]

I argue in this thesis that the Dominican case offers a unique opportunity to examine how contemporary legal identity measures designed to *include* citizens also led to the *exclusion* of some persons of (largely) Haitian lineage. Since 20th June 1929, the Dominican Constitution recognised the right of 'all people born on Dominican territory' to *jus soli* (birthright) citizenship. Children born to 'diplomats' and persons 'in transit' were the two exceptions to this rule (Sears, 2014, p. 426; International Human Rights Clinic, 2015). Dominican politicians, policymakers and legal experts nevertheless increasingly began to challenge the concept of 'in transit'[28]. This led to disputes not only

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[27] 90 percent of the Dominican Republic is thought to be black or mulatto. See pp. 126–127.Torres-Saillant, S. (1998) 'The Tribulations of Blackness: Stages in Dominical Racial Identity', *Latin American Perspectives*, 25(3).

[28] For key arguments that reject the automatic right of persons of Haitian ancestry to birthright Dominican citizenship, see Castillo Pantaleón, J. M. (2012) *La nacionalidad dominicana.* Santo Domingo, Editora Nacional.

over who should have access to identity documents but, ultimately, who the state should recognise as Dominican citizens. This study demonstrates how the use of social policy to promote legal identity measures began to create practical difficulties for mostly Haitian-descended populations attempting to access Dominican citizenship documentation.

The Dominican government often marks Haitian-descended populations with a form of 'permanent foreignness'[29]. It regularly treats persons of Haitian ancestry, even when born in the country over several generations, as migrants. At times, black Dominicans are also labelled as non-belongers even if they have no family or kinship ties whatsoever with Haiti[30]. This treatment is tied to the actions of the sugar companies who began to bring Haitians into the country through the bracero programme over the course of the 20th century. Haitian labourers provided (and continue to provide) cheap labour to Dominican and international companies. Migrants certainly did not settle through choice. Instead, they were brought by sugar companies. These practices created 'states of exception' (Agamben, 1995) in rural enclaves away from Dominican towns and cities known as *bateyes*. The *batey* physically and geographically separated migrants and their descendants from Dominicans, thus facilitating their oppression.

The state used this situation for both economic and political advantage. The dictatorship of Rafael Leónidas Trujillo Molina (1930-1961) and the authoritarian regime of Joaquín Antonio Balaguer Ricardo (1957-1960, 1960-1962, 1966-1978, 1986-

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[29] This concern is shared by the Dominican scholar Silvio Torres-Saillant. He reminds us that the mingling together of foreigners with Dominicans is exceptional only in the case of Haiti. In a scholarly conversation on recent events, he notes how the Dominican political elite recognises persons of Italian and other foreign parentage resident in the country for several generations as Dominicans. He laments that the state fails to apply the same logic to Dominicans of Haitian ancestry in a way that marks this group with a form of 'permanent foreignness'. We will learn more about how these perceptions are experienced in Chapter 6. Original quote: 'En otras palabras, predomina un discurso que condena a los dominicanos de herencia haitiana a la extranjeridad permanente.' See Torres-Saillant, S. (2015) 'Me atemorizan los planes de Leonel Fernández para con la diáspora' [Online] Available at: https://acento.com.do/2015/actualidad/8250040-silvio-torres-saillant-me-atemorizan-los-planes-de-leonel-fernandez-para-con-la-diaspora/ (Accessed 14 September 2017).
[30] We will see examples of this in Chapter 6.

1996) reinforced a racially motivated and Eurocentric doctrine known as *antihaitianismo* (anti-Haitianism). The state used *antihaitianismo* to emphasise the imagined 'white', Catholic, Hispanic identity of the Dominican people (Wucker, 1999; Howard, 2001; Sagás, 2002). Dominican nationalists, with the support of the Catholic Church, implemented this construct as an ideological and repressive tool to negate, downplay and discard the African origins of Dominicans.

Although Haitians had been the backbone of the profitable sugar industry, from the late 1970s the sugar industry was in decline. The state began to rely less and less on manual labour from its neighbour. Subsequently, many migrants settled in the country over several decades where they had children and grandchildren. International denunciations of the ill-treatment of Haitians saw the military arbitrarily expulse some migrants and their descendants across the border. At times, those affected included persons of Haitian ancestry already in possession of a Dominican birth certificate or identity card (*cédula de identidad y electoral*)[31]. Human rights organisations reacted strongly to these overt displays of aggression and the state subsequently faced increasing international scrutiny and criticism over its human rights record. As the interviews in Chapter 5 and Chapter 6 of this thesis will illustrate, as Haitian-descended populations began to request Dominican identity papers from the state, tensions over who should actually receive citizenship documentation began to grow. Native-born Haitian-descended populations, although largely eligible for birthright *(jus soli)* citizenship, were often unregistered and lacked documentation. In addition to this, the Dominican civil registry had been poorly administered and was overly bureaucratic. In recent years, the under-registration of both Dominicans and foreign-descended populations began to

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[31] See Ferguson, J. (2003) 'Migration in the Caribbean: Haiti, the Dominican Republic and beyond', *Minority Rights Group International*, pp. 2–38.

create real problems for the state. After Bolivia, the country is home to the second largest number of unregistered births in the region[32]. By the mid-2000s, an estimated 25.8 percent of the population had still not been registered (Duryea, Olgiati and Stone, 2006, p. 8). Between 20-22% of children born over the course of five years had no birth certificate whatsoever (Sánchez, 2006). To this day, the exact number of Haitian migrants or Haitian-descended populations living in the Dominican Republic remains unclear.

1.5 Inclusion of the Excluded: Principal Themes and Issues

The Americas emerges from a history of exclusion and authoritarian control. Wade argues that a deep entrenchment of social policy strategies has successfully hidden 'a reality of racist exclusion behind a mask of inclusiveness' (Wade, 2005, p. 239) on the Latin American continent. This observation is particularly pertinent in recent years as international actors have made a concerted effort to distance discussions away from a focus on the social exclusion of populations to instead consider how development strategies can be used to foster inclusivity and belonging[33]. Over the past two decades, concerns over global securitisation and interdependency with international legal frameworks has grown. Migrant-recipient nations have improved technologies and introduced controls to manage the cross-border movements of migrants. In parallel, these measures have also increased the demands on states to provide citizens with evidentiary proof of their legal existence, particularly in poorer nations with high emigration rates.

The principal focus of this study is the impact of contemporary legal identity measures on citizens, i.e. people already in possession of state-issued paperwork. I intentionally choose not to focus migrant populations because I instead want to illustrate

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[32] It should be noted that Haiti is regularly excluded from statistics on registrations and that exact statistics on both the Dominican Republic and Haiti are often inconsistent.
[33] See Márquez *et al.* (2007) *Outsiders? The Changing Patterns of Exclusion in Latin America and the Caribbean. 2008 Report.* Cambridge, MA: Harvard University Press.

how legal identity can be used to challenge or question the right of citizens to access documentation. The relevance of this is significant because scholarship has largely (although not entirely) examined issues with documentation and identification systems from the perspective of the foreign-born migrant, i.e. the non-belonger. Torpey, for example, has demonstrated how, over the past century, the increased use of the passport has facilitated the regulation, control and social ordering of populations attempting to cross the border (2000, p. 167). De Genova (2002, p. 419) and Dauvergne (2008) have shown us how undocumented (migrant) populations once considered 'informal' are now increasingly termed 'illegal'. De Genova in particular examines the increased emphasis international organisations and states are placing on the 'illegality' and 'illegitimacy' of migrants (2002, p. 419). In the post-9/11 era, this has led to the tightening of migratory and border regulations through the introduction of stricter visa controls, higher administrative fees and quota systems to regulate and restrict noncitizen entry. Migrant recipient nations in particular are clamping down on illegal migration by insisting that states provide domestic populations with citizenship papers[34].

Today, the Dominican Republic is the leading origin country of unauthorised migrants from the Caribbean[35]. Thousands of Dominicans and Haitians have arrived in the United States via boat under precarious circumstances. Close to two million

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[34] See Varela, J. R. (2015) *Trump's immigration plan would require every Latino to show their papers, please*, *The Guardian*. Available at: https://www.theguardian.com/commentisfree/2015/aug/31/donald-trump-immigration-plan-would-require-every-latino-to-show-papers (Accessed: 15 September 2018).

[35] The Immigrant Visa Unit of the U.S. Embassy in Santo Domingo is one of the largest diplomatic missions in the world. After Mexico (89,234 Mexicans, 14.5 per cent of total issuances), the Dominican Republic is the second largest country to issue immigrant visas with 53,339 Dominicans receiving travel documentation in 2016, 8.6 per cent of total issuances worldwide. See U.S. Department of State, Bureau of Consular Affairs 'Immigrant Visas Issued at Foreign Service Posts by Country of Birth/Chargeability Fiscal Year 2016' [Online] https://travel.state.gov/content/dam/visas/Statistics/Graphs/IV%20Issuances%20by%20FSC.pdf (Accessed 15th May 2017).
See also Brown, A. and Patten, E. (2013) *Hispanics of Dominican Origin in the United States*. Available at: http://www.pewhispanic.org/2013/06/19/hispanics-of-dominican-origin-in-theunited-states-2011/ (Accessed 15th September 2018).

Dominicans and their descendants are now thought to live there. This constitutes the fifth-largest Latino group in the country[36], the majority of whom are currently based in New York and Miami. Although most Dominicans arrive with a valid passport and tourist visa, some eventually become illegal over-stayers, allowing their paperwork to expire. Their undocumented status means that many are hesitant to renew their passport and cannot resolve their undocumented status with the US authorities. As a consequence, they are unable to return to renew their citizenship papers with the Dominican authorities. This situation can lead to many Dominicans to fall through the bureaucratic cracks of their host nation. Without valid documentation, it can be difficult for the US authorities to know where Dominican citizens are living or keep a record of their formal immigration status. In addition to this problem, for years the Dominican civil registry was centralised meaning that domestic residents would not only have to travel to the capital Santo Domingo to acquire paperwork, but transnational populations would also have to return to their town of birth to resolve basic bureaucratic issues such as an expired passport or ID card[37]. Over the past decade, the informality of domestic registration systems had created real problems for migrant-recipient nations. For migrants from the Caribbean region, this is by far a straightforward scenario[38]. As outward migration grew, the need for access to citizenship documentation increased. For migrant-recipient nations in the global north, documentation began to take on far greater importance than it had ever done

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[36] See Guadalupe, P. (2018) *As their numbers grow, Dominican-Americans solidify their presence and clout*. Available at: https://www.nbcnews.com/news/latino/their-numbers-grow-dominican-americans-solidify-their-presence-clout-n851386 (Accessed: 15 September 2018).

[37] We learn more about the significance of these issues in my stakeholder interviews in Chapter 5.

[38] Questions of citizenship within the Caribbean context are extremely complex. In Puerto Rico, the world's oldest colony, islanders do not hold full citizenship or voting rights despite their status as US citizens. The Cuban state can revoke the citizenship of nationals living outside the island for extended periods. Before 2012, Haiti did not recognise the dual nationality. This meant that naturalised US citizens of Haitian origin could not vote in the national elections or hold office. The Dominican Republic has strategically taken advantage of its diaspora to ensure that voting rights and other privileges are extended to this group whose economic and political influence has grown over the past two decades.

before. This, I argue, had a direct impact on legal identity practices on the island of Hispaniola as international organisations increasingly placed pressure on the Dominican state to provide its nationals, residing both at home and abroad, with a legal identity.

1.6 Research Questions

In this multidisciplinary study, I am interested in how states can use identification mechanisms to blur the 'conceptual, legal and ideological boundary between citizens and foreigners' (Brubaker, 1992, p. x). I underline the need for greater scholarly attention into the role of social policy in practices that mark the poor and facilitate the increased visibility of marginalised, indigenous and Afro-descended populations[39]. This study merges critical analysis of social policy and state architectures involved in the provision of legal identity with the lived experiences of populations. Through a focus on (largely) *documented* individuals, I examine how international legal identity measures can facilitate a space for the state to challenge, contend and refute requests for citizenship paperwork. In relation to these themes, the specific questions I wish to explore are as follows:

Q1 – In what ways have international organisations used social policy to tackle under-registration in Latin America and the Caribbean? What strategies have they implemented to 'include the excluded'[40] and what role has legal identity played within this context?

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[39] In the 16th century, colonial settlers practically (although not entirely) wiped out the indigenous 'native' populations on the island through enslavement and the introduction of European diseases. Indigenous groups are therefore not the focus of this study. Nevertheless, some of the questions this thesis raises in relation to contemporary social policy and access to legal identity are extremely relevant in other parts of Latin America where similar social protection programmes have also been implemented. Peru, for example, would benefit from more in-depth comparative research into the impact of legal identity measures on both Afro-descended and indigenous populations.

[40] See Márquez, G. *et al.* (2007) *Outsiders? The Changing Patterns of Exclusion in Latin America and the Caribbean. 2008 Report.* Cambridge, MA: Harvard University Press.

Q2 – How has the Dominican state used social policy to implement legal identity measures in the country since the mid-2000s? What role have state architectures played in facilitating and/or impeding access to legal identity documentation to citizens?

Q3 – What has been the direct impact of legal identity measures on the lived experiences of (largely) documented, migrant-descended populations living in the Dominican Republic and overseas? What role have these processes played on broader perceptions of race, identity and belonging?

1.7 Contribution

At present, the foreign-making actions of the Dominican Constitutional Tribunal judges are widely interpreted as an anomalous domestic 'immigration' dispute on the island the country shares with its neighbour Haiti. They are considered the ultimate expression of state-sponsored anti-Haitian nationalism against foreign-born migrants and their native-born children. Scholars and activists typically see the case as an example of denationalisation and statelessness. As such, they widely focus their research on undocumented, informal[41] or stateless populations; vulnerable people often assumed to be living at the *fringes* of citizenship recognition (Lawrance and Stevens, 2017, p. 9).

In contrast to these approaches, I instead focus on *documented* populations; persons already in possession of state-issued paperwork. This allows me to look at the role of legal identity measures and the influence of international actors over registration

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[41] For this study, the term 'undocumented' refers to a person never recorded within a civil registry with no documentary evidence of citizenship. I apply the term 'informal' to populations that may possess some form of paperwork but do not yet hold all their legal identity documents (i.e. a birth certificate and identity card together with a unique identifier number). This is not uncommon in the developing world, particularly in rural areas, where civil registries can be hard to reach, mistakes recording birth dates and names are commonplace and financial requirements can impede the poor from regularising their status. As we will see in this study, people may hold an identity card without having registered their birth. Others can have a birth certificate yet find that the state does not have (or cannot find) any record of their birth.

practices leading up to the *Sentencia*. The instrumental use of social policy to enforce the registration and documentation of Dominicans adds an important component to this case. I try and move the debate away from a sole focus on the 'Haitian' question (see 2.4, p. 57) to instead examine the ambiguities and contradictions populations have experienced when accessing Dominican legal identity documentation. I challenge the broad normative assumptions currently present within scholarship that consider legal identity practices as universally positive. My focus on practices that aim to socially include Dominicans allows me to examine which populations are excluded. These measures, I note, can retroactively and arbitrarily cast doubt, create obstacles and ultimately challenge the right of domestic populations to legal identity paperwork.

1.8 Positionality as a British-Dominican Researcher

I was in a unique position to carry out this study. I am a bilingual English-Spanish speaker born to British parents with dual British-Dominican citizenship. I naturalised as a Dominican citizen in 2011 having worked in the country in the fields of international development, communications and government consultancy from 2005 until 2012. My experience made me highly conscious of my positionality as a white, European woman. I had always been fascinated by my naturalised status as a Dominican citizen[42], particularly in relation to how I am perceived by others. Not only did I know the country well, I had experienced first-hand how overwhelmingly cumbersome, time-consuming and disorganised Dominican bureaucracy could be. Dominicans call the civil registry '*el tollo*' which literally translates as '*atolladero*' meaning 'mess'. Citizens regularly complain about inefficient and slow bureaucratic practices. From the mid-2000s, I had

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[42] This status is, of course, very different to that of the individuals I consider in this study who were (or thought they were) native-born citizens.

observed first-hand the significant levels of investment in the civil registry and at government offices. This included the use of new computers and more sophisticated databases, refurbished reception areas and a reduction in waiting times. Staff interactions with 'clients' (i.e. citizens) also began to improve[43]. Systems were becoming increasingly formalised and technologies to record information more modernised. I was acutely aware of the sensitivities and debates around access to citizenship, particularly for populations of Haitian ancestry. In my interactions with state officials, I had experienced how my foreign birthplace, race and social status already placed me in position of privilege over native-born black Dominicans, Haitian migrants and Haitian-descended groups. I was (disgracefully) regularly allowed to skip queues and given priority over others, many of whom had to wait for several hours to be seen by a state official.

1.9 Chapters Overview

In this chapter, I have briefly outlined the complexities of the 2013 *Sentencia*. Specifically, that the civil registration of the plaintiff Juliana was determined an administrative oversight and had resulted in her Dominican birth certificate being issued in error. I have argued that this study, which links the *Sentencia* to international organisations and the implementation of social policy practices to provide Dominican citizens with a legal identity, offers a new and important perspective into current understandings of the use of measures to identify and register beneficiaries. I note how development specialists and scholars working on under-registration and statelessness broadly consider legal identity an inclusionary and necessary practice for all citizens. While I do not seek to contest this, I nevertheless use this study to tease out the nuances

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[43] See Clarke, J. (2006) 'Consumers, clients or citizens? Politics, policy and practice in the reform of social care', *European Societies*, 8(3), pp. 423–442.

within identification systems. I illustrate the multifaceted, complex and, at times, contradictory experiences of citizens of legal identity practices. My intention here is to demonstrate that legal identity is not straightforward and can affect populations across different races and socioeconomic backgrounds in a variety of ways.

I have shown how the term legal identity, now a central component of the 2030 global development agenda, has yet to be clearly defined within policy. Through a focus on the Americas context, I argue that development practitioners have thus far largely ignored the potential exclusionary impact of universal registrations on persons of Afro and indigenous descent. I have stated that the Dominican case helps us to consider the various contestations and problems that can emerge over access to legal identity, especially for migrant- and Afro-descended populations. These are individuals whose race or national origin can at times clash with state-led ideological fantasies about who constitutes as a citizen. Importantly, I have stated that I am particularly interested in the impact of legal identity measures on *documented* as opposed to informal, unregistered or stateless populations. This is because I want to examine the experiences of persons the state has, at one point in their lives, administratively identified as citizens and who are already in possession of state-issued paperwork, such as a birth certificate or a national identity card.

Chapter 2 provides the literature review and research methodology for this study. I note how contemporary scholarship has largely neglected closer examination of the architectures that govern social policy initiatives (Hunter and Brill, 2016, p. 192). In the Americas case, I maintain this is important as these campaigns typically target vulnerable and marginalised (un)documented Afro-descended and indigenous populations and their children. I underline the potential for academic collaboration between empirical approaches within social policy and more normative scholarship on citizenship,

noncitizenship and statelessness thus far largely absent in conversations between the two fields. Traditionally, the latter is largely examined from a legalistic perspective and fails to engage with the lived experiences of populations of registration drives. I also note how contemporary scholarship on identity cards, biometrics and biopower has thus far warned of the potential for problems with *en masse* registrations yet, again, has not considered social policy as an avenue for further study. I suggest therefore that increased engagement with, and critical analysis of, legal identity offers an exciting new opportunity not only to explore the empirical impact of these measures but also to amplify the voices of populations experiencing legal identity practices. Finally, I introduce the specificities of the Dominican case. I note the limitations of existing methodological approaches that continue to frame questions of access to Dominican citizenship through the lens of Dominican-Haitian relations, cross-border migration and anti-Haitianism (*antihaitianismo*). Importantly, I call for the need to *dehaitianise* contemporary approaches to the *Sentencia* as a means to move away from a framework that solely considers the treatment of migrants and their immediate descendants. Rather than frame this case as solely a migration problem, I instead underline the importance of examining how state architectures can be used to challenge claims to citizenship. I argue that the persistent attention scholars pay to the relationship between the Dominican Republic and its neighbour Haiti has created a blind spot in terms of how the Dominican state has been using documentation and the civil registry as a means to block access to paperwork from persons born citizens.

Chapter 3 traces the expansion of contemporary social policy practices in Latin America and the Caribbean. I illustrate how regional efforts to introduce structural adjustment reforms, improve subsidy spending and overhaul inefficient social programming became increasingly linked to efforts to increment rates of under-

registration. I specifically focus on the involvement of international actors such as the World Bank, the Inter-American Development Bank (IDB) and the United Nations (UN). I illustrate how the expansion of legal identity measures resulted in the introduction of new social protection mechanisms that sought to improve the targeting and monitoring of income-poor populations for state subsidy payments. Importantly, I examine the central role of Conditional Cash Transfers (CCTs) as a development strategy to provide vulnerable populations with welfare payments. CCTs are a popular and widely-implemented development strategy that target, monitor and evaluate income-poor populations for welfare payments. They rely heavily on the need to document beneficiaries through the insistence that they provide a national identity card for inclusion onto social assistance programmes. We will explore the role that social policy has played in implementing legal identity measures and the impact that this has had on native-born populations in the Caribbean. I argue that, while regularly portrayed as a success story, the CCT model has also facilitated the marking of the income-poor and thus increased the visibility of beneficiaries to the authorities. I suggest that contestations can emerge from systems that insist on the registration and identification of indigenous and Afro-descended groups. In the Dominican case (and through a focus on Afro-descended groups), I illustrate how, since the early 2000s, the Dominican state implemented new social protection mechanisms to better identify income-poor populations. A major shift in domestic policy, this led to the introduction of a 'tripod' of state institutions to identify populations for the administration and disbursement of CCT payments. I note how the introduction of this new model began to create problems for some foreign-descended populations in their attempts to obtain and/or renew state-issued documentation. Importantly, I also examine the increasingly central role of the Dominican national identity card (the *cédula*) in accessing state services. I note how while this card can

facilitate inclusion, those without access to it are increasingly finder it harder to access state services.

Chapter 4 provides a timeline of events leading up to the 2013 *Sentencia*. It details how, since the 1990s, migrant rights groups began to harness international support to advocate for the right of native-born populations of Haitian ancestry to Dominican documentation (Martínez, 2014, p. 160). I trace how NGOs working with Haitian migrants and their children used jurisprudence as both a domestic and regional strategy to push the Dominican state to provide children of Haitian parentage with Dominican documentation. Campaign groups regularly equated a lack of documentation with a lack of citizenship, arguing that without paperwork persons of Haitian ancestry could not access their Dominican nationality and were therefore stateless. I illustrate how, in parallel to the social policy measures outlined in Chapter 3, state officials also began to introduce legal, bureaucratic and administrative mechanisms that increasingly blocked foreign-descended populations from accessing Dominican documentation from the civil registry. These measures affected undocumented and informal populations with no form of legal identity. Nevertheless, they also began to impact the individuals I look at in this study who were already registered and in possession of state-issued citizenship paperwork.

The fieldwork for this thesis is divided into two parts. Chapter 5 centres around interviews with 19 key actors working at an international, national and local level to universally provide populations with a legal identity[44]. My intention is to firstly look at how legal identity is conceptualised and understood to function by those working in the field of legal identity. I then use these findings to draw together policy and practice. This

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[44] These include representatives from international organisations, government, civil society organisations, civil registry officials and NGO fieldworkers.

allows me to compare and contrast feedback with the lived experiences of populations of

legal identity measures in the following chapter. Chapter 6 then examines the impact of

registration procedures on 40 persons of (mostly) foreign parentage across a range of

different socioeconomic backgrounds. I compare these experiences with the claims of

international organisations and multi-lateral agencies detailed in the previous chapter. I

highlight the numerous contestations that have arisen over access to state-issued

documentation. I demonstrate how citizens (as opposed to solely migrants) are now

having to navigate at times complex and cumbersome bureaucratic systems to obtain their

legal identity paperwork. Principally I argue that these practices can foment the exclusion

of 'undesirable' populations from the civil registry. This is with the aim of challenging

some of the broad parallels social policy currently draws between the use of legal identity

documentation and improved access to state services. Importantly, the chapter not only

includes conversations with populations still living in the Dominican Republic and their

perceptions of identity and belonging but also considers the impact of foreign-making

processes on transnational populations.

Chapter 7 presents a summary of conclusions of the Dominican case. I argue that

critical analysis of the use of social policy to roll out legal identity measures is crucial in

the build-up to the 2030 SDGs. I call for greater scrutiny of social inclusion strategies

that aim to provide *everyone*, *everywhere* with some form of legal identity

documentation. I maintain it necessary to examine the increasingly important role of

international actors over the expansion of identification practices as well as the need for

more empirical research into the impact of these measures on citizens. I also underline

the importance of the findings of this study with contemporary issues in other parts of the

world. I suggest that urgent consideration of the impact of measures that place the burden

of proof upon the individual (particularly the migrant-descended) to evidence their

citizenship status is necessary. I identify the recent Windrush scandal as one important example of a case where the insistence on citizens to provide evidentiary proof of their right to belong can result in problems with regards to access to state services and other citizenship privileges.

Chapter 2
Dehaitianising Approaches to the Dominican Case:
Literature Review and Research Methodology

> '…our ideas about citizenship, public-health
> programs, social security, transportation,
> communication, universal public education, and
> equality before the law are all powerfully influenced
> by state-created, high-modernist simplifications . . .
> [but] [w]hat has proved truly dangerous to us and to
> our environment . . . is the combination of
> universalist pretensions of epistemic knowledge and
> authoritarian social engineering'
> (Scott, 1998, pp. 339–340)

2.0 Introduction

The principal aim of this literature review is to bring together three separate strands of scholarship relevant to this study:

2.1 Social inclusion theory in relation to questions of legal identity and documentation with a specific focus on Latin America and the Caribbean.

2.2 Current trends in scholarship on citizenship, noncitizenship and statelessness, including a brief commentary on the role of biometrics and biopower.

2.3 Literature on race, identity and belonging in the Dominican Republic. I also note the use of the 'Haitian' question to explain the 2013 *Sentencia.*

Sections 2.4-2.5 of this chapter outline the research methodology and identify any limitations with my approach. I also consider the ethical, risk and safety concerns of the study. Importantly, I underline the need to reframe current approaches to the 2013 *Sentencia.* I achieve this by proposing that scholars *dehaitianise* their understanding of the Dominican case. My principal motivation for this rests on the fact that the plaintiff Juliana was not a migrant. She was born in the Dominican Republic at a time when the constitution recognised her *jus soli* citizenship[45]. She already had a legal identity

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[45] See Sentencia TC/0168/13, República Dominicana (2013) [Online] Available at:

document in the form of Dominican birth certificate. Notwithstanding, she was subsequently told by the tribunal judges that this document had been issued in error and was therefore invalid. I conclude by noting the need for scholarship to engage critically with the ways in which the Dominican state has been classifying citizenship eligibility and how it has been using state architectures to facilitate or impede access to legal identity.

2.1 Legal Identity as a Development Strategy for Social Inclusion

The general consensus shared by development and legal practitioners, academics and statelessness experts is that 'everyone should have the right to citizenship somewhere' (Gibney, 2009, pp. 50–51). As examined in Chapter 1, the 'administrative ordering' (Scott, 1998) of populations through the improvement of civil registries has become a fundamental component of global social policy. This situation has improved drastically over the past decade as international actors have incorporated legal identity as a core cross-cutting theme of development policy. Recent contributions to social policy in Latin America examine how both national and global actors and institutions are increasingly shaping domestic policy (Cruz-Martínez, 2019). Efforts to provide documentation as a means to evidence legal identity have subsequently become central to the post-2015 global development strategy (Dunning, Gelb and Raghavan, 2014; Dahan and Gelb, 2015b; Oppenheim, Marea Powell and OSJI, 2015). Now considered a universal right in both policy and practice, legal identity is largely equated with good governance techniques (Harbitz, 2013; UNDP, 2014; Apland *et al.*, 2015; The World Bank Legal Review, 2016) [46]. This literature maintains that robust and efficient civil

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https://presidencia.gob.do/themes/custom/presidency/docs/gobplan/gobplan-15/Sentencia-TC-0168-13-C.pdf (Accessed: 5th March 2018).

[46] 'Following [a] 2012 meeting in Rio, [a] High-Level Panel included legal identity as the first target in its goal to 'Ensure Good Governance and Effective Institutions. The target called for 'provid[ing] free

registration systems give rights-bearing citizens improved access to services including education, healthcare and welfare (The Haki Network, 2012; UNHCR and Plan International, 2012). These concepts are built upon the work of scholars such as Caplan and Torpey (2001), Szreter (2007) and Breckenbridge and Szreter (2012) who, although aware of the potential for problems with these systems, also support the need for identification as a means to bolster and protect the rights of populations. Empirical examination into the impact of legal identity measures, however, is limited. Hunter and Brill note this in their article "Documents, please!": Advances in Social Protection and Birth Certification in the Developing World' (2016, p. 192). They underline that although international development is being used to identify and register populations, these practices are still poorly understood in the social sciences and vastly under-researched. In contrast to this study, rarely does literature on civil registrations engage with or critique legal identity, the concept underpinning these practices.

Although the aforementioned scholars have started to engage in the legal identity debate[47], it is international organisations who dominate and finance the global discussion on legal identity. Prominent advocates include the World Bank (Dahan and Gelb, 2015a, 2015c; World Bank Group, 2015; Manby, 2016), the United Nations (UNICEF, 2005, 2013; Perrault and Begoña, 2011) and the Inter-American Development Bank (Harbitz and Boekle-Giuffrida, 2009; Harbitz and del Carmen Tamargo, 2009; Harbitz and Arcos Axt., 2011; Harbitz, 2013). Some examples of studies in this area include the work of Balagopal, Van der Straaten and the Civil Registration Centre for Development

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and universal legal identity, such as birth registration.'' See p. 4 Dahan, M. and Gelb, A. (2015c) *The Role of Identification in the Post-2015 Development Agenda*. Available at: http://www.cgdev.org/publication/role-identification-post-2015-development-agenda (Accessed 10th September 2018).

[47] See also Van Waas, L. (2015) *The right to a legal identity or the right to a legal ID? European Network on Statelessness*. [Online] Available at: https://www.statelessness.eu/blog/right-legal-identity-or-right-legal-id (Accessed: 2nd April 2018).

(CRC4D)[48] who have examined questions of equity and birth registrations in Eastern and Southern Africa (2011). Oppenheim, Marea Powell and the Open Society Justice Initiative (OSJI) have looked at legal identity within the context of the SDGs in Kenya (2015). López *et al.* have addressed the case of civil registrations, human rights and social protection (United Nations ESCAP, 2014). This body of literature is broadly sponsored and supported by international and/or non-governmental organisations. The scholarship places legal identity at the centre of the global development strategy. It also tends to measure the quantitative achievements of legal identity provision, such as the number of birth certificates issued or number of persons reached (see OSJI, 2018)[49], rather than examine the impact of these practices on populations.

Overwhelmingly, scholarship focuses on the social inclusion of children (see Image 2, p. 35). This includes an IDB study on birth registrations (Ordóñez Bustamante and Bracamonte Bardález, 2006), the 'Count Every Child' study by Plan International (Cody, 2009), and the UNICEF study entitled 'The Right to an Identity: Birth Registration in Latin America and the Caribbean' (UN, ECLAC and UNICEF, 2011). This literature sees birth registration as an essential component in facilitating the rights of a minor[50]. Undocumented children and young people live beyond the reaches of the formal economy and the social protection radar (Cody, 2009; UNHCR and Plan International, 2012). As such, they are far more likely to experience socioeconomic hardship particularly as it is more difficult for both the state and aid agencies to know

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[48] The CRC4D is a training and advisory centre that advocates for the modernisation of civil registries.
[49] The SDG goal for legal identity is measures via birth registrations which are considered a building block to development as they facilitate access to additional legal identity documents, such as a national identity or social security card.
[50] See Human Rights Council (2014) *Birth registration and the right of everyone to recognition everywhere as a person before the law. Report of the Office of the United Nations High Commissioner for Human Rights*. New York, NY: Twenty-seventh session, Agenda items nos. 23 & 24.

where they are or effectively identify their needs. Handa and Davis (2006) argue that the provision of birth documentation can help tackle intergenerational poverty. Mackenzie (2009), Reuben and Cuenca (2009), Brito, Corbacho and Osorio (2013) and Corbacho, Brito and Rivas (2012) provide demonstrative links between the number of birth certificates issued to children and educational attainment. The benefits of birth registrations for children are therefore thought to overwhelmingly outweigh any potential shortcomings.

Image 2: Current Debates within International Organisations on Birth Registration and the Right to an Identity

Nevertheless, this literature does identify some potential shortfalls with documentation practices. Manby, for example, sees potential limitations with identification measures within the context of forced displacement and undocumented migrants (2016). In the case of unregistered or informal populations, Arroyo (2010) notes the inter-cultural challenges in using paperwork as a means to facilitate the integration of indigenous populations in Peru. He identifies resistance from some indigenous groups in wanting to be acknowledged as Peruvian citizens. He also highlights the lack of familiarity many rural populations have with documentation practices, indicating that the costs associated with under-registrations can prevent them accessing their rights. In their study linking the need to improve the documentation of indigenous populations in receipt of Conditional Cash Transfer payments (CCTs)[51], Correa Aste and Roopnaraine maintain that an identity document can reinforce a feeling of national identity, thus helping card bearers feel like 'real' citizens (2014). In a later study, Adato, Morales Barahona and Roopnaraine also argue that documentation, particularly in the form of a national identity card, can help individuals avoid suspicion in areas with high levels of drug trafficking (2016, p. 1179). Vandenabeele (2011), Ladner, Jensen and Saunders (2013) and Hunter and Brill (2016), however, also recognise the need for identification policies that foster the inclusion of *all* populations. Importantly, they express concern that some populations may still be adversely affected or left out of these practices

As I have noted, theoretical engagement in this field continues to develop. Empirical analysis of the impact of legal identity measures is scarce and usually measured through the number of birth registrations achieved. In this regard, this project seeks to tease out some of the more complex and at times multi-faceted dimensions of legal

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[51] See 3.2, p. 68 for a more detailed account of CCTs.

identity measures. I illustrate how these can be experienced in a plethora of ways. This observation is of particular significance within the context of questions of race and national belonging, an area still vastly under-researched in social policy. What happens, for example, when there is a dispute over which individuals should have access to legal identity documentation? What problems can arise with measures that encourage social engineering in the form of *en masse* registrations? Although legal identity measures are assumed to impact informal and unregistered children, how are others – i.e. documented adults – also experiencing these changes? As we will see in the next section, scholarly contributions are typically legalistic and incorporate a rights-based framework. In contrast, this study provides much-needed empirical examination of social policy measures that encourage the registration of marginalised populations for state assistance. Through careful consideration of the impact of these policies on the lived experiences of populations, I highlight the potential for further scholarship in social policy on questions of citizenship, noncitizenship and statelessness.

2.2 Current Trends in Scholarship on Citizenship, Noncitizenship and Statelessness

> 'Documentation or its lack is a defining aspect
> of the production of statelessness today.'
> (Kerber, 2005, p. 736)

Documentation underpins the concept of social policy. It hinges on the understanding that the state willingly targets and identifies citizens, such as the income-poor, for social protection and welfare. Domestic laws set the criteria for state membership and are the key instrument to facilitating citizenship. They determine how citizenship acquisition criteria is defined and who can 'belong' as citizens. Discussions regarding how social policy is used to improve civil registries, as well as closer examination of the ways in which states are categorising and recording their citizens, are nevertheless absent from contemporary debates on citizenship, noncitizenship and

statelessness. This is surprising, particularly in light of the close link between this field

and contemporary legal identity debates (Bhabha and Robinson, 2011).

Traditionally, scholarship has interpreted noncitizenship and statelessness as a

lack of functioning citizenship (see, for example, Kingston, 2014). A stateless person is

'not considered [as] a national by any state under the operation of its law' (UNHCR,

2003, p. 12). Stateless populations are therefore target groups of legal identity practices

because often they lack any official status and hold no form of legal identity[52].

Statelessness literature is an exciting and growing field of study. Research into

populations with no state membership (i.e. the stateless) is relatively new and still

evolving (Manly *et al.*, 2014). From a largely normative and legalistic perspective,

scholars such as Edwards and van Waas (2014), Manly *et al.* (2014) and Bloom, Tonkiss

and Cole (2017) have examined the complex methodological issues needed to address

statelessness[53].

As I stated in the previous chapter, I am interested in how a state can arbitrarily

use social policy measures to block access to documentation. This study does not address

the experiences of foreign migrants who naturalise. Instead, I use approaches understood

within the literature to affect foreigners to instead examine the impact of identification

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[52] The overhaul of a political regime or changes in nationality law can create stateless populations. Gender bias within laws can also result in lineage passed down solely through the father or lost if a woman remarries. The arbitrary deprivation of citizenship is one of the major causes of statelessness and has received growing interest from scholarship in recent years. See, for example, Sassen, S. (2002) 'Towards Post-National and Denationalized Citizenship', *Handbook of Citizenship Studies*, pp. 277–292. Gibney, M. J. (2011) 'Should citizenship be conditional? Denationalisation and liberal principles', *Refugee Studies Centre*, (75), pp. 1–25.
Macklin, A. and Bauböck, R. (2015) 'The return of banishment: Do the new denationalisation policies weaken citizenship?', *Robert Schuman Centre for Advanced Studies Research.*
[53] Practical solutions to overcoming the problem have included the use of multinational corporations to reduce levels of child statelessness. See Brewer, M. K. (2014) 'Beyond International Law: The Role of Multinational Corporations in Reducing the Number of Stateless Children', in *Tilburg Law Review Statelessness Special Issue*, pp. 64–73.
Another suggestion has included improved financial inclusion of excluded populations, such as the strategic implementation of microfinance projects to improve the lived conditions. See Colgan, B. P. and Kolinský, O. (2014) 'Statelessness and Microfinance: Can Microfinance Improve the Living Conditions of the Stateless?', in *Tilburg Law Review Statelessness Special Issue*, pp. 90–97.

practices on native-born *citizens*. This is a necessary observation as thus far scholarship has failed to empirically examine the impact of social protection programmes that promote registrations as a means of overcoming statelessness. Instead, there exists an abundance of valuable ethnographic contributions that consider the experiences of foreigners (noncitizens) of civil registrations. McNevin (2011), Bloemraad (2013) and Byrne (2014), for example, look at how the noncitizen outsider has had to navigate state bureaucracies and legal structures to become a (naturalised) citizen. Goldring and Landolt (2013) have also shown how, in their journey towards citizenship, migrants can find themselves caught within a complex system of 'chutes-and-ladders' intentionally blocking them from the pathway to legality. This study therefore moves in line with sociologists, such as Tonkiss and Bloom, who support the need to interpret noncitizenship beyond a legalistic and rights-based focus and instead see it as a 'heterogeneous and complex' construct experienced empirically in a variety of ways (2015, p. 844). This body of work encourages the greater amplification of the lived experiences of populations. This is something I explore in the following chapters as I examine how individuals began to find that state actors, including civil registry officials, were challenging the validity and authenticity of their citizenship paperwork[54].

2.2.1 A Brief Commentary on Identity Cards, Biometrics and Biopower

The international development sector has hailed the rapid expansion of civil registrations, and the increased issuance of documentation, a 'biometrics revolution'

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[54] As the anthropologist Martínez observes, increasing demands on persons already registered as nationals to evidence state membership did not come about because this group had earlier 'slipped under the radar' (i.e. because they were undocumented). Instead, it was because this 'radar' (i.e. state architecture) had not yet been created. See p. 149 Martínez, S. (2014) 'The Price of Confrontation: International Retributive Justice and the Struggle for Haitian-Dominican Rights', in Andreopoulos, George; Arat, Z. (ed.) *The Uses and Misuses of Human Rights: A Critical Approach to Advocacy*. New York, NY: Palgrave.

(Gelb and Clark, 2013). Bolstered by increasingly sophisticated data and new technologies, states have developed spaces that not only restrict the entry of outsiders into sovereign terrain (i.e. across the border) but are implementing these processes to more effectively manage the populations living within them. Scholars such as Breckenbridge and Szreter (2012) and Breckenbridge (2014) have examined the global politics of surveillance and identification practices from an historical perspective. Although they broadly support the expansion of legal identity, they nevertheless share concerns similar to Scott (1998), Seltzer and Anderson (2001) and Bigo (2006). These scholars have underlined the potential dangers with, and limitations of, identity management. They warn, for example, that improvements to administrative systems can facilitate authoritarian practices. Torpey (2000), Bennett and Lyon (2008), Lyon (2009) and Hosein and Nyst (2013) have already noted potential problems with the use of new technologies for surveillance purposes. In recent years, the increased use of biometrics and advancements in sophisticated computer databases is further complicating this scenario. As the human rights specialist Bronwen Manby, recently stated:

> 'There is near-universal consensus on the importance of 'legal identity' as a foundation for economic development and respect for rights. But insufficient attention is paid to the risks attendant on a drive to roll out biometric identification systems in fulfilment of this promise.'
>
> (Manby, 2018, p. 54)

Despite the huge expectations states are currently placing on the effectiveness of biometrics, these systems can, of course, be massively flawed and lead to unexpected outcomes (Bennett and Lyon, 2008; Magnet, 2011). Recent scholarship, including Bennett and Lyon (2008), Lyon (2009, pp. 135–151) and Ajana (2012, 2013), incorporates Foucault's models of biopower to critique the use of identity cards and biometrics. Here, the body is interpreted as a site for both state surveillance and control. This literature underlines the tensions (racial, social, gender-specific and otherwise) that

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can arise between identification and the state. As Foucault (1975) observes, the management of individuals and populations exploits the pre-existing biological condition of the human, leading to the (sub)division of the population into manageable groups. These systems include forms of normalisation as a means to discipline and control populations. Building on these ideas, Ajana interprets biometric citizenship as a form of biological citizenship which makes up an inherent component of the neoliberal world system. She states:

> 'This is not only in terms of the use of the body itself for identification, but also in the way in which biometric technology is deployed as a means of sorting through different forms of life according to their degree of utility and legitimacy in relation to market economy, and ultimately distinguishing between those to be included and those to be excluded.'

(Ajana, 2012, pp. 866–867)

I argue that although social policy focuses on the social and financial inclusion of marginalised individuals, it will inevitably lead to the exclusion of some groups. It is therefore interesting that the relationship between social policy and identity card management has not received greater attention in scholarship. As we will see in Chapter 3, the use by supra-national organisations of social policy to facilitate the expansion of the Conditional Cash Transfer (CCT) is wholly operative within this context[55]. CCTs encourage individuals to access the 'right' documentation in order to access services. Beneficiaries are often warned they will not receive welfare payments if their behaviour does not match certain *conditionalities*[56]. These can include, although are not restricted to, encouraging mothers to undertake regular health visits or attend trainings to guarantee the continuation of welfare payments[57]. It also insists on the use of legal and biometric

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[55] See 3.2, p. 68.
[56] See World Bank (2013) Inclusion Matters: The Foundation of Shared Prosperity World Bank Group.
[57] For examples of public policies that target the poor see Bastagli, F. (2009) 'Conditionality in Public Policy Targeted to the Poor: Promoting Resilience?', *Social Policy and Society*, 8(01), p. 127.

identifiers to ensure beneficiaries and their interactions with the state are more easily identifiable and traceable.

As this thesis will demonstrate, in the high-tech age of information, identification systems can provide 'visible evidence of complex and more latent systems of identification' (Lyon, 2009, p. 3). Scholarship on the Dominican case, for example, has already illustrated problems with the use of biometrics and the identification of Haitian-descended populations. Martínez and Wooding describe the 2013 *Sentencia* as a 'biopolitical turn' (Martínez, 2015; Martínez and Wooding, 2017). This shift, they argue, has been facilitated by legal norms and bureaucratic processes that legally codify exclusionary trends as a response to international human rights pressure (Martínez, 2014, pp. 141–180). This observation is important because it demonstrates a desire by the Dominican state to move away from more outward forms of discrimination that clearly contravene human rights norms, such as the use of violence and arbitrary detentions.

As meticulous as identification systems aim to be, they are wholly unreliable and riddled with errors (Magnet, 2011). The way in which state officials interact with card bearers and their documents, for example, can depend on a variety of 'social factors, including the situation in which they were presented, the audience witnessing the event, a calculation of the bearer's social capital, and judgments made about the bearer's class, status, and race' (Bartlett, Jayaram and Bonhomme, 2011). Through her research at the Dominican Central Electoral Board (*Junta Central Electoral*, JCE), the ethnographer Simmons has observed how Dominican civil registry officials use registration practices to (re)construct and (re)interpret race. Importantly, she uses the case of Celia, a civil registry official, to illustrate the ambiguities that can arise from identification practices (Simmons, 2009, pp. 48–49). Celia tries to register the racial classification of a man for his *cédula* (national identity card). The computer screen freezes with each attempt to

record this information. On three separate occasions, she takes a different photograph of the man. On the first try, she changes his skin colour on the systems from *indio* to *negro*. After restarting her machine, she then records his *indio* status as *mulatto*. On the third attempt, she switches the classification back again from *indio* to *negro*. After helping Celia, her supervisor eventually decides to leave his original *indio* status unchanged. Within this one process, Simmons highlights how, unbeknownst to the man, two different state officials intervened to register and re-register their own interpretation of his skin colour. This case exemplifies the complex relationship between how a state can racially categorise an individual, illustrating that identification is far from straightforward. It regularly changes and is highly fallible, depending heavily on the individuals working within these systems, and how they perceive and interpret others.

2.3 Dominican or Not Dominican? Race, Identity and Belonging in the Dominican Republic

There are few populations more migratory or global than the Caribbean people (Chamberlain, 1998, p. 1). Since the colonial era, the region has held a deep connection to the world economy and the movement of peoples (Mintz, 1996, pp. 289–331). A legacy of slavery continues to have an impact upon the political, racial and economic make-up of the region (Maingot 1992; Trouillot 1995; Premdas 2000). The economic rationale of slavery restricted the rights of people to exercise their agency. Forced migration quickly became necessary to industry and exploitation through plantation-based labour which lay at the centre of the colonial project. Fanon (1952) maintained that white colonialism demanded black conformity to these values, destroying the black man's sense of self. Mignolo has argued how, in recent years, the expansion of neoliberal ideas 'reproduces the logic of coloniality and its modernity' (Mignolo, 2009, p. 43) which is built on the existence of these violent past forms of exclusion.

The Dominican Republic is the largest Caribbean country to implement social policy reforms in line with other mainland Latin American countries since the mid-2000s. Notwithstanding, the Dominican case is largely side-lined in contemporary debates on social policy in the region (Hayes de Kalaf, 2019). For the purposes of this thesis, I was able to identify just four studies that engage with the theme of social policy in the Dominican Republic. Two of these studies (Torres Rodríguez, 2008; Martí i Puig, Sánchez-Ancochea and Stein, 2015) examine the increase in popularity of the Conditional Cash Transfer (CCT) model which has now been rolled out across 19 countries in Latin America[58]. The other two minimally engage with social policy through the lens of economic and development policy (Howard, 2007; Ondetti, 2012). The dearth in scholarly attention to the Dominican case is disappointing, particularly given the significant expansion of social policy in recent years. As we will see in Chapter 3, this expansion included a complete overhaul and redesign of the sector. Ondetti (2012, pp. 45–66) minimally engages with the field by linking previous social policy reform (or lack thereof) to the emigration of Dominicans to the United States and the migration of Haitians into the Dominican Republic. The author highlights the limitations of these changes by arguing that underdevelopment is intrinsically linked to migration and has thus contributed to the elaboration of an economic model that stifles the advancement of a more successful social policy. In a recent chapter in the book 'Caribbean Globalizations, 1492 to the Present Day' (Sansavior and Scholar, 2017)[59], Howard (echoing Wade, 2005)

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[58] The nineteen countries that have introduced large-scale CCTs since the mid-2000s are Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad y Tobaago and Uruguay. See p. 11 Ceccini, S. and Madariaga, A. (2011) *Programas de transferencias condicionadas: Balance de la experiencia reciente en América Latina y el Caribe*. Santiago de Chile.

[59] See pp. 203-226 Howard, D. (2017) 'Race and Modernity in Hispaniola: Tropical Matters and Development Perspectives' in Sansavior, E. and Scholar, R. (eds) *Caribbean Globalizations. From 1492 to the Present Day*.

makes a brief reference to the link between (Dominican) social policy and a discourse of inclusion which masks a backdrop of exclusionary practices. He addresses the important and under-studied racial aspect to social policy in the Dominican context, arguing that 'race remains "hidden" in many aspects of social policy…where it endures intimately entwined with notions of modernity and development' (2017, p. 206). In a line similar to Ondetti, he links these forms of exclusion to migration issues, such as the mass 'deportations'[60] of Haitian-descended populations to Haiti and to a government discourse of national security.

While the Dominican Republic is side-lined in contemporary debates on social policy in Latin America, its Haitian neighbour remains invisible in these discussions. Indeed, no significant large-scale social policy initiative has ever been carried out in Haiti[61]. As Cohen *et al.* argue in their study entitled 'Social Policy in a Fragile State: Opportunities and Challenges in Implementing a Conditional Cash Transfer Program in Haiti' (2008), the country lacks even the most basic institutional capacity to feasibly implement any kind of social policy intervention. In a report for the IDB (2010, pp. 26–28), Harbitz, Benítez and Arcos Axt note that Haiti lacks institutional sustainability,

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[60] I prefer to use the term 'expulsions' when referring to the Haitian-descended. This is because 'deportation' is a term associated with migrants and applied in the case of noncitizens. There have been cases of (un)documented persons of Haitian lineage facing forcible removal from the Dominican Republic, even when some were in possession of a state-issued birth certificate and/or national identity card. We explore some examples of this in greater detail in Chapter 4.

[61] In 2011, after consultation with CEPAL, the World Bank and the UNDP, former Haitian Minister of Foreign Affairs Laurence Lamothe visited CCT programmes in Latin America. In March 2012, he announced the introduction of the first non-Conditional Cash Transfer scheme through a contribution of US$15 million from the much-criticised and highly polemical Venezuelan PetroCaribe Fund. The idea, supported by the Irish-owned mobile tech firm DIGICEL, was to pay non-Conditional Cash Transfers to poor populations via mobile phone. To register for a mobile account, in January 2013 the programme required beneficiaries present their national identity card, the Carte d'Identification National (CIN). The scheme, however, faced serious practical problems on the ground particularly with regards to verifying the national identity of individuals involved in the scheme and ensuring the distribution of IDs to the right recipients. See Zimmerman, J. M. and Bohling, K. (2013) 'Helping Ti Manman Cheri in Haiti: Offering Mobile Money-Based Government-to-Person Payments in Haiti'
Available at: http://www.cgap.org/publications/case-study-mobile-money-based-government-person-payments-haiti (Accessed 10th June 2017).

adequately robust financial models or the infrastructure or technologies to support registration systems. They blame this on weak state architectures and a lack of adequate coordination between government bodies, a lack of strategic coordination and poor efficiency. The income-poor in Haiti also face significant financial barriers that prevent them from registering. UNICEF estimates that 19 percent of young people has no birth certificate, and the IDB states that between 30-60 percent of the general population has no form of birth documentation whatsoever (Harbitz, Benítez and Arcos Axt., 2010, p. 26). Nevertheless, the percentage of unregistered children born in the Dominican Republic is actually predicted to be higher than in Haiti: approximately 22 per cent (Harbitz, Benítez and Arcos Axt., 2010, p. 43). On average, however, under-documentation is at 11.9 percent, significantly lower than in Haiti. This figure rises to a quarter of the population in areas of extreme poverty. Development actors also tend to blame Haitian migration into the Dominican Republic for exacerbating contemporary problems with identification[62].

2.3.1 *Dominicanidad* and *Antihaitianismo*

Dominican identity is shape-shifting and ambiguous. Historically, it has depended 'on the agenda of the identifier' (Perez Hazel, 2014, p. 80). It rests within a specific colonial history of racial mixing and is expressed in terms of otherness and difference (Candelario, 2000, 2007; San Miguel, 2005; Simmons, 2009). Torres-Saillant tells us that

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[62] As Harbitz, Benítez and Arcos Axt. observe: '…under-registration is associated with 'foreigners', something which is connected to 'Haitians', and then the matter is examined as a migratory issue. This [situation] invisibilises the under-documentation of Dominicans in the population who are living in extreme poverty, or groups in special situations such as the prison populations (where close to 50% of inmates are undocumented), and this creates barriers to dealing with the problem' Original quote: 'Adicionalmente, la indocumentación se asocia a 'extranjeros', lo cual a su vez remite a los 'haitianos', y entonces el tratamiento de la cuestión se orienta a resolver un problema migratorio. Esto vuelve invisible el estado de indocumentación de grupos poblacionales dominicanos en situación de pobreza, o de grupos en situaciones especiales como la población carcelaria (entre la cual se estima que hay cerca de un 50% de indocumentados), y pone barreras para el abordaje integral del problema.' See p. 43 Harbitz Benítez, and Arcos Axt. (2010) *Inventario de los registros civiles e identificación de América Latina y el Caribe.*

Dominican society is 'the cradle of blackness in the Americas'. This is because the island of Hispaniola lies at the centre of the colonial project. It is where thousands upon thousands of black bodies were forcibly and brutally removed from West Africa and subsequently exploited under slavery. Notwithstanding, despite their strong sociohistorical connection with blackness, many Dominicans identify as something other than black. Scholarship has associated this conflicting self-image with the construct of *dominicanidad* (Dominicanness).

During the Trujillo regime, 'fantasies of race and class mobility' penetrated every aspect of Dominican life (Derby, 2009, p. 7). The Trujillo dictatorship, and subsequent authoritarian regimes, adopted and expanded the construct of *dominicanidad* to underline Dominican exceptionalism in relation to blackness. *Dominicanidad* emphasises an imagined 'white', Catholic, Hispanic identity over one that is black, Haitian and African (Howard, 2001; Sagás, 2002). Dictator Rafael Trujillo, while of Haitian descent[63], vehemently rejected any association with Haiti. Instead, he used the construct of the imagined indigeneity[64] of the Dominican nation as a means to underpin a national project that aligned the people with their former Spanish colonisers (San Miguel, 2005). Associations of blackness were closely linked to Haiti, foreignness and non-belonging. The state used the myth and ambiguity of the imagined *indio/a* to create a racial category that was neither black nor white (Howard, 2001, p. 41). The construct of the *indio/a* subsequently became a common marker for racial categorisation on the Dominican

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[63] Trujillo's grandma was said to be Haitian. Before appearing in public, Trujillo would whiten his appearance with face powder and strongly denied any connection with Haiti. See Crassweller, R. D. (1966) *Trujillo: The Life and Times of a Caribbean Dictator*. New York, NY: The Macmillan Company.
[64] As I have stated, most of the indigenous populations on the island (the Taínos, for example) were exterminated shortly after the arrival of Christopher Columbus. Some were killed by force and due to enslavement although many also succumbed to the diseases brought by the Spaniards, such as influenza, smallpox and typhus.

identity card, the *cédula* (Howard, 2001; Simmons, 2009). It provided Dominicans with an alternative way to self-identify as something other than black.

It is therefore not surprising that scholars have found the Dominican case problematic when researching questions of race and national belonging both on the island and transnationally. This is not only because of the contradictory ways in which Dominicans self-identify but also because of how these classifications can sometimes clash with the state interpretations of who constitutes as a Dominican. Scholarship, for example, has rightly conceptualised the Dominican state's discriminatory treatment of Haitians, persons of Haitian descent and black Dominicans as part of a racially motivated doctrine known as anti-Haitianism (*antihaitianismo*). Through anti-Haitian practices, and a negation of their black identity, Dominicans continue to downplay or discard their African origins (Howard, 2001; Sagás, 2002). Scholars, such as Torres-Saillant (1998), Oliva (2015), Candelario (2016) and Martínez and Wooding (2017) have examined state-imposed ideological constructs of *antihaitianismo*. Recent scholarship on Dominican identity has sought to draw out the tensions between state-led interpretations of who constitutes as a Dominican citizen and people who see themselves as Dominicans regardless of how the state may categorise them. Helpfully, Lorgia García-Peña takes ownership of the term *dominicanidad* to use it as a form of empowerment. Rather than replicate this as an elite construct that is implicitly anti-Haitian, she instead uses it to describe persons of Haitian ancestry and members of the diaspora. These are groups that may not have official paperwork confirming their national status but who still self-identify as Dominicans (García-Peña, 2016). García-Peña sees a reclaiming of *dominicanidad* important for individuals who culturally, linguistically and emotionally see themselves as Dominicans regardless of how the state may interpret their status. As we will see in the following chapters, in recent years, debates over who qualifies as a

Dominican have intensified. This has not only been the case for undocumented persons with no form of legal identity paperwork but also for documented individuals who the state at one point recognised (or recorded) as Dominicans.

2.3.2 Haitian-Descended Populations, the Dominican-Haitian Border and the *Batey*

As we saw in the previous chapter, the Dominican state marks Haitian-descended populations with a form of 'permanent foreignness'[65]. Native-born descendants, although once born with the *jus soli* right to Dominican nationality, are regularly referred to as *haitianos* (Haitians) or *haitianos de aquí* (Haitians from here). The term is also applied to populations who have lived in the Dominican Republic over several generations, have never travelled or rarely visit Haiti and who speak Spanish, rather than Haitian *kreyòl*, as their mother tongue. At times, *haitiano* is also used to label black Dominicans as non-belongers, even if they have no immediate Haitian (or other foreign) ancestry. Scholarship on the Dominican case nevertheless often fails to differentiate between Haitian migrants living together with their Dominican-born descendants and as a result often addresses these groups as one and the same.

Typically, scholarship on migrants and persons of Haitian ancestry focuses on two geographical locations where the vast majority of undocumented and unregistered (i.e. 'stateless') populations reside. The first is the Haitian-Dominican border, the '*kilómetro zero* [sic] (ground zero) of debates' on race and belonging (Mayes, 2014). The second are the *bateyes,* rural sugar cane plantations where Haitian migrants and their families have traditionally settled. Both the border and the *batey* are important and necessary historical, cultural and ethnographic sites to examine the experiences of

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[65] See Torres-Saillant, S. (2015) 'Me atemorizan los planes de Leonel Fernández para con la diáspora' [Online] Available at: https://acento.com.do/2015/actualidad/8250040-silvio-torres-saillant-me-atemorizan-los-planes-de-leonel-fernandez-para-con-la-diaspora/ (Accessed 14th September 2017).

migrants and their descendants. Typically, scholarship in these locations problematizes Haitian migration into the country and examines bi-national relations between the Dominican Republic and its neighbour (see, for example, Wooding and Moseley-Williams, 2004; Jayaram, 2010). It often focuses on the cross-border movements of Haitian migrants and their (largely negative) interactions with the Dominican state (Wooding and Moseley-Williams, 2004; Paulino, 2015). Haitians and their descendants are therefore considered a vulnerable group due to their risk of expulsion and exposure to state violence (Petrozziello and Wooding, 2012). To interpret Dominican identity solely through an anti-Haitian lens, and one of total conflict, nevertheless, overlooks the far more complex reality of how Dominicans and persons of Haitian descent interact with one another and are captured within the popular imagination.

In recent years, there have been increased efforts to contest binary notions of Dominicans versus Haitians and vice versa. Historians, such as Derby (1994) and Turits (2002), and cultural ethnographers like Paulino (2015) illustrate the linguistic, cultural and religious practices of migrants and their descendants living at the border. These scholars often point to the 1937 massacre as a pivotal year for Haitian-Dominican relations. The 1937 border massacre is regularly portrayed as the pinnacle of Dominican state violence against Haitians. However, although Dominican elites and other 'outsiders' (i.e. foreign diplomats) have marked most border-dwellers as foreign, the massacre also consisted of:

> '…Dominicans versus Dominicans, of Dominican elites versus Dominican peasants, of the national state against Dominicans in the frontier, of centralizing forces in opposition to local interests, and…of newly hegemonic anti-Haitian discourses of the nation vying with more culturally pluralist discourses and memories from the past'
> (Turits, 2002, p. 593)

In line with this literature that identifies these complexities, the anthropologist Samuel Martínez critiques scholarship that overwhelmingly focuses on an anti-Haitian

ideology. Instead, he tries to shift debates away from what he terms a 'fatal-conflict' model that portrays all Dominicans as Haitian-haters (2003, pp. 80–101). As a result, he calls for a rethinking of relations between the two nations towards more nuanced interpretations of this dynamic[66]. Some scholars have tried to address these changes and explore Dominican identity through a focus on geographical locations away from the border and the *batey*. Recent and important contributions that have attempted to move this conversation forward include scholarship that emphasises the historical and cultural collaboration between Haitians and Dominicans (Gregory, 2006; Mayes *et al.*, 2013; Eller, 2016). Others have also considered the transnationality of Dominicans and their descendants, particularly immigrant groups living in the United States (Torres-Saillant and Hernández, 1998; Candelario, 2007). Importantly, since I began this thesis, scholarly conversations have also begun considering the global reach of the Dominican case. This has included efforts by scholars to move away from notions of ethnocentricity and instead engage in conversations with other locations important in Dominican studies, such as Africa, the Caribbean, the United States and beyond[67].

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[66] Martínez argues that, without discarding anti-Haitian feeling and ideology as core components of Dominican nationalism, the oversimplification of a relationship of total conflict is erroneous. One example scholars often use is of José Francisco Peña Gómez, the much-loved and popular black presidential candidate for the Dominican Revolutionary Party (PRD). Peña Gómez was the target of a hate campaign. In both 1994 and 1996, opposition politicians repeatedly played the 'Haitian card' to draw attention to his dark skin colour and Haitian descent. Scholars argue that President Balaguer and his political allies used his Haitian roots and blackness to attack the presidential candidate. Nevertheless, in spite of this well-funded campaign based on racial insults and slurs by the opposition, Peña Gómez did in fact come extremely close to winning both elections and, although shunned and rejected by some, he received widespread support from a significant number of voters who not only embraced him but also accepted him as Dominican. See pp. 87-90 Martinez, S. (2003) 'Not a Cockfight: Rethinking Haitian-Dominican Relations', *Latin American Perspectives*, 30(3), pp. 80–101.
[67] A good example of this were the conversations generated at the conference 'Global Dominican – Politics, Economics and Cultural Production'. This took place on 22nd June 2018 at the Centre for Integrated Caribbean Research, University of London.

2.3.3 Statelessness, the Right to a Nationality and NGOs

The bulk of ethnographic research on Haitian-descended populations is based on migration theory[68]. This literature draws heavily on the concept of *antihaitianismo* to underline discriminatory state practices against this group. This includes concerns regarding forced expulsions and the refusal to issue documents. Scholarship, non-governmental organisations and human rights groups frame the authorities' treatment of Haitian-descended populations through the lens of statelessness and noncitizenship (Petrozziello, Hintzen and González Díaz, 2014; Riveros, 2014; Hintzen, 2016)[69]. Contemporary studies that look specifically at Haitian-descended populations interpret their situation as a form of 'rooted' or 'in situ' displacement (Belton, 2015, pp. 907–921). For Bhabha, native born Haitian-descended populations are 'legally stateless' (2011) due to their contested status and existence within law as citizens. Blake interprets the actions of the state as a form of 'race-based statelessness' (2014, pp. 139–180). This literature relies heavily on NGO studies that draw on rights-based approaches to examine impact of measures to restrict access to citizenship documentation from undocumented children

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[68] Advocacy campaigns look at the right of Haitian-descended populations to a Dominican nationality. They have placed pressure on the Central Electoral Board to issue undocumented populations of Haitian parentage with Dominican citizenship papers. See, for example, OSJI (2006) *Human Rights and Legal Identity: Approaches to Combating Statelessness and Arbitrary Deprivation of Nationality*.
Amnesty International (2015a) *An Uncertain Fate: Dominicans of Haitian descent at Risk of Expulsion in the Dominican Republic*, *AMR 27/1830/2015*. London.
Amnesty International (2015b) *'Without papers, I am no one'. Stateless People in the Dominican Republic*. London.
Robert F. Kennedy Human Rights *et al.* (2017) *Dreams Deferred: The Struggle of Dominicans of Haitian Descent to get their Nationality Back*. Washington, DC; New York, NY.
Ferguson, J. (2003) 'Migration in the Caribbean: Haiti, the Dominican Republic and beyond', *Minority Rights Group International*, pp. 2–38.
[69]The Dominican Republic is a talking point within the field of noncitizenship and statelessness. Studies have examined the role of gender and the risk of statelessness. See
Petrozziello, A. J., Hintzen, A. and González Díaz, J. C. (2014) *Género y el riesgo de apatridia para la población de ascendencia haitiana en los bateyes de la República Dominicana*. Santo Domingo: Centro para la Observación Migratoria y el Desarrollo en el Caribe (OBMICA).
They have also signalled intergenerational problems with documentation particularly for the children of undocumented migrants. See Shipley, K. (2015) 'Stateless: Dominican-Born Grandchildren of Haitian Undocumented Immigrants in the Dominican Republic', *Transnational Law & Contemporary Problems*, pp. 459–487.

born to Haitians. Through their focus on migrants together with their Dominican-born offspring, ethnographers tend to interpret the actions of state officials as an extension of nationalist anti-immigrant sentiment.

As we will see in Chapters 4 and 5, NGOs working on the Dominican case have equated a lack of documentation with a lack of nationality. They have organised campaigns around the right of the children of Haitians to a Dominican birth certificate. Domestic and international NGOs have also denounced state-led racial profiling against individuals who 'look Haitian' (Human Rights Watch, 2015, p. 15). Literature on the Dominican case, while framing this through the lens of statelessness and racial discrimination, only minimally engages with the broader policies, architectures and actors that govern civil registry decisions. Literature on the Dominican case, for example, assumes that all (or the vast majority of) Haitian-descended populations were negatively and exclusively affected by recent changes. In place of linking these actions to specific national or international policy, scholars instead tend to discard the practices of state officials as chaotic, discriminatory and inconsistent. In contrast, I see these practices as part of a 'supra-national governmental regime in which the system of states, international agencies and multinational corporations play a fundamental role' (Hindess, 2002, pp. 129–130). By bringing in the role of recent legal identity measures to document Dominicans, I am able to link identification practices to global social policy. This is important as, rather than dismiss the lived experiences of populations as the consequence of a racist and incoherent state, I interpret citizenship as a mechanism made up of a variety of different actors who serve to internationally order populations (Scott, 1998; Hindess, 2000).

2.3.4 Haitian-Descended Populations and Access to a Dominican Legal Identity

The Dominican case has been framed as a form of social apartheid (Paulino, 2006; Genet, 2014; Mejia, 2015) or an extension of anti-black nationalism (Pérez, 2013; Tobin, 2015). These contributions are emotive and provide a damning critique of the Dominican state. As I have stated, however, scholarship continues to understand these responses as having originated from a dispute over Haitian immigration into the Dominican Republic. In contrast to this study, this framing does not consider the involvement of external actors in potentially exacerbating tensions over how Dominicanness was being defined on the island. I contend that complex and shape-shifting questions of identity and belonging cannot simply be positioned as a 'white' minority elite vs. a 'black' majority. Indeed, approaches that view this as such can be both limiting and problematic. This is because they tend to underestimate the diverse make-up of the Dominican identity including the imagined, contradictory and multiple ways in which constructs of race and belonging can play out, in varying different contexts and across different socioeconomic spaces. Through a focus on the exclusion of migrants, this literature has subsequently failed to ask how states can use architectures to (re)define who is eligible for recognition as citizens in the first place.

In addition to this, most scholars, even when addressing problems over access to citizenship and documentation, tend to rely on hyphenated terms such as 'Haitian-Dominicans', 'Dominico-Haitians' and/or 'Dominican-Haitians' to talk about native-born migrant-descended populations. The historian Turits, for example, uses the term 'Haitians born on Dominican soil' and 'ethnic Haitians' (2002, p. 590; 603) whilst simultaneously acknowledging that these individuals are indeed Dominican citizens. Again, Mazzaglia and Marcelino apply the term 'Haitians in the Dominican Republic'

(2014, pp. 163–178) to native-born populations, many of whom were likely born Dominicans.

From a juridical standpoint, 'Dominican-Haitian' and similar terms used by scholars can be highly problematic. It is unlikely, for example, that a person born in the Dominican Republic would hold both Dominican and Haitian nationality at the same time. Due to poorly managed civil registries in both countries, it is even less likely they would have the paperwork to evidence both of these statuses. Until 2012, restrictions in the Haitian Constitution prohibited dual citizenship[70]. Although there are limited exceptions to this rule[71], before changes to the 2010 Dominican Constitution that abolished automatic birthright citizenship, Haitian-descended populations were born Dominican citizens[72]. This observation, while central to the argument of this project, has thus far been completely overlooked by scholars working on the Dominican case who continue to use the terms interchangeably without critically engaging with how the law is being used to construct, or indeed challenge, claims to a Dominican legal identity.

I found evidence of the political and intellectual desire of the Dominican elite to block Haitian-descended populations from accessing documentation in a book entitled 'The Dominican Nationality' (2012). I came across this publication while carrying out background reading for this thesis at the library of the think-tank Fundación Global

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[70] Until 2012, the Haitian Constitution recognised any person born to a Haitian mother or father as a national. Haiti legalized dual citizenship in June 2012, amending the 1987 constitution. See Art. 11 of the 1987 Haitian Constitution which is based on the jus sanguinis principle. Gouvernement d'Haïti (1987) «Possède la Nationalité Haïtienne d'origine, tout individu né d'un père haïtien ou d'une mère haïtienne qui eux-mêmes sont nés Haïtiens et n'avaient jamais renoncé à leur nationalité au moment de la naissance.» 'La Constitution de la République d'Haïti'

[71] We will review these exceptions in Chapter 4.

[72] Some Dominican lawmakers continue to argue that, since 1929, the Dominican state had erroneously recognised Haitian-descended populations as citizens and was now rectifying this error. See Castillo Pantaleón, J. M. (2012) *La Nacionalidad Dominicana*. Santo Domingo: Editora Nacional.
See also Sentencia TC/0168/13, República Dominicana (2013) [Online] Available at: https://presidencia.gob.do/themes/custom/presidency/docs/gobplan/gobplan-15/Sentencia-TC-0168-13-C.pdf (Accessed: 5th March 2018).

Democracia y Desarrollo (Global Foundation for Democracy and Development, FUNGLODE) in May 2016[73]. It was located in the personal collection of the former President Leonel Fernández Reyna. In his magnum opus, Dominican lawmaker and university professor Dr Castillo Pantaleón lays out the legal argument as to why Haitian-descended populations are not Dominicans, and therefore why they should have never received Dominican citizenship paperwork. This position is based on his interpretation of the 'in transit' rule. Namely, that children born to Haitians living illegally (or deemed to be living illegally) in the Dominican Republic had no *jus soli* right to Dominican citizenship at the time of their birth. In line with this retroactive logic, the author maintains that these individuals had received their state-issued legal identity by mistake. Castillo Pantaleón then meticulously details why the Haitian state should instead recognise persons of Haitian ancestry as Haitians.

What struck me about the book was the front cover of the publication, which is adorned by a young, white girl with curly mousy hair (See Image 3 on the next page). The girl exudes innocence, virginity and incorruptibility. She is standing barefoot and semi-naked, wearing just her underwear. She firmly grasps a pole upholding the Dominican flag. This imagery fits very clearly with traditional, nationalist fantasies about the Dominican identity and whiteness. The fact that a young, non-black child (an atypical physical representation of most Dominicans) embodies this image is also very telling.

As I detail in Chapters 4 and 5, it was clear that conversations around how to document and define Haitian-descended populations had been taking place for a number of years. On the first page, the author to had penned a personal message to the (former) President praising him for his support in this vision. It stated:

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[73] I worked at FUNGLODE as a researcher and helped to coordinate its international internship and academic study programme in the Dominican Republic from 2006-2007.

'To His Excellency, Dr. Leonel Fernández Reyna, Constitutional President of the Republic, with the assurance that over the course of your successful political career the defence of the Dominican nationality has been, and will remain, one of your principal concerns.'

<div align="right">(Castillo Pantaleon, 2012)</div>

Image 3: Defending the Nation: La Nacionalidad Dominicana
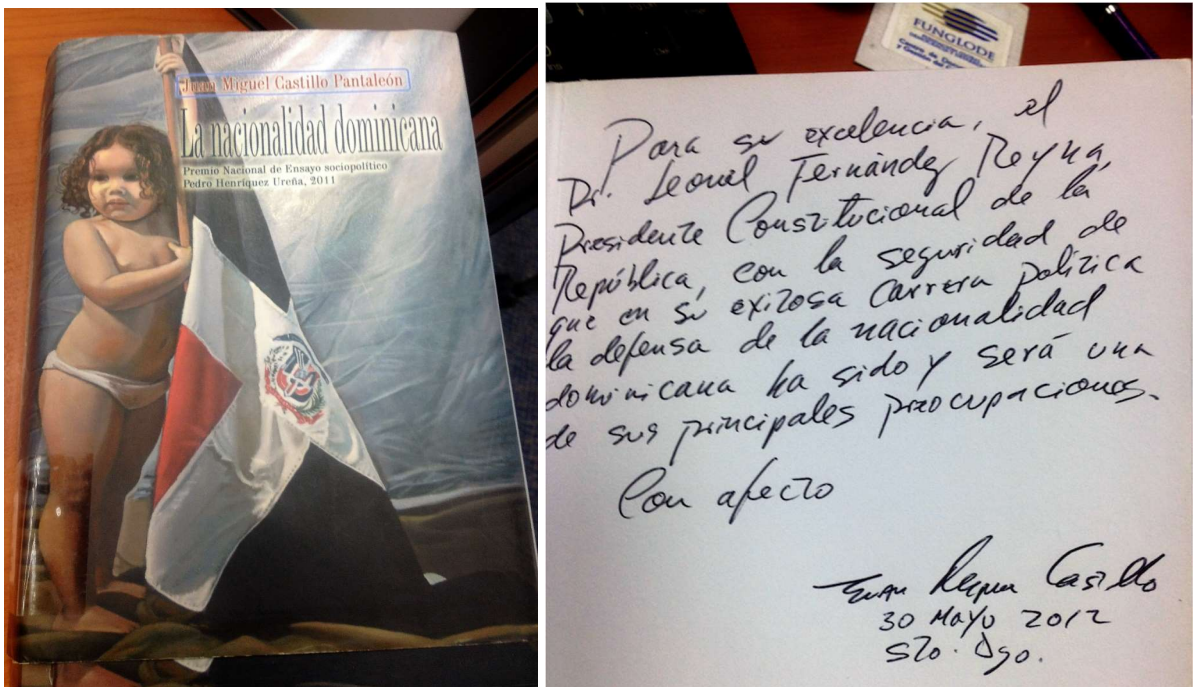
2.4 Addressing the 'Haitian' Question: Overview of Research Methodology and Limitations

<div align="right">'By interpreting the application of the Constitution
retroactively [the JCE] will have to tell people
born in the country for up to eighty years
that they are no longer Dominicans'[74].
(Bolívar Díaz, 2013)</div>

Interpreting the 2013 *Sentencia* as a 'Haitian' problem is highly problematic. As

we have already seen in this chapter, approaches to the Dominican case are framed around

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[74] I interview Juan Bolívar Díaz in Chapter 5. Original quote; 'Tendrán que decirle que ya no son dominicanos a personas hasta de 80 años que nacieron en el país, en una aplicación retroactiva de una nueva interpretación de la Constitución.' Hoy Periodico (2013) '*El Constitucional ignora la Corte Interamericana*' [Online] Available from: http://hoy.com.do/el-constitucional-ignora-la-corte-interamericana/ (Accessed: 11th Sept. 2015).

questions of migration, statelessness, denationalisation and racial discrimination. Fundamentally, however, I call for the need to *dehaitianise* methodological approaches to the *Sentencia*. Rather than problematise this as a migration problem, I instead propose examining the ways in which the state was identifying and categorising Dominicans for state membership. An over exuberant focus on the discriminatory practices of the Dominican state against migrants and their descendants obfuscates what the *Sentencia* judges actually achieved with their ruling. Namely, to retroactively and arbitrarily strip the plaintiff Juliana Deguis Pierre of her status as a Dominican citizen through the annulment of her state-issued birth certificate.

In Chapter 4, we will examine how concerns over Haitian-descended populations and their access to legal identity documentation began to build, culminating in the *Sentencia* in 2013. We will look at how, in parallel to fundamental changes to its social policy sector, the Dominican state began to use state architectures (including laws, the civil registry and court rulings) to block Haitian-descended populations from accessing Dominican citizenship paperwork.

This thesis therefore intentionally moves away from traditional interpretations of the Dominican case as solely part of an anti-Haitian, anti-migrant ideology. Instead, I focus on the 'making-foreign' actions of the state through an examination of state architectures that made access to legal identity documentation more difficult for foreign-descended populations[75]. I do this to illustrate how international concerns regarding the

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[75] To help me with this framing, I draw on literature that analyses how citizenship is constructed. I have found Parker's concept of 'rendering insiders foreign' helpful. See p. 9 Parker, K.M. (2015) *Making Foreigners: Immigration and Citizenship Law in America, 1600-2000*. Cambridge: Cambridge University Press.
See also Nyers' work on the making and unmaking of citizens. Nyers, P. (2006) 'The accidental citizen: Acts of sovereignty and (un)making citizenship', *Economy and Society*, 35(1), pp. 22–41.
I have also found Zolberg's emphasis on the construction and design of citizenship helpful in thinking about this thesis. See Zolberg, A. R. (2006) *Nation by Design: Immigration Policy in the Fashioning of America*. New York, NY: Russell Sage Foundation with Harvard University Press.

need to provide Dominicans with a legal identity resulted in increasingly arbitrary practices to block access to documentation from some groups. My reason for this is that Juliana, the plaintiff in the 2013 *Sentencia*, was already in possession of a state-issued Dominican birth certificate. As she has stated, she grew up believing she was a Dominican only to later be told by the state she was, in fact, a foreigner[76]. By adapting my methodology around who the state was *including* as Dominicans (rather than who is was *excluding* as foreigners), I was able to examine the architectures governing measures to provide a legal identity and gain access to the populations experiencing these practices.

Before commencing the fieldwork, I drew on my own extensive and professional knowledge of the country. I then carried out a desk review of Dominican state practices, laws and bureaucratic procedures that were being used to impede, block or obstruct access to citizenship documentation[77]. I identified US government cables and international and national NGO and government reports. I found these on international organisation websites (such as the World Bank, the IDB and the UN) and also at the *Archivo General de la Nación* (National Archives), the National Library, the bookshops Trinitaria and at the FUNGLODE library. These documents then helped me develop a mapping exercise across the length and breadth of the country which I used to identify native born adults (18+) from different socio-economic and geographical backgrounds.

I was concerned that a focus on Haitian migration into the country could potentially limit access to the key actors and institutions I was starting to identify. By shifting the focus of the thesis onto the role of international organisations, and subsequently through an examination of specific social policy strategies to identify and

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[76] See Méndez, W. (2017) *Interpuso la JCE - Tribunal anula acta a Juliana Deguis Pierre* Available at: https://listindiario.com/la-republica/2017/01/27/451988/tribunal-anula-acta-a-juliana-deguis-pierre (Accessed: 15 September 2018).
[77] I provide in-depth analysis of these practices in Chapter 4.

document populations, I was able to trace the growing external pressure on the state to provide Dominicans with a legal identity. This finding helped me better comprehend the use of legal identity measures to target native born foreign-descended populations. I also found that the framing of this project around questions of social inclusion, belonging and *dominicanidad* (i.e. an examination of what it means to be Dominican and how Dominican identity was being constructed) was a useful way to shape the research. The 19 stakeholders I spoke with in Chapter 5, for example, were much more willing to talk to me about the expansion of legal identity measures to *include* Dominicans rather than measures to *exclude* 'Haitians'. The decision to *dehaitianise* my methodology therefore helped facilitate a dialogue with the actors responsible for the registration of citizens. They included state and international actors, international organisation representatives, government and civil registry officials and civil society representatives, among others.

I divided the fieldwork into two separate trips. The first was to interview my key informants for three and a half months from March until June 2016. During this time, I carried out semi-structured interviews with foreign-descended native-born informants of (largely) foreign - i.e. non-Dominican - ancestry. This approach, I reasoned, would help me gather empirical data through testimony on the impact of citizenship registrations and individual experiences of the Dominican civil registry (see 2.5, p.60). Informants were encouraged to provide a basic oral history of their ancestry. They were then asked to describe how their relatives arrived in the Dominican Republic and their experiences of growing up in the country. I asked them to recount details of how and when they registered with the Dominican authorities, what documentation they had obtained and their memories of interactions with state officials and bureaucracies. I also requested they share information with regards to their race (i.e. their own perceptions/feelings about this), the national origin of their parents and grandparents, their gender, socioeconomic

background and other experiences of how paperwork may have facilitated or impeded access to certain state services or spaces.

In contrast to existing studies that solely consider the experiences of Haitian migrants and their descendants, I purposely targeted persons with varying experiences of state bureaucracy. Some of the examples I illustrate in Chapter 6 are positive, many are negative and others indifferent. This is in direct contrast to current NGO reports that solely target migrant-dense areas with majority Haitian populations (such as *bateyes* and the border). Over the course of the interviews, and after close analysis of informant contributions, the relevance of social policy - specifically the role of social protection programmes in providing Dominicans with citizenship documentation - became much more evident. Indeed, as I began to travel to more remote areas participants would tell me about the presence of mobile vehicles and personnel in villages who had been collating and recording data on the heads of household and family members. This included specific data concerning their foreign ancestry and personal details. Importantly, this finding led me to develop an additional and unexpected phase of the project that traced regional policy documents and development reports on social protection programmes and national documentation campaigns. These began in 2004, the same year that the state incorporated legislative changes to restrict access to documentation from foreign-descended populations.

Upon analysis of the contributions of my fieldwork informants, I subsequently adapted my original methodology to incorporate contemporary debates on legal identity as well as the use of social policy to promote the provision of legal identity documentation. This was a turning point as I could then identify new spaces, key stakeholders and both state and non-state actors, including policymakers, NGO representatives, legal specialists, human rights activists, international development

specialists and government personnel working to break the cycle of under-documentation. Once I had identified these actors for an interview, I was then able to approach them to compare these practices with the lived experiences of the informants I had just interviewed (see 5.1, p. 142). Subsequently, I began to analyse social policy and legal identity practices. This allowed me to trace the influence of global actors and the Dominican state over the registration of populations. Having analysed my informant data, I returned to the Dominican Republic in August 2016 to carry out the second half of the fieldwork. As a result of these findings, I redesigned my initial approach to critically engage with the claims of international development organisations regarding the use of documentation as a vehicle to access citizenship rights and state services.

2.5 Ethical Concerns, Risk and Safety

I obtained ethical approval for my fieldwork from the University of Aberdeen on 4th December 2015[78]. Due to the sensitive nature of the project, it was an utmost priority to safeguard the confidentiality and anonymity of key data such as names, dates of birth, unique person identifiers and photos. The decision to carry out these interviews during the first stage of my visit was strategic to ensure the anonymity and safety of my informants. I was also conscious that my presence during the May 2016 presidential electoral campaign might make it difficult to contact or track down government officials. The information of interest to this study included the declared nationality and gender of the informant on their documentation, the type of legal identity document the person holds or held (i.e. a Dominican birth certificate, national identity card and/or passport) and any other paperwork they may have received from a state official[79]. All applicants

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[78] See Appendix for details on all stakeholder interviews, informant interviews, consent forms and information sheets.
[79] Additional documents of relevance to this study include the state-issued cash transfer card the Tarjeta Solidaridad, civil registry forms confirming the receipt of documents, Dominican *fichas* provided to

were asked to accept criteria on an information sheet which outlined the purpose of the study and guaranteed complete anonymity[80]. The form confirmed participation for the study was voluntary and informants could withdraw at any time before, during or for a limited period after the interview. 39 interviews with informants were carried out in Spanish. One exchange was in Haitian *kreyòl*.

Tensions had worsened since the 2013 *Sentencia*. The country was facing heightened international criticism and scrutiny over its treatment of migrants and migrant-descended populations. When interviewing informants in areas of extreme poverty, I was sometimes met with suspicion or mistrust. At times I was asked if I worked for the state. People would query me on my family history and my (Dominican) family name[81]. I always ensured that I answered these questions honestly and directly. Some informants, particularly those struggling to acquire paperwork, asked me to help them obtain their documents or for assistance with their applications. I always ensured I made it very clear that I was a researcher and not in a position to do this. I would also confirm that I could not offer any legal advice or support.

2.6 Conclusion

The themes I have identified in this chapter are of burgeoning import. In recent years, scholars have considered the rise of 'autochthony' in debates over citizenship, exclusion and belonging (Geschiere, 2009). They have noted how the parameters that define the non-belonging 'other' are constantly redefined against the 'threats' of potential new strangers (Geschiere & Nyamnjoh, 2000; Ceuppens & Geschiere 2005: 385). This

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Haitian sugar cane employees, hospital birth records such as a *Constancia de Nacido Vivo* provided by public health clinics, as well as identity cards and passports.
[80] See Appendix.
[81] This is a very common question in the Caribbean where kinship ties and family connections are extremely important, and can facilitate access to a number of social and economic spheres.

literature links these tensions to global struggles. Hilgers (2011), for example, argues that the ever-changing and shape-shifting construct of the outsider is closely linked to the role and structure of capital, which in turn reinforces the claim of superiority of the autochthon over those excluded. Building on these ideas, and through a focus on immigration and citizenship laws, Parker asks whether the world is experiencing a 'return to the local' in the form of increased deportations, laws targeting the undocumented and discriminatory practices through racial profiling (2015: 226).

As I have shown in this chapter, research into global measures that encourage states to identify, categorise and register citizens is scarce. Nevertheless, over the past two decades, we have seen a shift from informality to more formalised identification systems. The introduction of neoliberal policies, structural adjustment reforms and the spread of democratisation have been accompanied by concerted efforts to provide *everyone*, *everywhere* with a legal identity. On Hispaniola – an island shared by two settler colonies - claims over who belongs where are deeply complex. Both Haiti and the DR were built on the systematic exclusion of black bodies through the importation, enslavement and forced labour of populations who existed to feed the economic and political interests of the metropole (Mintz, 1996). Othering, racialization and the politics of exclusion are intimately linked with tensions over individuals who believe they are Dominicans (i.e. social citizens) and who the state is identifying as citizens (i.e. through the law and state architectures). In contrast to the scholarship detailed in this literature review, this study does not base its approach on persons who solely *say* or *feel* they are Dominicans. Instead, I intentionally separate the experiences of migrant populations from those of their native-born descendants. This is so I can examine the experiences of persons the state at one point recorded as nationals and had already issued with some form of legal identity documentation. This framing allows me to analyse the challenges

that citizens (as opposed to migrants) face when negotiating state bureaucracies, how they navigate changes to these systems and the potential contestations that can emerge when a state shifts the goalposts in how it defines state membership.

In this chapter, I have proposed an important new methodological approach to the Dominican case beyond ethnocentric and state lines to instead bring in the broader global context, namely the role of international organisations in facilitating the registration of domestic populations. Significantly, I suggest that scholars *dehaitianise* contemporary interpretations of the Dominican context. I argue that a shift in focus away from the 'Haitian' question and the exclusion of migrants would help scholars think critically about who the Dominican state has been choosing to include as eligible for state membership. This approach, I maintain, helps us examine important questions with regards to how states are using social policy, state architectures and documentation to either facilitate or impede access to legal identity. Of specific interest to this thesis is the impact of these decisions on persons that have grown up as nationals. This study, for example, considers persons who may at some point have *held* citizenship (or thought that this was the case) yet upon whom the burden of proof now lies to demonstrate their legal identity. This observation is particularly relevant within the contemporary global climate. This is because increasingly it is not only migrants but also citizens who are expected to provide evidentiary proof of their legal status.

Chapter 3
Legal Identity, Documentation and Social Policy
in Latin America and the Caribbean

'Con papeles no se come' pero ellos pueden ayudar a comer mejor
'We can't eat papers' but they can help you to eat better.
(Pichardo Muñiz, 2014, p. 3; 8)

3.0 Introduction

Increasingly, social policy has placed importance on the need for states to provide

citizens with a legal identity. Following the introduction of neoliberal reforms, economic

liberalisation and democratic transition in Latin America and the Caribbean (LAC) in the

mid-1990s, international organisations, including the Inter-American Development Bank

(IDB), the World Bank and the United Nations (UN), began to problematize the lack of

civil registration among indigenous and Afro-Latino communities[82]. As we examined in

the literature review in the last chapter, legal identity evidenced through paperwork, such

as a birth certificate and national identity card (Harbitz and Boekle-Giuffrida, 2009, p.

4), become an intrinsic component of pro-poor policy[83]. Although legal identity is closely

linked to contemporary social protection, however, scholarship has largely neglected

examination of the architectures that govern these practices (Hunter and Brill, 2016, p.

192). In this chapter, I illustrate how international efforts to improve inefficient subsidy

spending and social programming led to a greater focus on the need to identify and

register the income-poor for welfare. While social policy measures to provide domestic

populations with a legal identity improved, I show how the expansion of these practices

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[82] See Márquez *et al.* (2007) *Outsiders? The Changing Patterns of Exclusion in Latin America and the Caribbean. 2008 Report.* Cambridge, MA: Harvard University Press.

[83] For some examples of recent identification programmes promoted by international organisations see the World Bank's Identification for Development (ID4D), the IDB's Civil Registration and Identity Management initiative (Civil Registry and Identification [Online] http://iadb.libguides.com/registros (Accessed 1 February 2017).
Plan International's Universal Birth Registration initiative by Cody, C. (2009) *Count Every Child: The Right to Birth Registration.* Woking: Plan International. Available at: http://plancanada.ca/downloads/CountEveryChildReport.pdf
See also UNICEF (2005) 'The "Rights" Start to Life: A Statistical Analysis of Birth Registration'.

also began to create problems for some foreign-descended populations attempting to obtain state-issued documentation.

My intention in this chapter is to illustrate how social policy was used to roll out identification programmes and the involvement of international actors in tackling under-registration. It is also to underline the importance of the Dominican case particularly because the country, although important to the expansion of social policy in the LAC region, has very much found itself side-lined by social policy scholars who tend to focus studies on much larger mainland Latin American countries, such as Mexico, Brazil and Argentina. To achieve these aims, I trace the profound socioeconomic changes and social programme reforms that have taken place in Latin America and the Caribbean over the past two decades. I then examine the growing influence of Conditional Cash Transfers (CCTs) in the region. A popular and successful poverty reduction strategy, CCTs were mounted upon or replaced policies that linked welfare payments to human capital outputs (i.e. education and health). I demonstrate how the effective targeting, monitoring and evaluation of the income-poor was a necessary component of the CCT model. Nevertheless, I show how, in the Dominican case, these practices also fomented practices that increased the visibility of Haitian-descended populations to the authorities.

In 2004, the Dominican Republic, supported by multi-lateral agencies and development banks, increased efforts to provide every Dominican with a first and last name[84]. It achieved this through the introduction of new social policy architectures to identify, target and document specific populations for state subsidy payments[85]. I underline the problems that emerged from these social inclusion measures. As I have

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[84] See details on the campaign *República Dominicana con Nombre y Apellido* [Online] https://www.unicef.org/republicadominicana/politics_7718.html (Accessed 2 December 2016).
[85] See Sánchez, R. (2006) *Hacia un Plan Nacional de Documentación de Dominicanos(as): Diagnóstico, Objetivos, Lineamientos Estratégicos y Componentes*. Santo Domingo.

stated, this project is the first to identify a link between the involvement of international actors and the expansion of contemporary social protection initiatives with the introduction of discriminatory practices to impede access to citizenship and recourse to public funds from Haitian-descended populations. This is a theme we will analyse in greater detail in Chapter 4 as we begin to explore how, the same year, state officials began to work in parallel with these changes to create further legal, bureaucratic and administrative mechanisms that blocked foreign-descended populations from accessing Dominican documentation. Although these measures largely affected undocumented and informal groups (i.e. individuals with no form of legal identity), they also included persons already registered within the civil registry and in possession of state-issued citizenship paperwork.

3.1 Social Policy: A Brief Overview

The international debt crisis of the 1980s had a significant impact on spending power, incomes and unemployment levels in the LAC region. To address the burgeoning crisis, the World Bank and the International Monetary Fund (IMF) renegotiated lending and introduced structural adjustment loans to promote the integration of neoliberal policies (World Bank, 2004b). Regional governments that accepted these conditions subsequently prioritised deficit reduction over investment in human capital and infrastructure. This lack of social spending created a 'lost decade' in development (Agarwal and Sengupta, 1999, p. 3129) and had an overly harmful impact on the poor. As a consequence, the UN and other international actors began to underline the human impact of structural adjustment reforms. They insisted international funders consider not only economic growth as development strategy but also harmonise efforts to ensure populations were shielded from extreme poverty (Giovanni, Jolly and Stewart, 1987). These actors argued for a shift beyond a sole focus on fiscal amelioration and instead

began to incorporate a more human focus to economic reform. As a result of these debates, multi-lateral organisations began to implement a series of initiatives that placed the poor at the centre of social policy (Fiszbein and Schady, 2009; Saavedra and Garcia, 2012). By the mid-1990s, development specialists were drawing on these new approaches to highlight the right of poor populations to state protection. Subsequently, national governments began to develop their own social protection strategies to improve wellbeing and distribute welfare payments to their populations.

In the early 2000s, the IDB, World Bank and IMF, concerned about ineffective resource distribution regarding the allocation of public spending to poor populations, began to look at new ways to synchronise messaging around poverty reduction mechanisms[86]. Increasingly, they saw the non-targeted approach of universal social programmes, particularly in utility services such as gas and electricity, as wasteful and a bottleneck to progress[87]. Corruption was also a concern for international donors. In the past, programmes had been hampered by political patronage and weak governance. This made it difficult to trace spending or effectively measure the impact of policy on beneficiaries. It also meant that some individuals not classified as poor benefitted from state subsidies. This led to recommendations that countries implement targeting methods to allocate subsidies directly to specific segments of the population. As a result, social protection became increasingly popular with left-leaning parties transitioning towards democratisation (Huber and Stephens, 2012). Poverty reduction schemes became synonymous with the promotion of democratic values and the protection of the income-poor (Pribble, 2013). This allowed countries, particularly those with a poor human rights

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[86] See Sánchez, R. (2006) *Hacia un Plan Nacional de Documentación de Dominicanos(as): Diagnóstico, Objetivos, Lineamientos Estratégicos y Componentes*. Santo Domingo.
[87] Ibid.

record, to present an image of modernisation and inclusion whilst implementing strategies that guaranteed a basic income and access to welfare.

3.2 Targeting the Poor: The Conditional Cash Transfer (CCT)

One popular and successful social protection and poverty reduction strategy is the Conditional Cash Transfer (CCT). International development specialists have dubbed CCTs the 'magic bullet in development'[88] due to their capacity to disburse cash payments directly to those most in need. By 2008, CCTs had reached 22 million families and 100 million individuals. This significant achievement accounted for almost one fifth of the regional population (ECLAC, 2010, p. 181). Identity is a 'major pillar' of CCTs (Duryea, Olgiati and Stone, 2006, pp. 13–14). The establishment of identity through documentation is central to the effective design, management and functioning of this model. CCTs rely on the strong institutional capacity of the state as well as the motivation and power of a variety of stakeholders (Britto, 2005). They encourage the participation of non-state actors such as civil society organisations (Fiszbein and Schady, 2009, p. 100). This means that the CCT model encourages the *en masse* identification of populations. This strategy relies on the cooperation of the Church, religious leaders, social workers, NGOs, teachers, healthcare professionals and others to encourage local populations to register for a legal identity. Many programmes prioritise the initial identification of potential beneficiaries under the premise that individuals can later be removed if no longer deemed eligible for payments (Kapur, Mukhopadhyay and Subramanian, 2008, p. 39). This means that although CCTs target the income-poor,

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[88] In 2004, Nancy Birdsall, president of the Center for Global Development, stated in an interview with The New York Times: 'I think these programs [CCTs] are as close as you can come to a magic bullet in development...They're creating an incentive for families to invest in their own children's futures. Every decade or so, we see something that can really make a difference, and this is one of those things.' (New York Times, 2004).

including undocumented and informal populations, they also facilitate the collation of data across populations, many with differing needs and from an array of socioeconomic backgrounds.

By the mid-2000s, Chile (*Chile Solidario, 2002*), Argentina (*Plan Família*, 2002) and Peru (*Perú Juntos*, 2005) had already developed and started implementing their own mass national registration strategies. Legal identity underpinned the expansion of CCTs:

> 'In Chile Solidario, families are not subject to behavioral conditions but rather set objectives in seven areas, including identification, with the help of social workers. In 2004, 14 percent of beneficiary families set a goal of obtaining identification for at least one family member (Galasso, 2006). In the first year of its Programa Puente, Chile Solidario issued over 26,000 DNIs [national identity documents] to poor families who were undocumented at the start of the program (Provoste Campillay, 2004). In the design phase of Plan Familias [sic], pilot surveys in two Argentine municipalities indicated that 15–17 percent of intended beneficiaries lacked national identity cards, and the program subsequently developed procedures to assist families in acquiring identity documents. In the first year of the Juntos program in Peru, 85 percent of the 15,000 cases of mothers and children lacking identification were resolved.'
>
> (Márquez *et al.*, 2007, p. 198)

The Dominican Republic was encouraged to follow suit through the development of a CCT model that would promote the inclusion of 'excluded' (i.e. informal and undocumented Dominicans). The provision of legal identity through the issuance of a birth certificate, national identity card and unique identifier number was a fundamental component of *Programa Solidaridad*, the Dominican CCT launched in 2005 (see p. 88).

3.3 The Role of Dominican State Architectures in Documenting Dominicans

The introduction of neoliberal policies and the democratisation of the Dominican state in the 1990s marked the beginning of a new era in the country's socioeconomic landscape. A global decline in the demand for sugar together with a rise in need for labour in construction, the services industry and tourism saw migrant-descended populations move away from the from rural areas, the border and sugar cane plantations to Dominican

towns, cities and coastal areas (i.e. tourist towns where demand for labour was high). By the mid-2000s, around one-fifth of Dominicans and 60 percent of the poor had no form of documentation whatsoever (Regalia and Robles, 2005, p. 2). The Dominican Republic was an obvious candidate to implement the third wave (Stampini and Tornarolli, 2012a, p. 8) of CCTs in Latin America. Under-registration on the island was among the highest in the region[89]. Importantly, and in contrast to its neighbour Haiti, the Dominican Republic presented far less of a risk to international donors. They did not think the Haitian state had the institutional capacity to introduce a widespread cash transfer programme[90]. Poverty levels were (and remain) the worst in the region[91]. The horrifying 2010 earthquake also killed one third of government employees and destroyed numerous government buildings and the records inside them.

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[89] After Bolivia (26%), an estimated 22% of Dominicans had no form of documentation whatsoever. This was the second highest under-registration rate in the region, followed by 19% in both Haiti and Nicaragua, 15% in Ecuador and 11% in Jamaica. See Pichardo Muñiz, A. (2012). *Estudio Línea Base (ELB) y Evaluación del Impacto (EI) Proyecto de Inversión en la Protección Social (PIPS) de la República Dominicana. Informe Final Definitivo.* Santo Domingo.
[90] See Cohen, M. J. *et al.* (2008) *Social Policy in a Fragile State: Opportunities and Challenges in Implementing a Conditional Cash Transfer Program in Haiti.*
[91] See World Bank (2018) *Haiti Overview.* Available at: http://www.worldbank.org/en/country/haiti/overview (Accessed: 15 September 2018).

Cuadro No. 1
Población Indocumentada por Estructura de Edades sin Acta de Nacimiento y
Cédula de Identidad y Electoral, 2004

Grupos de edades	Población					
	De 0-15 años			16 años y más		
	Total	Sin acta de nacimiento	Incidencia en %	Total	Sin cedula de identidad y electoral	Incidencia en %
Menos de 1 año	169,154	54,767	32.4			
1 a 4	756,332	139,375	18.4			
5 a 9	1,008,682	122,184	12.1			
10 a 15	1,205,149	61,053	5.1			
16 a 17				339,041	271,435	80.1
18 a 34				2,469,156	273,357	11.1
35 a 64				2,269,416	93,990	4.1
65 y más				527,336	30,231	5.7
Total	3,139,317	377,379	12.0	5,604,949	669,013	11.9

Fuente: ENCOVI, 2004

Image 4 - Dominican Undocumented Population with no Birth Certificate and/or National Identity Card. ENCOVI, 2004

The Dominican Republic was therefore an attractive candidate for international donors to implement the CCT model. Since the 1990s, it had built a stoic track record of economic growth and stability (Sánchez-Ancochea, 2012, p. 208). Astoundingly, the country became one of the fastest growing economies in the region (World Bank and IDB, 2006, p. xviii). This phenomenal achievement was secured by opening the economy to new neoliberal models and welcoming international investment to develop Free Trade Zones (FTZs), tourism and the banking sector. Notwithstanding, rather than lead to a reduction in poverty, instead this resulted in 'trade-offs between economic and social policy' (Johnson, 2011, p. 76). By 2003, Dominican social spending had reached one of its highest levels since 1995 (Lizardo, 2005, p. 18) yet, due to significant deficiencies and bottlenecks within the sector, the impact of this money on marginalised populations was minimal. Wealth remained firmly concentrated within elite circles and economic prosperity failed to 'trickle down' to the majority poor.

Despite showing promise, the significant number of undocumented and informally registered Dominicans presented a stumbling block to the successful implementation of CCTs. Initially, the Dominican authorities lacked the strong political will to address under-registration and had resisted both domestic and external pressure to provide domestic populations with legal identity papers. The state maintained it had failed to implement a coherent strategy due to the high costs associated with carrying out the necessary legal and bureaucratic tasks to register undocumented Dominicans (Sánchez, 2006, p. 10). In reality, however, national and international businesses had benefitted from the high numbers of undocumented Dominicans, Haitians and their descendants[92]. Without legal identity papers, workers on both sides of the island found it difficult (though not impossible) to unionise, claim pensions or demand workers' rights. At a domestic level, demand for documentation as a means of inclusion into the formal economy was growing. Further afield, international actors, such as the World Bank, were also prioritising legal identity as a strategy to include vulnerable populations onto social assistance programmes.

3.3.1 The Dominican State: An Overview

The Dominican state, similar to many Latin American countries, has a long history of clientelist and paternalistic practices (Crassweller, 1966; Wiarda, 1982). Traditionally, social policy was highly politicised and benefitted the ruling elite. Before a complete overhaul of the sector in 2004, the Trujillo dictatorship (1930-1961) had been

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[92] To begin implementing a successful CCT programme, the country first needed to first tackle its abysmal under-registration record. In contrast to countries where levels of under-registration tend to be higher in rural than urban areas, the Dominican Republic had the highest levels of undocumented populations in both rural (33.5%) and urban (23.1%) settings. This meant it would have to address documentation problems across the entire country and not just in rural or remote areas. See p. 8 Duryea, S., Olgiati, A. and Stone, L. (2006) *The Under-Registration of Births in Latin America*. Washington, DC.

largely responsible for the creation of the main social policy institutions and government agencies in the country (UNDP, 2010b, p. 202). These were closely linked to party interests and electoral campaigning and galvanised support for the regime through the distribution of goods, utility services, infrastructure and cash to the peasantry (Turits, 2002). Trujillo purposely converted the country from a two-tier rich/poor society into a three-tier state. He achieved this through the introduction of fundamental institutional changes that facilitated the creation of a new middle class of bureaucrats rewarded with jobs and wages. This 'new economic elite…was almost totally dependent on the macroeconomic scheme provided by the state' (Betances, 1995, p. 110). They worked within state-run institutions and provided the regime with technical and logistical support. In return, many received cash handouts and economic perks.

The Dominican state has been used create a form of 'bureaucratic closeness' to Dominicans (Derby, 2009). Social policy formed part of a national strategy to create strong social support for the regime. The Balaguer administrations (1960-1962, 1966-1978, 1986-1996) repeated the model rolled out during the dictatorship. The distribution of goods and public resources to the poor created a gift-giving culture known in Spanish as '*el dao'* or '*la fundita*' (UNDP, 2010b, p. 202). This helped the state reinforce the cultural perception that public services, particularly utilities, were a gift from the President and therefore a social good (Hayes de Kalaf, 2010, pp. 11–12). From the mid-1990s, the Dominican Republic faced increasing international pressure to enhance transparency and demonstrate to international actors it was taking steps towards democratisation (Mitchell, 2014). The election of the *Partido de Liberación Dominicana* (PLD) leader Leonel Fernández Reyna in 1996 represented a new, democratic and transnational era. Fernández was the 'modern' face of Dominican politics. Born in Santo

Domingo and raised in New York, bilingual Fernández opened up the country's economy to new opportunities, including international investment and technological development.

Fernández had successfully boosted the Dominican economy during his first term in office (1996-2000). By 2003, during the Rafael Hipólito Mejía Domínguez opposition government, the country had reached a state of crisis. Banco Intercontinental (BanInter), one of the largest local banks, collapsed. This sent the economy into freefall. Struggling to cope, the peso began to tank and rapidly depreciated by 173% (from 17.6 pesos per dollar in January 2003 to 48.1 by June 2004)[93]. The price of basic goods, including food, rose sharply. From the start of 2003 until May 2004, 1.4 million people (around 15% of the population) had sunk into poverty and 600,000 people were living in extreme poverty (6.5%)[94]. Consumers began to absorb the high costs of fuel, gas and electricity. A lack of oil caused widespread blackouts, leaving some neighbourhoods without power for extended periods and the government struggling to keep the lights on (Hayes de Kalaf, 2010, pp. 11–12). Long power cuts and rising fuel prices resulted in social unrest and protests. External funders became deeply worried about these escalating levels of instability and poverty. The World Bank was able to use the leverage it had over the electricity sector and the government's attempts to import oil to also try and push through social protection policy reforms. It was the World Bank's first entrance into the social protection sector in the country.

After four years away from office, the PLD government, once again led by Fernández, returned to power in 2004[95]. The IMF and World Bank conditioned support for the Dominican

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[93] See p. 1 World Bank (2007) *Dominican Republic Social Protection Investment Loan. Report No: 36299-DO*. Santo Domingo.
[94] Ibid.
[95] From 2000-2004, opposition leader Hipólito Mejía was president the Dominican Revolutionary Party (Partido Revolucionario Dominicano, PRD). He was an extremely divisive figure and widely blamed for

government around financial legislation and social assistance (UNDP, 2010b, p. 202). The new administration promised to prioritise registrations as a way of facilitating the more accurate implementation of measures to take poor Dominicans out of structural poverty (Regalia and Robles, 2005). This led to the complete structural reorganisation of the social sector in 2004 and the implementation of new laws and policies to address poverty (see Chapter 5). The World Bank, the IMF and the IDB placed pressure on the Dominican state to decentralise state practices closely linked to decades of corrupt and excessive spending. The new social policy sector was expected to eliminate inefficient universal social programmes to overcome wasteful spending levels and instead promote an individualised approach to social assistance. Fernández nevertheless also remained highly dependent on the old paternalist institutions of his predecessors. On the one hand, he was eager to appease international funders and demonstrate the country was reducing excessive spending in the social sector and improving its poor human rights record. On the other, he had to mediate resistance from domestic actors, particularly a powerful nationalist faction within the PLD that was strongly opposed to any attempts to provide Haitian-descended populations with Dominican citizenship documentation and include them as recognised contributors to the formal economy.

3.3.2 The Social Crisis Response Adjustment Loan (SCRAL)

To confront rising economic instability, the World Bank agreed to quickly disburse funds to the government via an emergency $100 million Social Crisis Response Adjustment Loan, the SCRAL (World Bank, 2004a). The SCRAL placed conditions on the implementation of monetary legislation and a new social assistance strategy (UNDP,

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plummeting the country into a deep economic recession. International organisations, such as the World Bank, saw Fernández as a much safer and reliable candidate for the presidency.

2010b, pp. 201–221). This included the issuance of 11,000 birth certificates, the selection of beneficiaries for a non-contributory health insurance programme, the elimination of a minimum of five ineffective social programmes and the approval by the Ministry of Education of an operational manual for the Cash Transfer Program (World Bank, 2004a, p. 14). This strategy relied on concrete steps to tackle levels of under-registration and ensure welfare payments were reaching targeted (i.e. Dominican) populations. The SCRAL loan was paid in two separate tranches. This was in part to prevent the incumbent PRD administration from funnelling money into political campaigning just months before the next presidential election in May 2004[96]. Fernández and the PLD then received the second payment of the SCRAL upon returning to power. In addition to dealing with immediate economic concerns, the World Bank used the agreement to allow the government to deliver at least one third of the allocated funds to domestic electricity generators financed through the national budget. The government also had to prioritise decentralisation through the elimination at least five inefficient social programmes (World Bank, 2004a, p. 14). The SCRAL was a major push in urging the Dominican authorities to seriously address problems with under-registration and to begin rolling out registration programmes to significant sections of the population.

3.3.3 The Social Inclusion Trust Fund (SITF) and IDB-DFID ENLACE

Multi-lateral agencies had initially modelled documentation schemes around traditionally excluded populations. In February 2003, the IDB established a Social Inclusion Trust Fund (SITF). The principal focus of the SITF included indigenous and Afro-descended populations, HIV/AIDs sufferers, people with disabilities and women in poverty (Social Inclusion Trust Fund, 2004). The fund was part of the IDB and World

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[96] This was the position of Samuel Carlson, World Bank employee. See Chapter 5.

Bank Poverty Assessment and long-term operational strategy (Edwards and Walden, 2009, pp. 15–17). Recommendations included the need to scale down spending and improve the efficiency and running of the Dominican welfare sector (World Bank and IDB, 2006). This included a reduction in wasteful subsidies and improved investment in health, social protection and education (ODI, 2008, p. 149). The SITF functioned with relatively limited funding which included support from Canada ($1 million), the UK (less than $1 million) and Norway ($10 million for five years). From 2004-2007, the IDB-DFID ENLACE Program operated in tandem with projects receiving support from the SITF. The principal aim of ENLACE was to address the social exclusion of the poor in eight Central American countries and the Dominican Republic (ODI, 2008, pp. 2–3). In the Central American context, this included a communications campaign to encourage indigenous families to register the births of their undocumented children. The initiative also supported a methodology to encourage the participation of ethnic groups in the Nicaraguan Census. In addition, it facilitated the implementation of socioeconomic strategies to reduce poverty through the inclusion of traditionally excluded populations in decision-making processes.

ENLACE supported two initiatives in the Dominican Republic. The first, 'Support to the Dominican Republic Poverty Assessment', provided $95,000 to improve targeting mechanisms in poverty reduction strategies. The second initiative was entitled 'Potential Effects of Trade Agreement on Rural Households'. This provided $60,000 to analyse the impact of the DR-Central American Free Trade Agreement (DR-CAFTA) (ODI, 2008, p. 152). With the support of international donors, the ENLACE programme worked closely with the Technical Secretariat of the Presidency, the Central Bank and the National Planning Office to implement these measures. The government developed a plan (Morillo Pérez, 2005) which built on the country's first poverty map from 1997

(World Bank and IDB, 2006, p. 155). It identified priority areas for social programmes and was the first step in identifying and targeting the poorest of populations for subsidy payments. The updated map implemented a new proxy means test model to improve the identification of welfare beneficiaries (ODI, 2008, p. 149).

3.4 Problems Identifying Citizens

Due to high levels of informality in the civil registry, the task of identifying Dominican citizens was far from straightforward. It certainly was not always obvious to the authorities which individuals should qualify for citizenship documentation. As I have stated, until 2010 the Dominican Constitution largely recognised the right of (most) native born populations to citizenship. For decades, however, the poor as well as persons of Haitian ancestry had lived a largely informal existence with some or no form of documentation. In 2007, staff interviewed over their perceptions of the DFID-IDB Enlace Social Inclusion Trust Fund raised concerns regarding the criteria used to identify and determine populations eligible for state subsidy payments. In a consultation, staff made numerous references to the situation of Haitians in the Dominican Republic, citing it a potential problem particularly in relation to documentation and issues of discrimination[97]. At the Haitian-Dominican border, where under-registration was commonplace, differentiating Dominicans from Haitians was particularly difficult. This problem was acknowledged in an IDB working paper entitled 'The Under-Registration of Births in Latin America':

> 'While under-registration is high in all regions of the Dominican Republic, it is especially so in the western part of the country which borders Haiti. For example, in the Elisa Piña [sic][98] province, which

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[97] See p. 46 Inter-American Development Bank (2007) *Enlace Social Inclusion Trust Fund. Social Inclusion Survey. Staff Perceptions on Social Inclusion.*
[98] The correct name for this area is Elías Piña.

directly borders Haiti, birth under-registration is almost 50 percent. While we cannot distinguish between children of native-born versus foreign-born, we recognize that the large presence and low status of Haitian migrants in the Dominican Republic may be driving this result.'

<div align="right">(Duryea, Olgiati and Stone, 2006, p. 9)</div>

As we will see in Chapter 4, from the mid-1990s NGOs and migrant rights group had already started to organise to increase pressure on the Dominican state to recognise the right of Haitian-descended populations to a Dominican nationality (Wooding and Moseley-Williams, 2004, pp. 47–52). The right of children born to Haitian migrants to a Dominican birth certificate was central to these campaigns. Subsequently, both Haitian and Dominican civil society began to mobilise to demand the restitution of rights to those affected, focusing campaigns on the need to formalise registration procedures.

3.4.1 The Dominican Civil Registry (JCE) and the National Identity Card (cédula)

The Dominican civil registry (*Junta Central Electoral,* JCE), is the main body responsible for civil registrations and the provision of the national identity card, the *cédula*. The JCE, similar to other Latin American countries, including Haiti, had been badly managed for decades. Documents were poorly archived, and records misplaced or destroyed (Hayes de Kalaf, 2015a, 2015b). Registry officials had made basic clerical errors with handwritten entries, misspelling names or recording the incorrect birth dates or gender of citizen (see Chapter 6). There were high costs and practical implications associated with overhauling and modernising what had, until recently, been a highly centralised, poorly administered and overly bureaucratic institution. The effective overhaul of the JCE to ensure improvements in the issuance of legal identity documentation was a mammoth task and a daunting prospect for international donors and the Dominican state.

Traditionally, the national identity card (*cédula*), issued by the JCE, was an important political tool. The introduction of the card in the 1930s allowed the state to implement an 'appearance-based system of description' (Wheeler, 2015, p. 36). As we saw in the literature review in Chapter 2, national identity documents stated the racial classification of card-bearers including *blanco, negro*, *mestizo*, *amarillo, mulato, indio* or *indio oscuro* (Simmons, 2009) as a means to identify card bearers[99]. The state used the document to control the movement of populations 'in social status as well as territorial space' (Derby, 2009, p. 159). Without an identity card, the descendants of Haitian migrants on sugar plantations (*bateyes*) found it particularly difficult to move freely around the country, access educational or health facilities, gain access to a state pension or join a trade union. A state-issued document did not guarantee freedom from scrutiny. State officials would still question or ignore the legitimacy of a person's identity papers, even when in possession of a *cédula*, particularly when black and/or of Haitian origin[100]. Put simply, oftentimes it did not matter whether a Dominican citizen possessed a valid legal identity document or not. The police and military could still exert their power and intervene to challenge an individual's right to belong[101].

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[99] Following the fallout from the *Sentencia* in 2013, and facing increased international scrutiny, the JCE quietly dropped the racial categorisation from its new, biometric *cédula* in 2014.

[100] See Robert F. Kennedy Human Rights *et al.* (2017) *Dreams Deferred: The Struggle of Dominicans of Haitian Descent to get their Nationality Back*. Washington, DC; New York, NY.

[101] A number of years ago, when I was living in the Dominican Republic, I was stopped when attempting to cross the Dominican-Haitian border on a public bus. Immigration officials were confused as to why I was using my Dominican passport to gain access into Haiti. I was detained, taken to a back office and asked if I was a 'dominicana *neta*' (a *real* Dominican). I stated that I had naturalised and became a citizen but assured them that my documentation was indeed valid and that I had a legitimate reason to travel this way (i.e. it was the cheapest option). What I came to realise, years later, about this encounter is that in reality I was not questioned solely because the paperwork I was carrying aroused suspicion. Rather, it was my positionality as the only white Dominican travelling on public transport that caught the attention of the border officials. My class, status, race and foreign-sounding accent did not fit comfortably within this context. It was unusual for a white Dominican to travel this way and occupy this space. In contrast, each time I flew from Santo Domingo to Haiti, my experience was very different. Not once was I questioned or challenged on my documentation largely because (I concluded) I did not look out of place in this context. It was expected that a white Dominican would pay to travel by plane as opposed to buying a cheaper ticket and spending many more hours on an uncomfortable bus journey.

Despite his vehemently anti-Haitian stance, Balaguer took advantage of the large numbers of undocumented Dominican, Haitian and Haitian-descended populations during election periods. In the 1970s, he purposely targeted migrant-heavy locations to provide Haitian migrants and their native-born descendants with Dominican *cédulas*. These practices enabled both Haitian and Haitian-descended populations to vote, even when many were not registered in the civil registry, had no birth certificate or (in some cases) were not, in fact, Dominican citizens at all. These practices led to mass informality in the sector. Until the introduction of Law 892 in 1992, individuals could request an identity card from the authorities without presenting a Dominican birth certificate. Previously populations with no birth registration could obtain a *cédula* with relative ease. From the mid-1990s, however, civil registry officials began to insist on the presentation of a Dominican birth certificate as a prerequisite to receiving a *cédula.* This began to create problems for populations with no proof of birth in the country.

In recent years, the Dominican *cédula* has become an important and necessary route to formal employment and to carry out a number of rudimentary tasks. The authorities started insisting that populations present their national identity card to purchase property, open a bank account, get a driving licence, get married, register a child in school and buy a mobile phone. As we will see in Chapter 5, until the mid-2000s, civil registry offices (*oficialías*) were spread across different towns and municipalities. Each office worked separately to process paperwork with no national directive to follow. Officials applied their own norms and regulations and often did not take the necessary steps to protect documents. Paperwork at some registries had disintegrated due to exposure to the sea air or humidity. Often civil registry officials had extremely low levels of education and basic literary and numeracy skills. This caused significant issues for citizens and produced errors with entries. Duplicates archived in the capital regularly

contained mistakes, were difficult to locate and did not always match the originals. There was little supervision, control or audits leaving the system susceptible to corrupt and discriminatory practices. As the informants in Chapter 6 told me, individuals were expected to frequently travel back and forth to the main JCE building in the capital Santo Domingo to try and resolve problems with their paperwork. This was particularly cumbersome for poor populations due to the high costs involved. These measures even had an impact on populations living overseas. Dominican migrants were expected to return to Santo Domingo or their town of birth to resolve basic administrative errors. As I stated in Chapter 1, this was particularly problematic for irregular migrants who had allowed their Dominican passports and/or identity documents to expire. This left them vulnerable as at times it was difficult to resolve documentation problems from overseas.

Before recent investments to improve the civil registry, Dominicans had seen the JCE as a huge inconvenience (see Chapter 5 and Chapter 6). Informality and errors were widespread and opportunities for malpractice and corruption common. Dominicans regularly use the term '*el tollo*', meaning a predicament or a jam, to describe their interactions with state bureaucracy. To circumvent the *tollo*, people would exchange paperwork such as a birth certificate or an identity card with a neighbour or a friend to help register the birth of an infant or enrol a child at school. Kinship ties and personal relationships played an important role in an individual's ability to obtain documentation. It was not uncommon for a friend, neighbour or family member to give undocumented or informal populations their *cédula* so that they could register the birth of child (Wooding and Moseley-Williams, 2004, p. 52). Haitian-descended populations that did secure paperwork would also Hispanicize their *kreyòl*-sounding names or those of their children. Sometimes this was to avoid suspicion from the authorities but often it was also to ease the process of registration. This informality meant that until recent advancements in

identification processes, it was very difficult for the state to distinguish persons of foreign parentage from individuals born to Dominican parents.

Regional efforts to improve identification measures were taking place in parallel to changes to the JCE. From 28-30 August 2007, the Paraguayan government in collaboration with UNICEF, Plan International and the Organisation of American States (OAS) organised the 'First Regional Latin American Conference on the Right to an Identity and Universal Birth Registration' (*Primera Conferencia Regional Latinoamericana sobre el Derecho a la Identidad y Registro Universal de Nacimiento*) in Asuncion, Paraguay (UNICEF, Plan International and OAS, 2007). Two hundred delegates from eighteen countries met to exchange experiences and discuss strategies to strengthen and improve the administration and modernization of civil registries in the region. Upon leaving the event, a U.S. official reported that a JCE judge had commented: '[The conference was] productive and gave him ideas on how to approach the problem of documentation' (US Government Cable, 2008b). From the mid-2000s, the JCE began to invest heavily in improving equipment and facilities. It hired teams of legal specialists and data analysts to digitise civil registry records and more efficiently record information on a case-by-case basis. As one U.S. cable noted:

> 'While [the] registration of persons of Haitian descent remains controversial, the JCE appears to be making strides in registering Dominican children. The JCE opened a mobile civil registration unit in the town of Salcedo, Hermanas Mirabal Province. A JCE judge told PolOff [policy officer] that the JCE plans to deploy five of these mobile units within three years with the goal of registering as many as 18,000 undocumented children. The JCE also inaugurated a newer, more modern facility in Santo Domingo for the Second Circumscription of the local Civil Registry. The opening of the facility, which JCE officials expect to handle over 2,100 applicants a day, is timely as officials also reported that political parties are bringing 600-700 individuals a day to register for a cedula [sic].'
>
> (US Government Cable, 2008b)

The new building offered technological services and improvements in requests for civil registry documentation. As part of this restructuring, the JCE created a Late Declarations Unit. The department began to utilise more sophisticated technologies to identify citizens and decide who to issue with documentation (UNICEF, 2007a). This led to big improved that facilitated the identification of Haitian-descended individuals from persons of non-Haitian ancestry.

3.5 Detecting 'Inconsistencies': The Creation of the Social Cabinet and the Data Sweep

The Social Cabinet and the introduction of conditional cash transfers (CCTs) emerged partly in response to the 2003 financial crisis (Pichardo Muñiz, 2014, p. 28). The Office of the First Lady (*Despacho de la Primera Dama,* DPD)[102] took the first steps to use social policy to tackle under-registration. This was facilitated by a national 'sweep' (*barrido*) of information which first targeted places with high levels of poor populations and then gradually expanded across the country. This facilitated the *en* masse collation of data on both documented and undocumented populations. Through its pilot programme *Progresando*, the state used these systems to identify individuals eligible for state assistance. The initiative aimed to 'promote the integral development of families [300,000 households] living in extreme poverty and in a vulnerable social situation'[103]. It was made up of seven fundamental components: identification, integral health, education, training and citizen awareness, dignified living, food security and recreation and artistic expression[104]. The DPD identified potential beneficiaries by geographical location and

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[102] The Office of the First Lady was created in 2000 via Decree No. 741-00. See p. 25 Martí i Puig, S., Sánchez-Ancochea, D. and Stein, A. (2015) *Producción del documento de sistematización de la experiencia en la implementación de la estrategia Progresando con Solidaridad.*

[103] See p. 25 Ibid. 'En este marco nació a finales de 2004 el programa Progresando con el fin de promover el desarrollo integral de familias viviendo en extrema pobreza y en situación de vulnerabilidad social'.

[104] Ibid. 'Para alcanzar dichos objetivos se sensibilizó, orientó, informó, capacitó y concienció a miles de familias sobre el acceso y disfrute de bienes y servicios ofrecidos por el Estado y por la sociedad civil a

carried out home visits to collate socioeconomic data on each household. As a precondition to becoming a *Progresando* beneficiary, the programme encouraged individuals and their families to register with the JCE.

The Social Cabinet was a landmark change in social policy and central to all government led social assistance interventions. It was established in January 2003 via Presidential Decree 623-03 to lead social assistance in the country (Regalia and Robles, 2005, p. 2). Prior to this, the government had invested in food programmes and canteens through the health ministry. They had also supported literacy and unemployment campaigns as well as initiatives to improve the distribution of electricity. There were numerous problems with these programmes, including substantial bottlenecks, corruption and a duplication of efforts in a number of sectors. From September 2004, Decree 1082-04 established the Technical Directorate of the Social Cabinet (*Gabinete de Coordinación de las Políticas Sociales,* GCPS). The country's Social Protection Programme was established via Decree 1554-04. From 2005, it was responsible for the overall coordination and management of social protection in the Dominican Republic (Carrasco, Sandro Parodi and Vásquez, 2016, p. 15). National coverage of social policy under the Social Cabinet expanded rapidly. From 2004-2012, Vice President Rafael Albuquerque oversaw the running of all social assistance and protection programmes.

Historically, state institutions had competed for the attention of the Executive, often existing in competition rather than collaboration with one another. The introduction of this new state architecture represented a landmark shift towards greater transparency of the social assistance sector. It formed part of the National Strategy for Development 2030 which aimed to take Dominicans out of structural poverty and facilitate their

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través de siete componentes básicos: Identificación; Salud Integral; Educación; Formación Humana y Conciencia Ciudadana; Vivienda Digna; Seguridad Alimentaria; y, Recreación y Expresión Artística'.

participation as social actors (MEPyD, 2012). This vision to reform and modernise was a significant shift in strategy and formed part of an inter-institutionalisation approach that improved communication between government departments. The Social Cabinet is made up of three separate pillars: the Unified System for Beneficiaries (*Sistema Único de Beneficiarios*, SIUBEN), the Social Grants Administration Department (*Administradora de Subsidios Sociales*, ADESS) and *Programa Solidaridad*[105].
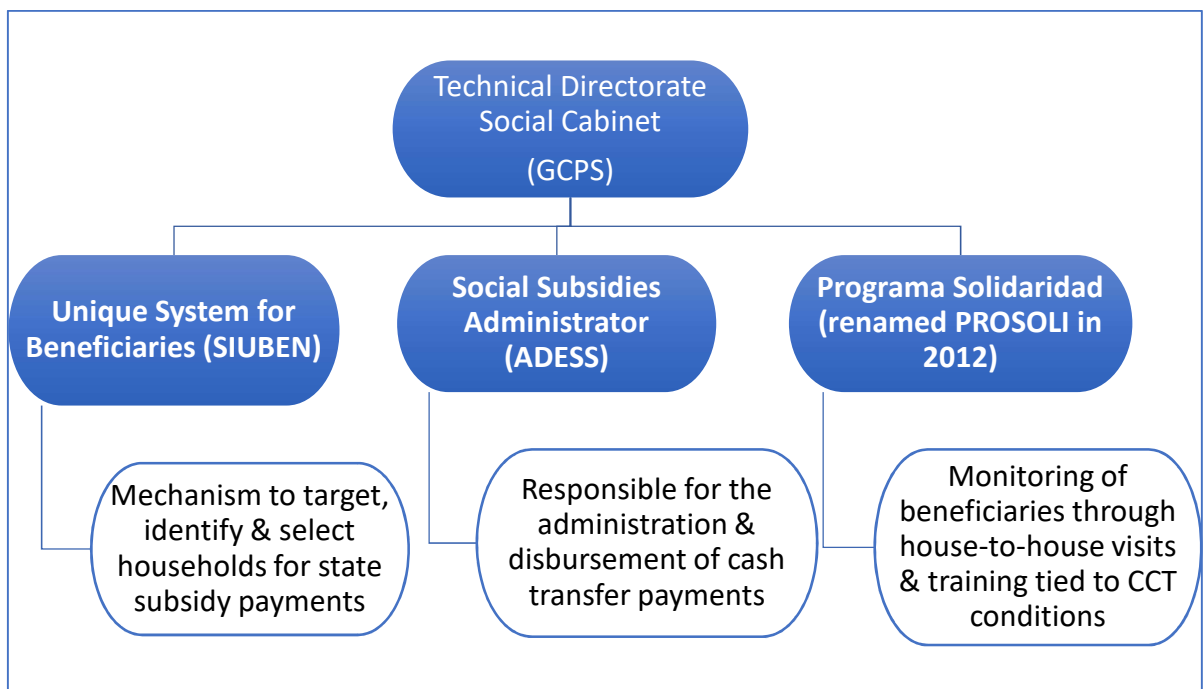
Image 5: The Dominican Cash Transfer Model - The 'Tripod' of Social Policy

The Unified System for Beneficiaries (SIUBEN)

The first pillar, SIUBEN, is a per-household identification tool that targets poor Dominicans for cash transfer payments (Regalia and Robles, 2005, p. 3). It was created via Decree 1073-04 on 31st August 2004 to 'cut inefficient and regressive subsidies [and improve] investment in health, education and social protection, with a clearer focus on

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[105] The Social Protection Program was established via Decree No. 1554-04 in 2004 to oversee the Social Cabinet. The Decree determined that state subsidies and CCTs should use SIUBEN to target social programme beneficiaries. SIUBEN and ADESS were also established the same year via Decree 1073-04 and 1560-04 respectively. Programa Solidaridad was created via Decree 536-05 on 20th September 2005.

targeting fewer but improved programmes within these sectors' (ODI, 2008, p. Appendix 8). SIUBEN identifies, registers and prioritises beneficiaries and their families eligible for social subsidy payments. SIUBEN prioritises locations based on Proxy Means Testing (which includes 17 basic variables associated with poverty), a popular method for CCTs to determine eligibility on the grounds of poverty levels. The Life Quality Index or *Índice de la Calidad de Vida*, (ICV) then selects poor households and identifies the life conditions of participants.

The strategy to identify anomalies in the system began with a 'sweep'. SIUBEN initially identified 400,000 poor individuals eligible for social assistance who had been unable to access the initiatives due to a lack of legal identity documentation (World Bank, 2016, p. 2). By 2014, the overall number of beneficiaries was reduced to 239,012 individuals (World Bank, 2016, p. 6). This information was collated via a survey of over 1.2 million households (4.4 million people; 56 percent of the population[106]). From 2007, SIUBEN became an entity of the Social Cabinet via Decree 426-07. The government opened ten decentralised regional offices to manage data collation, verify information and correct inconsistencies[107]. SIUBEN worked with local universities, including the Santo Domingo Technical Institute (INTEC), the Autonomous University of Santo Domingo (UASD) and the Pontifical Catholic University Mother and Teacher (PUCMM), to help revise and process the collation of data. It targeted and identified individuals across all socioeconomic and geographic areas and divided these locations into urban areas (*barrios*), rural areas (*parajes*), regions, provinces, municipalities and districts.

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[106] See p. 2 World Bank (2016) *Implementation Completion and Results Report on a Loan and Additional Financing in the Amount of $29.40 Million to the Dominican Republic for a Social Protection Investment Project. Report No: ICR00003930.* Washington, DC.
[107] We will later see how these inconsistencies or 'gaps' included detecting persons the state deemed ineligible for Dominican citizenship.

To identify CCT beneficiaries, SIUBEN tailored a questionnaire for homes with undocumented members. Respondents were asked to provide a detailed account of their personal details, including the national origin of both their mother and father, their *cédula* number and date of birth. The JCE used the data SIUBEN provided to then update and digitise the civil registry. This questionnaire is significant as it allowed the JCE to begin collating data on the national origin of a beneficiary's parents and ask whether or not the individual was recorded using a Dominican national identity number.

Image 6 SIUBEN Questionnaire for Households with Undocumented Members, Social Cabinet & World Bank 2009.

The Social Grants Administration Department (ADESS)

Once SIUBEN had identified inconsistencies and determined the individuals eligible and ineligible for social protection, the second pillar, the Social Grants

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Administration Department (ADESS) then linked subsidy payments to individual beneficiaries through the development of a beneficiary payroll. ADESS was created via Decree 1560-04 on 16th December 2004 (ADESS, 2009, p. 2). It strengthens the overall management of social subsidies by overseeing the administrative and financial aspect of payments. The banking sector is an important component to the successful distribution of CCTs. ADESS works in collaboration with national banks, including Banreservas, Asociación Popular, Asociación Cibao, La Nacional, as well as Visa International, to allocate the electronic transfer of payments to CCT beneficiaries through the Social Subsidies Payment System (*Sistema de Pago de los Subsidios Sociales*). It manages a network of local grocery stores (known as '*colmados*') through the Social Provision Network (Lavigne and Hernán Vargas, 2013, pp. 19–20).

The Solidaridad Card

The third pillar, *Programa Solidaridad* (now PROSOLI), distributes cash transfer payments via a magnetic payment card. It is used for non-conditional disbursements, including as gas and electricity subsidy payments (BonoGas and Bonoluz) (Lavigne and Hernán Vargas, 2013, p. 20). In 2004, Visa International collaborated with ADESS to launch its prepayment card, the *Tarjeta Solidaridad*[108]. This involved the participation of Dominican financial institutions to facilitate payments. The card was the first of its kind in the region. Visa installed over 4500 payment points in local convenience stores to accept and process transactions (Visa International, 2012, pp. 18–19). It could only be

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[108] See the video by Visa Corporativo (2014) '*Llevando ayuda a ciudadanos de República Dominicana*' Available at: https://www.youtube.com/watch?v=7R3KreieOHg (Accessed on 15th August 2017). The caption reads: 'In 2004, the government collaborated with Visa and Dominican financial institutions to launch prepaid Solidaridad Visa cards, a way of distributing subsidies to citizens most in need through funds deposited on the prepaid Visa card. The card can be topped up and used in local micro-businesses. The programme is not only the most secure, it also benefits local stores known as 'colmados'. It therefore strengthens local economies. One store owner commented: "It has been an enormous change for me and my business. The business has grown over 60% more than it did before"'.

used to electronically purchase goods at designated locations. Visa International had a strategic interest in promoting the use of electronic payments for cash transfers as a means of financially including the poor. This method of payment also helped ADESS trace and control payments. By 2012, PROSOLI was responsible for the exclusive management of all targeted and non-targeted conditional and non-conditional cash transfers and state subsidies nationwide.

Image 7 Beneficiary uses 'Tarjeta Solidaridad' at a Dominican Colmado.

3.6 The National Plan for the Provision of Identity Documents

Once the government had established the three key pillars of the social policy sector (SIUBEN, ADESS and Solidaridad), the provision of legal identity documentation became a key focus of the government's new social assistance strategy. By this point, the authorities had already built a much clearer picture to help identify people living without

their identity documents. As registration systems began to improve, the JCE started digitising data and developing detailed files on individuals whose *cédula* had expired. Through collaboration with the Social Cabinet, it could now more easily identify individuals in possession of an identity card with no birth certificate or vice versa. The Unit of Social Information (UIS) also began to work with a technical team of lawyers and civil registry officials at the Social Cabinet to coordinate, plan and monitor a National Plan for the Provision of Identity Documents (*Un Plan Nacional De Documentación De Dominicanos(as): Diagnóstico, Objetivos, Lineamientos Estratégicos y Componentes*)[109]. The plan was part of measures to support the reform and modernization of the Executive Power from 2006 until 2010. This was the first national strategy to tackle under-registration across the country.

Building on lessons learned with *Progresando*, the cash transfer programme *Programa Solidaridad* became the 'main social policy instrument utilised by the Dominican state in its fight against poverty' (Martí i Puig, Sánchez-Ancochea and Stein, 2015, p. 5). From 2005, the Vice President of the country and Director of the Social Cabinet, Dr. Rafael Albuquerque[110] managed *Programa Solidaridad* (Martí i Puig, Sánchez-Ancochea and Stein, 2015, p. 5) which developed out of three initial social assistance programmes: *Comer es Primero*, *Incentivo de la Asistencia Escolar* (the School Attendance Incentive, ILAE) and *Dominicanos y Dominicanas con Nombre y Apellido* (Dominicans with a First and Last Name)[111]. *Comer es Primero* was a targeted cash transfer programme designed to feed populations living in extreme poverty (UNDP,

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[109] See Sánchez, R. (2006) *Hacia un Plan Nacional de Documentación de Dominicanos(as): Diagnóstico, Objetivos, Lineamientos Estratégicos y Componentes*. Santo Domingo.
[110] Programa Solidaridad was created on 26th September 2005 via Decree No. 536-05.
[111] See information on the initiative República Dominicana con Nombre y Apellido [Online} https://www.unicef.org/republicadominicana/politics_7718.html (Accessed 2 December 2016).

2010b, pp. 210–213). Beneficiaries received a modest monthly payment of $550 pesos to be spent on the *canasta básica* (basic food items). From 2008, this was raised to $700 pesos (UNDP, 2010b, p. 211). ILAE provided families with children enrolled between the first and eighth grade and between the ages of 6 and 16 with a small fortnightly payment. The budget was intended to facilitate the purchase of basic school items, including school uniforms, stationery, medicine and books. The amount each family received depended on the number of (documented) children registered in school. Dominicans with a First and Last Name incorporated civil registrations as a central component to CCT heads of households. It was based on estimations provided by SIUBEN. The initiative aimed to promote and improve birth registrations and coordination between the Social Cabinet and the JCE. This included the use of other actors, such as lawyers and state employees, to help people navigate complex bureaucracies and provide them with documentation. Dominicans with a First and Last Name also aimed to include previously unidentifiable and/or informal groups into the formal economy. This was to ensure beneficiaries could meet basic legal requirements to obtain a Solidaridad card for cash payments (UNDP, 2010b, p. 211). It provided preferential treatment to the heads of households, spouses, sons and daughters of cash transfer beneficiaries as well as other undocumented family members (Programa Solidaridad, 2006, p. 16). Beneficiaries were expected to comply with a number of *conditionalities* including trainings on basic health and sanitation, education and citizenship responsibility. As we will see in Chapter 5, these changes contributed to a major cultural shift as beneficiaries began to see welfare as a right for citizens rather than a gift from the state.

Solidaridad also ran workshops and training sessions to ensure beneficiaries met with the conditions of cash transfer payments. This included ensuring that family

members lacking documents carried out the necessary bureaucratic tasks to obtain both a birth certificate and a *cédula* from the JCE. Every four months, Solidaridad staff would verify that families were on track in completing this demand of the programme. The campaign focused principally on interventions to provide documentation in the following areas:

- Birth certificates for children from 0-5 years (health)
- Birth certificates for children and adolescents from 6-16 (education)
- Population from 0-15 with no birth certificate
- Undocumented persons over the age of 16 with no Dominican I.D. card (*cédula*) or birth certificate

<div align="right">(Torres Rodríguez, 2008, pp. 33–34)</div>

The Vice President of the country and Director of the Social Cabinet, Dr. Rafael Albuquerque, coordinated the plan with a wide audience of state actors and civil society institutions[112]. The government also began to bring together and train non-state actors, such as local civil society groups, the private sector and others to help facilitate registrations[113]. At a workshop organised in collaboration with the Social Cabinet entitled '*República Dominicana con Nombre y Apellido*', these actors discussed rolling out legal identity practices across social programmes to ensure documented populations could enjoy the full exercise of their citizenship rights (Godínez and Máttar, 2009, p. 245). The

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[112] The Vice President and Social Cabinet staff coordinated the project together with a Monitoring Committee, including representatives from the Supreme Court of Justice (SCJ), the Central Electoral Board (JCE), the Attorney General's Office, the Secretary of State for Public Health and Social Assistance (SESPAS), the Secretary of State for Education (SEE), the Commission for the Reform and Modernisation of the Justice System, the National Advisory Board for State Reform (CONARE), the National Advisory Board for the Protection of Boys, Girls and Adolescents, Consultative Board for Civil Society (CCSC), World Vision and the NGO Coalition for Children (CEDAIL). The international organisations supporting the imitative included the United Nations Development Program (UNDP), World Bank and UNICEF. See Sánchez, R. (2006) *Hacia un Plan Nacional de Documentación de Dominicanos(as): Diagnóstico, Objetivos, Lineamientos Estratégicos y Componentes*. Santo Domingo.
[113] From 2002-2007, UNICEF launched its campaign *Declárame y me Abrirás Muchas Puertas* (Declare Me and You Will Open Many Doors). This was implemented as part of the *Municipios Amigos de la Niñez* (MAN) project which worked to increase birth registration levels in children, particularly for those declared late. From 2007-2011, UNICEF also supported the development of Dominicans with a First and Last Name in the municipality of Tenares in the north of the country.

activity also launched a Monitoring Committee to oversee the implementation of the plan over the next four years (Pichardo Muñiz, 2014, p. 32). This included collaboration with the Ministry of Education (SEE) to carry out a national census in all public and private schools. as well as religious Church-led non-governmental organisations. Interventions were strategic and involved a variety of state and non-state actors. They actively encouraged civil society actors such as neighbourhood watch, religious organisations and community groups to help people register with the authorities. This included collaboration with the Church and religious groups to announce details of registration drives at mass. The authorities sent mobile vehicles to villages to collate data on (un)documented populations. People were encouraged to ask their neighbours to register. A 'Right to a Name and Nationality' campaign was included onto the school curriculum and staff and students were encouraged to identify and report students and parents with no legal documentation.

Although the state allowed undocumented children to attend school, it did so under the condition that their parents commit to registering themselves and their children. SEE also introduced a new student card with a unique number. This became a prerequisite for participation in the national exams. Those without this number were unable to sit their exams and subsequently faced difficulties when trying to register for acceptance into a state university (see Chapter 6). Coordination between the JCE and the Secretary of State for Public Health and Social Assistance (SESPAS) also improved considerably. The JCE placed civil registry representatives within public hospitals and healthcare facilities to ensure all children born in state hospitals had immediate contact with a state official to assist with the registration of infants. By issuing birth certificates at the hospital, mothers did not have to organise a separate appointment with the JCE or travel long distances to register a child. In addition, the provision of birth certificates was free. The National

Council for Children and Adolescents (CONANI), SESPAS and the Social Cabinet developed training activities for pregnant mothers and adolescents who had recently given birth. Women were encouraged to learn about the importance of legal documentation for their children. As well as providing training and support to mothers, the state also offered free paternity tests. As we will see in the following chapter, these interventions, and their focus on mothers in particular, were important. The state used these tactics to increasingly challenge the eligibility of foreign-descended populations and their children to state membership, using the Haitian origin of the mother as a justification to impede access to legal identity documentation.

3.7 The World Bank Social Protection Investment Loan

International actors played a central role in providing technical and financial assistance to the Dominican state to support the provision of legal identity documentation. The government implemented major reforms to its social assistance programmes through a Social Protection Investment Loan, a World Bank agreement between the International Bank for Reconstruction and Development (IBRD) and the Dominican Republic. The loan totalled US$22 million with US$19.4 million from the World Bank and US$2.6 million provided by the Dominican government[114]. A large part of the loan built on and supported the National Plan for the Provision of Identity Documents. The Bank also proposed US$2 million 'based on the achievement of quantifiable outputs in the provision of late birth certificates and national identity cards to poor Dominicans' (World Bank, 2007, p. 6). The World Bank met regularly with members of the Social Cabinet. It also liaised regularly with the IDB and the UN to coordinate efforts.

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[114] See World Bank (2007) *Dominican Republic Social Protection Investment Loan. Report No: 36299-DO*. Santo Domingo.

Dominican government reports made limited to no mention of possible issues some populations might find in accessing legal identity documentation. Although it later omitted mention of this problem from its reports (see p. 100), initially the World Bank did identify problems that could arise with the strengthening of the state's institutional capacity to target individuals for social assistance. Before the launch of the national plan, it expressed concern about the link to 'fears of Haitian immigration on one side and accusations that the Dominican Government applies discriminatory policies against Haitians on the other side' (World Bank, 2007, p. 17). To mitigate the situation, it suggested increased cooperation and coordination between state and non-state actors as well as a communications campaign to emphasise the importance of Dominican citizenship laws (World Bank, 2007, p. 9). Although it made clear its intentions to support the registration of Dominican nationals, the World Bank made no acknowledgement of the potential difficulties Haitian-*descended* populations were already facing over access to Dominican citizenship documentation:

> 'Inclusion of the Excluded: As part of the proxy-means testing exercise described below, the Government identified approximately 400,000 poor individuals who would be eligible for social assistance programs (subsidized health insurance, Solidarity CCT program, etc.) but are excluded for lack of legal identity documents (birth certificates and/or the national identity card, 'la cedula' [sic]) Not only are these individuals prevented from participating in social protection programs, they also cannot open a bank account, own title to land, vote, obtain a driver's license or passport, or attend school beyond 7th grade. Legally, they do not exist. Note these individuals are NOT considered part of the population of illegal Haitians residing in the country, but rather are poor Dominicans who never obtained their birth certificates or let their old 'cedulas' [sic] expire. Government policy is to launch a major nationwide campaign to help these people obtain their legal identity documents.'
>
> (World Bank, 2007, pp. 31–32)

Before committing major funding to support registrations, and to assuage potential reputational risks associated with these issues, the World Bank approached a

focus group of civil society actors. These included seven Dominican-based NGOs representing the rights of Haitian migrants (World Bank, 2007, p. 25)[115]. Those present underlined concerns that efforts to document Dominican populations might be regarded as discriminatory. Despite discussing problems with registration measures, most supported efforts to seriously address the issue of under-documentation. The general consensus was that the registration of Dominicans was better than perpetuating the existing status quo. The World Bank had already identified potential difficulties with the *en masse* registration of Dominicans, due to the scale and ambition of the initiative. Policy documents, however, made limited reference to the difficulties migrant-*descended* populations had already started to face when trying to access their citizenship paperwork. Instead, the World Bank focused on the need to differentiate *between* the legal identity of Haitian migrants and Dominican citizens as well as offer support to bolster DR citizenship laws:

> 13.3 <u>Political/Social Risk</u>: Addressing the exclusion of undocumented families is a very sensitive topic in Dominican society, linked to fears of Haitian immigration on one side and accusations that the Dominican Government applies discriminatory policies against Haitians on the other side. Both aspects of this risk need to be addressed. The 'nationalist' aspect would be minimized through consultations with Congress, meetings held with all political groups, respect for national laws regarding citizenship, and promotion of public debate through church groups and prominent civil society organizations. The Catholic Church, in particular, has been vocal and pro-active in supporting undocumented families, and has supported efforts to simplify documentation processes. In addition, since July 2005 all major newspapers have regularly reported on this issue of undocumented Dominicans, which has served to increase public understanding of the issue, making the public less susceptible to extreme nationalist rhetoric.
>
> (World Bank, 2007, p. 17)

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[115] The names of these actors were not included in the report.

The project continued to work across multiple sectors from the government, international organisations and civil society. This strategy relied on a good relationship and regular meetings between the Social Cabinet and international actors such as the World Bank, the IDB and the UN agencies. It included close collaboration with the JCE to facilitate registrations, digitise records and record the poverty status of SIUBEN-registered families. This allowed the Dominican authorities to verify the registration of individuals identified by SIUBEN, cross-referencing information to determine their place of birth and that of their parents as well as their identity documents to 'indicate where each individual would need to apply for documentation, and what additional documents could be collected to establish citizenship' (World Bank, 2007, p. 9). In addition, 'those not appearing in the database would be surveyed as to their place of birth and their parents' origins and identity documentation (World Bank, 2007, p. 9). Improvements in civil registry infrastructure, bolstered by international support, helped the JCE better detect, flag up and investigate cases. The use of improved technologies not only demonstrated to international actors that the Dominican state was modernising citizenship registration processes, it also facilitated the development of a digitalisation programme that incorporated SIUBEN data on the national origin of applicants, their children and their parents.

3.8 The Social Protection Investment Project (CDD-PIPS)

Image 10 CCD-PIPS and World Bank Logo

Building on the work of the Social Protection Investment Loan, in January 2009 the Social Cabinet launched its nationwide Legal Identity Documentation Component of the Social Protection Investment Project (*Componente Dotación de Documentos Legales de Identidad*, *Proyecto de Inversión en la Protección Social*, CDD-PIPS) with financial backing and technical support from the World Bank and the JCE (Social Cabinet and World Bank, 2009). From 2009, Solidaridad began to focus its efforts across the entire country. It built on the data from SIUBEN to examine priority locations. This included towns along the border (1. Dajabón, 2. Elías Piña, 3. Jimaní and 4. Pedernales) and the deep south (5. Barahona, 6. Azua) and north (7. Monte Cristi). These were not only areas with the highest levels of extreme poverty but were also home to large numbers of migrant and migrant-descended populations. Other locations included more middle-class areas (8. Santiago, 9. Mao) and rural towns (10. El Seibo, 11. Monte Plata and 12. Hato Mayor).
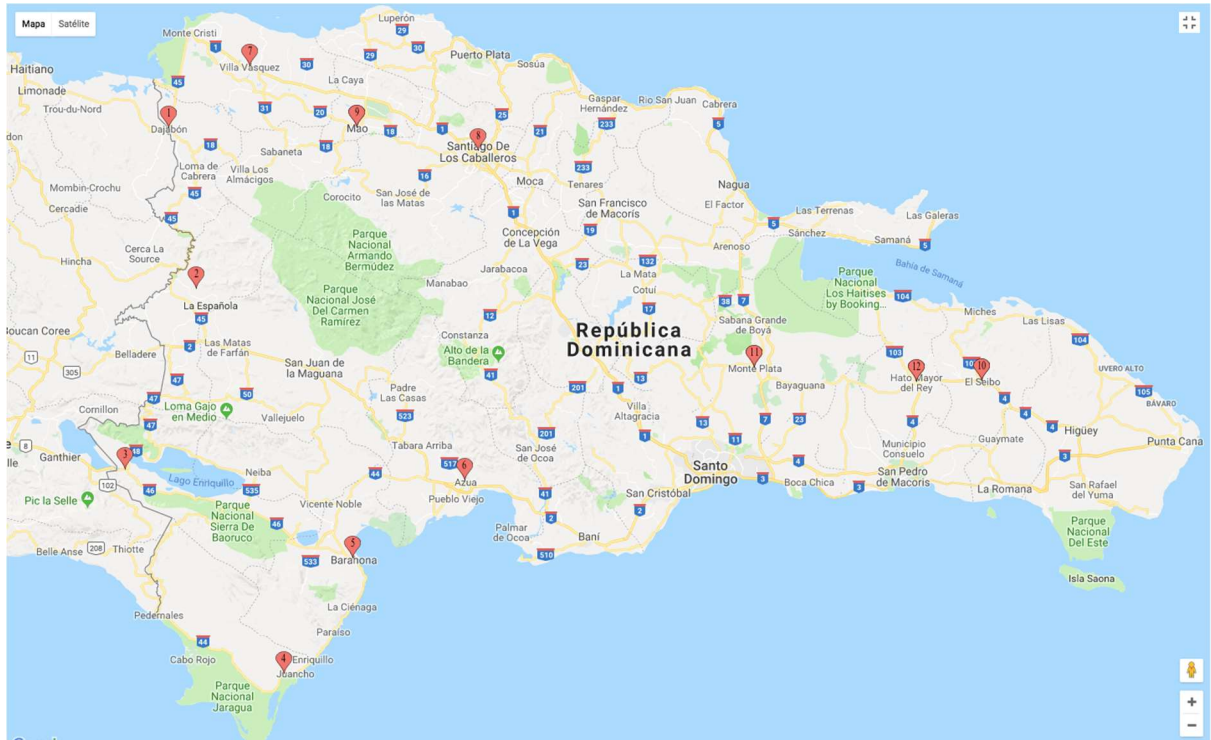
Image 8: Map of Solidaridad Projects in the Dominican Republic

CDD-PIPS prioritised the provision of citizenship documentation to Dominican families and ran until 31 June 2015. Through extensive fieldwork, the Social Cabinet continued to collate information on social policy participants and their family members, including their national origin. By this point, the JCE now had a functioning digitised system which could identify each citizen from social policy programmes to assess identity documents based on the information received. By March 2009, SIUBEN had already identified 723,512 undocumented Dominicans, 459,865 of whom had no birth certificate and 263,647 had no *cédula* (Social Cabinet and World Bank, 2009, p. 6). CDD-PIPS aimed to improve the registration of this group through the institutional strengthening of targeting mechanisms and the monitoring of social programmes. It expanded the communications and education campaigns led by the National Plan for the Provision of Identity Documents and the Social Protection Investment Loan. These campaigns focused on the right of Dominican populations to citizenship paperwork. Principally, they argued that without correct citizenship documentation Dominicans

could not access important state services or receive the welfare benefits to which they were entitled.

As we will see in the following chapter, tensions over the right of Haitian-descended populations to a Dominican legal identity were beginning to build. Nevertheless, three major reports published during this period make no mention of the difficulties Haitian-descended populations had been facing in the country when trying to access their documentation. Around the time of the *Sentencia*, from 2012-2014 the International Centre on Political Economy for Sustainable Development (*Centro Internacional de Política Económica para el Desarrollo Sostenible*, CISPE) and the National University of Costa Rica (*Universidad Nacional de Costa Rica*, UNC) carried out two full evaluations of the impact of CDD-PIPS. This resulted in the publication of two major impact assessments: *'Proyecto de Inversión en la Protección Social (PIPS) Estudio Línea Base'* (Pichardo Muñiz, 2012) and '*Proyecto de Inversión en la Protección Social (PIPS). Evaluación del Impacto. Informe Final Definitivo'* (Pichardo Muñiz, 2014). The first report makes a brief mention of high under-registration levels in Haiti but does not link these to the Dominican case (Pichardo Muñiz, 2012). The second report, two years later, completely omits any mention of Haitian migration or Haitian-descended populations (GCPS and Banco Mundial, 2014). Despite the growing discontent with the way in which the JCE was carrying out registrations (a theme we will explore in depth in the next chapter), and the significance and impact of the 2013 *Sentencia*, the final report again fails whatsoever to mention problems with the implementation of the project[116].

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[116] See World Bank (2016a) *Implementation Completion and Results Report on a Loan and Additional Financing in the Amount of $29.40 Million to the Dominican Republic for a Social Protection Investment Project. Report No: ICR00003930.* Washington, DC.

Instead, international actors and non-state actors, such as the IDB, promoted Solidaridad

and its role in the registration of Dominicans as a success story[117].

Image 11: CDD-PIPS Campaign Poster. Source: CDD-PIPS Twitter Page

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[117] See interview with Fernando Reyes on Programa Solidaridad (2011) Available at:
https://vimeo.com/28165365 (Accessed 15th September 2018)

3.9 Conclusion

In this chapter, I have briefly traced the profound socioeconomic and social programme reforms that have taken place in Latin America and the Caribbean over the past two decades. These changes, I maintain, resulted in the introduction of new social protection mechanisms that have bolstered systems to identify and target poor populations for state subsidy payments. This has included the widespread promotion of the cash transfer (CCT) model which has facilitated the *en masse* registration of previously informal and/or undocumented populations for welfare assistance. We saw how, since the economic crash of the early 2000s, the Dominican state began to take advantage of social protection mechanisms to better identify income-poor populations. The decision to use social policy to target (initially) poor Dominicans *en masse* represented a major shift in domestic policy. International actors, such as the World Bank, the IDB and the UN financed and facilitated the introduction of mechanisms to identify, target and strengthen the provision of legal identity documentation. This led to a complete overhaul of the social policy sector and resulted in the creation of a 'tripod' of state institutions to administer and disburse welfare payments: the Unique System for Beneficiaries (SIUBEN), the Social Subsidies Administration (ADESS) and the cash transfer (CCT) initiative Programa Solidaridad. Through these institutions, the state began to collate and administer data across the education, health and social assistance sectors. It also included the improvement of technologies to target specific populations for welfare assistance.

I have noted how, as international pressure on states to register these populations and improve domestic civil registry systems increased, tensions began to surface regarding which domestic populations should have access to citizenship documentation. The zeal with which the Dominican government began to document previously informal

populations marked a dramatic change in the country. For decades, political resistance to these measures had remained strong and social policy had been used as a strategic tool to favour the wealthy. The overhaul of government institutions and the introduction of a new Dominican Social Cabinet further bolstered efforts to provide Dominicans with legal identity documentation. The achievements of these measures were laudable. When CDD-PIPS ended, a total of 255,265 people had been documented (World Bank, 2016, p. 82). It also successfully reduced the percentage of poor households with members lacking legal identity documentation from 26 to 10 percent[118]. By 2012, social assistance had already expanded to one third of the Dominican population (Stampini and Tornarolli, 2012b).

I have nevertheless illustrated how the introduction of these new social policy architectures not only facilitated the collation of socioeconomic data on individuals, they also allowed state actors to more efficiently record information on the national and ethnic origin of populations. As the state began to make significant advances in the provision of identity documents to Dominicans, it also used targeting mechanisms to identify 'gaps' and inconsistencies in the system (i.e. persons whose Dominican citizenship registry officials queried). As we will see in the next chapter, for some native-born foreign-descended populations the consequences of these population-targeting measures had a direct impact on their claim to legal identity documentation. I explore how the civil registry (JCE) used these newly created architectures to collate data on individuals and began to refuse persons of foreign ancestry with relevant identity documents. The chapter traces a timeline parallel to the changes to social policy since 2004. I illustrate how, as civil registrations expanded and improved, a battle over Dominican citizenship

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[118] See p. 4 World Bank (2016) *Implementation Completion and Results Report on a Loan and Additional Financing in the Amount of $29.40 Million to the Dominican Republic for a Dominican Republic*, *World Bank Website*.

documentation intensified. The authorities introduced more stringent bureaucratic practices, legal and procedural changes to restrict access to paperwork. These actions culminated in a landmark 2013 *Sentencia* that retroactively stripped the offspring of 'undocumented' migrants born in the country since 1929 of their Dominican nationality. As a result, tens of thousands were left with no legal identity and no recourse to public funds. Crucially, these practices not only had an impact on undocumented populations but also affected persons already in possession of state-issued paperwork and once recorded within the civil registry as nationals.

Chapter 4
A Life 'In Transit':
The Role of State Architectures in Impeding Access to Legal Identity Documentation
from Dominican-Born Populations

> 'The idea is to link the *cédula* to our origins,
> our values, who we are as a nation.
> It is the document that identifies us.'[119]
> (Roberto Listin Diario, 2014b, JCE)

4.0 Introduction

On the 20th June 1929, the Dominican Constitution established the right of 'all people born on Dominican territory' to *jus soli* (birthright) citizenship. The two exceptions to this rule were children born to 'diplomats' and persons 'in transit'[120]. As we have seen throughout this thesis, national law and policymakers have nevertheless vehemently disputed and rejected the claims of Haitian-descended populations to Dominican citizenship. The state has consistently failed to distinguish between Haitian migrants and their descendants. Instead it has argued that children born to Haitian migrants were 'in transit' and as such had no automatic right to Dominican citizenship (Ferguson, 2003, p. 335).

In this chapter, I draw on primary data, including policy briefings, domestic and international judicial judgments, US government cables, NGO and media reports, administrative procedures, Dominican laws and constitutional amendments to trace a timeline of legal, institutional, bureaucratic and administrative reforms in parallel to the

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[119] Original quote: 'La idea es vincular la cédula a nuestros orígenes, a nuestros valores, lo que somos como nación, porque es el documento de identificación'
See Listín Diario (2014b) *Rosario dice nueva cédula incluirá escudo de la bandera y será expresión de la dominicanidad* [Online] Available at: https://www.listindiario.com/la-republica/2014/02/06/309707/rosario-dice-nueva-cedula-incluira-escudo-de-la-bandera-y-sera-expresion-de-la-dominicanidad (Accessed: 27 April 2018).
[120] Revisión de 20 de junio de 1929, Constitución de la República Dominicana Artículo 8.2 'Son dominicanos: (…) 2° Todas las personas que nacieren en el territorio de la República, con excepción de los hijos legítimos de los extranjeros residentes en la República en representación diplomática o que estén de tránsito en ella'. See SeeCongreso Nacional de la República Dominicana (1929) *Constitución de la República Dominicana, 1929 (*proclamada en fecha 20 de junio de 1929*)*. Santo Domingo.

social policy changes we reviewed in the previous chapter (2004-2014). These include the introduction of legal mechanisms, legislative changes and registration procedures to formally restrict access to Dominican citizenship paperwork from persons of (largely) Haitian ancestry. I frame these as an 'assemblage' of practices (Goldring and Landolt, 2013) that have retrospectively prevented native-born populations of foreign descent from accessing their legal identity documentation.

Firstly, I provide a brief historical overview of Haitian-descended populations in the Dominican Republic and examine their (largely) unfavourable treatment by the state. I illustrate how, as efforts to decentralise state practices, individualise welfare payments and provide Dominicans with a legal identity improved, this group began encounter difficulties. As these efforts expanded, civil registry officials began to confiscate birth certificates and ID cards and/or refused to issue migrant-descended populations with Dominican citizenship paperwork (CIDH, 2015, pp. 47–144). Consequentially, Dominican and Haitian civil society organisations utilised the support of international NGOs to push the state to challenge the arbitrary way in which state officials were blocking access to Dominican birth certificates. This resulted in a lengthy dispute between the Inter-American system and the Dominican state to push the authorities to recognise the legal identity of persons of Haitian descent. As we have already seen, these actions culminated on the 23rd September 2013 when Constitutional Tribunal judges ruled that an administrative error had led the civil registry to issue Juliana Deguis Pierre with Dominican birth documentation. The state used the *Sentencia* to argue that from 1929[121] until 2007 it had incorrectly registered persons born to undocumented migrants[122] as

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[121] The 21st January 1929 is the date of the demarcation of the Haitian-Dominican border. This took place during the US occupation of Haiti (1915-1934) and five years after it had occupied the Dominican Republic (1916-1924).
[122] The state interprets this term as persons who had recorded the birth of their child without using a Dominican *cédula*.

citizens. As a result, the judges ordered a complete audit of the civil registry to identify other Dominican residents who may have also received a birth certificate or national identity card by mistake. This resulted in the *en masse* registration of all Dominicans, the implementation of a National Regularization Plan for Foreigners in an Irregular Migratory Situation (PNRE) and the launch of a new, biometric Dominican identity card (*cédula*) to ensure the more effective administration of citizens. As I will argue, these actions resulted in a *'*new kind of [anti-Haitian] exclusionism'[123] which moved away from past outward expressions of state violence, brute force and aggression against Haitian migrants and their descendants to instead more nuanced, opaque forms of discrimination against citizens.

4.1 Native-Born Haitian-Descended Populations in the Dominican Republic

For decades, migration across the Haitian-Dominican border was mostly, if not entirely, unregulated. Although contractual labour existed, workers from both sides transited a largely porous border. While many Haitian labourers and their relatives returned to live in Haiti each day, others began to settle in the country and have children there. The rising number of Haitian-descended populations born in the Dominican Republic concerned the dictator Trujillo and the fiercely anti-Haitian political elite[124] who saw this as threat to the Dominican national identity.

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[123] See Martínez, S. (2015) *'Anti-Haitian Exclusionism in the Dominican Republic' - YouTube*, *Center for Religion, Ethics and Culture.* [Online] Available at: https://www.youtube.com/watch?v=TLLUztLPJkk (Accessed: 22nd September 2015).

[124] Former authoritarian President Joaquin Balaguer (1957-1960, 1960-1962, 1966-1978, 1986-1996) reiterated these concerns in his book, *La Isla al Revés: Haití y el Destino Dominicano.* He shared fears with other prominent intellectual nationalists, such as Peña-Batlle and Demorizi, that the Dominican nationality could eventually disintegrate in the face of increased migration from Haiti. See Balaguer, J. (1985) *La Isla Al Revés: Haití y el Destino Dominicano*. Santo Domingo: Libreria Dominicana.

Principally, Dominican nationalists saw women as the incubators of this perceived threat. Women's procreation with Haitian nationals, for example, allowed 'Haitians' (i.e. Haitian-descended populations) to become Dominicans. In this regard, women:

> '…embodied a future the patriarchal state wanted to purge from the Hispanic, Catholic…or, at the very least, terrorize into docility and withdrawal into the country's recesses.'
>
> (Candelario, 2016, p. 110)

In 1937, Trujillo launched a brutal attempt to 'Dominicanize' the country through the Haitian massacre (known as *El Corte*). Although the massacre is largely interpreted as an attack on Haitians (Wucker, 1999; Paulino, 2015), it also resulted in the violent slaughter of tens of thousands of Dominican border dwellers, the 'shifting, complex or ambiguous identities [of whom was]…perceived as a problem for the state.' (Turits, 2002, p. 593). The task of distinguishing Haitians from Dominicans was not straightforward. The military, for example, used ethno-linguistic markers to determine how 'foreign' or 'Dominican' a person appeared to them. One popular anecdotal (although somewhat disputed) account of the massacre was that soldiers ordered darker-skinned individuals to say the word *perejil* (parsley in Spanish). Those unable to pronounce the guttural *jota* ('j') sound were deemed Haitian and killed[125].

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[125] In his attempt to exert political control at the border, and in an effort to safeguard the Dominican Republic from the cultural, linguistic and racial Haitian 'threat' of blackness, Trujillo ordered the massacre of tens of thousands of 'Haitians' living in the region. In his work, Cambeira recounts a technique the Dominican military and police implemented to verify who to identify as Haitian and who as Dominican. In simple terms, soldiers would select blacks they suspected were Haitian and ask them to pronounce the word *perejil* (parsley). Trujillo ordered that those unable to pronounce the Spanish jota letter sound were to be slaughtered. In his book, Cambeira light-heartedly asks: 'How do you distinguish on sight a Haitian from a Dominican? Answer: You can't. So, you give him or her the parsley test!'. This observation raises an important point. The fate of many border dwellers depended heavily on the discretion of the *machetero* and whether or not he perceived his victim to 'look' Haitian or not. As a consequence, both nationalities died in the massacre. While most Dominican scholars continue to frame the massacre as an act of aggression against Haitian border settlers, they nonetheless fail to acknowledge that the state often treated the two nationalities interchangeably. See p. 182 Cambeira, A. (1997) *Quisqueya la Bella: Dominican Republic in Historical and Cultural Perspective*. New York and London: M.E. Sharpe.

Two years after the massacre, the government introduced its [first] Migration Law. The legislation clarified the constitutional definition of 'in transit' through the concept of non-resident (*transeúnte*). The term 'in transit' applied to non-residents passing through Dominican territory for ten days or less[126]. This included business travellers, students, holidaymakers, persons with an onward destination and sailors. Day labourers and their families, a group overwhelmingly made up of Haitian migrants, were also included in this definition. The Migration Law defined 'in transit' a term applicable to persons remaining in the country for a limited period of time with the intention of leaving at the end of their stay. The 'Haitian' problem nevertheless continued to concern politicians and decision-makers. The government started to carry out investigations in *bateyes* to determine just how many Haitian-descended populations were living in the country. In 1969, the Director of Migration Manuel de Jesús Estrada Medina requested a solution to what he saw an escalating problem: the growing number of Haitian-descended populations not transiting through the country but settling there. This, he noted, meant that more and more Haitian-descended populations were being born in the Dominican Republic and therefore becoming citizens:

> '[Haitians] have been procreating with Dominican mothers who – because they were born here – are Dominicans – something which is contributing to [an] invasion at an alarming rate, and therefore constitutes a real and positive threat to our nationality.'
> (Petrozziello, Hintzen and González Díaz, 2014, pp. 52–53)[127]

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[126] Art. 3, Ley de inmigración No. 95 del 14 de abril de 1939, Gaceta Oficial No. 5299. Reglamento de migración n° 279, del 12 de mayo de 1939, SECCION V. – TRANSEUNTES a) 'A los extranjeros que traten de entrar a la República con el propósito principal de proseguir al través del país con destino al exterior, se les concederán privilegios de transeúntes…Un período de 10 días se considerará ordinariamente suficiente para poder pasar al través de la República.*'*
See Gobierno Dominicano (1939) *Reglamento de migración n° 279, del 12 de mayo de 1939.* Santo

Domingo.

[127] Memorandum to President Balaguer from the Director of Migration, 1969 '1.- El suscrito considera su deber, no tan solo como funcionario, sino que también en su condición de dominicano, exponerle muy respetosamente a su Excelencia, el grave problema que confronta el país ante la gran cantidad de nacionales haitianos, que de manera pasiva han invadido puede decirse masivamente, nuestro territorio, y lo que es

These concerns were shared by officials working at the civil registry. As part of their investigations, they noted:

> '...although these people seem harmless, they think like Haitians, they live like Haitians....[If] any disagreement takes place between the two countries, they will favor their relatives and countrymen, to the detriment of our territorial integrity and the Dominican people.'

(Hintzen, 2016, p. 224)

By the 1980s, the Dominican sugar industry was in slow decline. The state began arbitrarily expelling some migrants and their descendants across the border using military force. The role of former President Joaquín Balaguer in ordering the deportation of migrants, and the forced expulsions of their descendants, had received considerable attention from international human rights organisations who widely condemned the Dominican state for its actions[128]. They reacted strongly to these overt displays of aggression, violence and discriminatory practices. Subsequently, the state faced increasing international scrutiny and criticism over its human rights record. The border became an important focus for human rights and anti-discrimination campaigners particularly as the issue of refugee and migrant rights was moving higher up the international development agenda. In the case of migrant-descended children, the emphasis on the illegality and illegitimacy of their parents, as well as growing demands to provide documentary evidence of their legal existence, meant that it was not only

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peor aún, procreando hijos con mujeres dominicanas, que – por el hecho de haber nacido aquí – son dominicanos, los – cuales se van sumando en forma alarmante a esa invasión, y constituyendo por ende, una real y positiva amenaza para – nuestra nacionalidad, ya que con el devenir de los años, el ya enorme núcleo de haitianos (se calculan unos 250,000 en la actualidad), acrecentará por el motivo apuntado anteriormente su número, y no está muy lejos el dia [sic] en que su cantidad rondará el millón, situación esta que de no ser – frenada a tiempo de algún modo, constituye repito, una verdadera amenaza a nuestra nacionalidad, e inclusive a la seguridad propia del país y del Estado.' Memorandum to President Balaguer from the Director of Migration, 1969.
See pp.207-209 Petrozziello, A. J., Hintzen, A. and González Díaz, J. C. (2014) *Género y el riesgo de apatridia para la población de ascendencia haitiana en los bateyes de la República Dominicana*. Santo Domingo: Centro para la Observación Migratoria y el Desarrollo en el Caribe (OBMICA).
[128] See Ferguson, J. (2003) 'Migration in the Caribbean: Haiti, the Dominican Republic and beyond', *Minority Rights Group International*, pp. 2–38.

migrants but increasingly their native-born descendants who are encountering bureaucratic hurdles when trying to acquire paperwork. The state started to draw upon the concept of 'in transit' (confirmed in law as ten days or less[129]) to claim that Haitian-descended populations never had the right to Dominican nationality in the first place.

4.2 Access to Documentation, the Role of Domestic and International NGOs and the Inter-American System

Until the 1990s, domestic NGOs had focused their efforts on providing welfare and humanitarian assistance to marginalised migrant populations and their children. Concerns over how the Dominican civil registry (JCE) was issuing birth certificates, however, began to grow steadily. The country was a popular destination for US-based law students, particularly those from a Latin American background[130]. Many travelled there to carry out fieldwork and research with local NGOs[131]. Some students became concerned with the high levels of under-registration in migrant communities. They reported that, at times, children born to Haitians were being refused a birth certificate, something which was impeding access and preventing them from exercising their citizenship rights. Importantly, NGOs began to receive reports that civil registry officials were basing their decisions to withhold paperwork on a person's dark skin colour, their 'foreign'-sounding accent or Haitian origins (Wooding and Moseley-Williams, 2004, pp. 47–52)[132]. This led to accusations of racism and discrimination from NGOs and international organisations.

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[129] See Gobierno Dominicano (1939) *Reglamento de migración n° 279, del 12 de mayo de 1939*. Santo Domingo.
[130] Dr Bridget Wooding, Director of the Caribbean Migrants Observatory (OBMICA), shared this information with me during our interview on 19th August 2016.
[131] Ibid.
[132] The Open Society Justice Initiative expressed concerns that state actions were racially motivated as they could impact populations that appeared foreign. They noted how when put on administrative or investigative review: *'…requests for copies of birth certificates or national ID and voting cards (cedulas)…[can affect] individuals who look Haitian or whose parents are of Haitian descent'*.

Over this same period, the visibility of persons of Haitian ancestry in Domincan urban spaces was beginning to increase. Thousands of Haitian descendants moved away from enclosed rural sugar plantations (known as *bateyes*) to instead work in Dominican towns and cities in the areas of construction, the services sector and the tourism industry. As Haitian-descended populations entered the formal economy, the new PLD government, led by Leonel Fernández in 1996, tried to distance itself from the image of an authoritarian, anti-Haitian and economically unstable country. Instead, it placed greater importance on the promotion of a modern, international and democratic nation. Crucially, Fernández saw the need to improve engagement with international actors and demonstrate a greater acceptance of the human rights framework to address domestic issues. At the same time, demands for documentation to evidence the Dominican citizenship of Haitian-descended populations were growing. NGOs working with migrants and their descendants began to argue that a lack of documentation, such as a birth certificate or national identity card, constituted a lack of nationality[133]. Advocacy and legal campaigners subsequently incorporated the statelessness framework into core arguments to emphasise the constitutional entitlement of children born to Haitian

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See US Government Cable (2008b) *Open Society Justice Initiative Condemns DR Birth Registration System*. Santo Domingo. Available at:
https://wikileaks.org/plusd/cables/08SANTODOMINGO192_a.html (Accessed: 1 May 2018).

[133] In September 2005, the Inter-American Commission on Human Rights (IACHR) ruled the Dominican government had ignored constitutional guarantees with regards to the automatic acquisition of nationality. The IACHR argued it 'unacceptable to describe the alleged victims [Dilcia and Violeta] as 'foreigners in transit' since those who live for 10, 15 or more years in a country cannot be described as transients'[133]. The court ruled the concept of 'in transit' could not be equated with an irregular status, nor could a child inherit the migratory status of their parents, even when that status was illegal or not recognised. The Commission also argued the refusal to provide the girls with a birth certificate as evidence of their juridical existence had kept them in a 'legal limbo' (IACHR 2005: 67), leaving them stateless and at risk of imminent expulsion to Haiti. The court agreed a lack of identification documentation impeded the girls' right to a free primary education, preventing them from exercising their full citizenship rights based on their ethnic origin. It told the Dominican authorities to establish a clear appeal system and to implement procedures fairly, underlining the need to protect vulnerable children of Haitian descent to avoid risk of deportation and ensure they could attend school.

See IACHR (2005) *Case of the Girls Yean and Bosico v. Dominican Republic. Judgment of September 8, 2005 (Preliminary Objections, Merits, Reparations and Costs)*. Available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_130_ing.pdf

migrants to Dominican citizenship. Central to their argument was that populations lacking a birth certificate had no nationality and were therefore stateless (Amnesty International, 2015b). As a result, these actors emphasised the human and constitutional right of Haitian-descended populations to Dominican legal identity documentation.

From the mid-1990s, Dominican migrant rights NGOs, including the Movement for Haitian-Dominican Women (*El Movimiento de Mujeres Dominico-Haitiana*, MUDHA) and the Socio-Cultural Movement for Haitian Workers (*Movimiento* Socio *Cultural para los Trabajadores Haitianos,* MOSCHTA) began working with undocumented populations. One group of civil society organisations that tried to ensure children could access their birth certificates was the *Red de Encuentro Dominico-Haitiano Jacques Viau*[134] (Wooding and Moseley-Williams, 2004, pp. 77–80). The network launched a series of focus groups, training sessions and workshops for educators, legal practitioners, community, religious and political leaders on the theme of under-registration and the right to a nationality. They strategically targeted civil registry offices to urge state officials to demand the issuance of documents for undeclared children.

As we will see in Chapter 5, the larger development actors, such as the World Bank, saw the impact of these campaigns as minimal. They concluded that the only effective way to roll out registrations was through a state-sponsored national strategy[135]. The biggest challenge, however, was to gain the support of Dominican politicians and business leaders in this endeavour as many were resistant to efforts to register informal populations. In addition, the JCE considered the involvement of NGOs in the registrations

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[134] The *Red de Encuentro Dominico-Haitiano Jacques Viau* consisted of Dominican civil society organisations including the Centro Cultural-Pastoral Haitiana, MOSCHTA, the Catholic Church and other religious organisations and the Centro Cultural Dominicano-Haitiano

[135] See interview with former World Bank employee Samuel Carlson in Chapter 5

process a nuisance. As the actors I interviewed told me, the Dominican state had no real desire to tackle the high levels of under-registration in the country. To fight this apathetic approach, Dominican civil society used jurisprudence as means to place pressure on the state. They began to engage more closely with international actors to help push the Dominican state to change its practices and issue children born to migrants with birth certificates. This brought much-needed funding and also facilitated advocacy efforts. It also allowed island-based NGOs advocating for both Haitian and Dominican rights to develop a broader strategy to gain support for advocacy campaigns within a global framework (ISI, 2014). The Inter-American system, for example, had already begun providing a space for these actors to highlight human rights concerns and bring legal challenges against Latin American and Caribbean governments. The Inter-American Commission on Human Rights (IACHR), the main body of the Organization of American States (OAS), began to monitor the difficulties Haitian migrants were facing when trying to obtain state-issued documentation for their children[136]. Subsequently, civil society organisations incorporated strategic litigation through the Inter-American system to urge the Dominican state to issue Haitian-descended children with the relevant citizenship documentation. Legal arguments drew on the close connection between a lack of documentation and a lack of access to rights. Human Rights Watch (2002) argued that by refusing to issue native-born populations with their paperwork, the state was creating a group of 'illegal people'.

The most important case brought to the IACHR was that of two young girls, Dilcia Oliven Yean and Violeta Bosico Cofi. The Berkeley Center for Human Rights helped several Dominican NGOs, including MUDHA, push the case through the Inter-American

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[136] Comisión Interamericana de Derechos Humanos 'Informe sobre la Situación de los Derechos Humanos en la República Dominicana' (CIDH, 2015, p. 11)

system. On 5th March 1995, a Dominican lawyer and legal advisor to MUDHA had tried, unsuccessfully, to obtain birth certificates for the girls, together with 18 other children from Sábana Grande de Boyá, a municipality in the Monte Plata province, one of the locations I visited for my fieldwork (see Chapter 5 for interviews with informants from this area). In 1999, a group of Dominican lawyers took advantage of a recently introduced appeals process to contest these actions on the grounds of unconstitutionality in a process known as a *recurso de amparo*. The IACHR declared a lack of access to citizenship documentation had resulted in a form of 'permanent illegality' for Haitian-descended populations[137]. In September 2005, the IACHR ruled that the refusal to issue Dilcia and Violeta with proof of their legal existence had prevented the girls from accessing her basic rights[138]. Although the mothers of the children had tried to register their children using their Dominican *cédula*[139], they were told their children were 'in transit' and therefore ineligible for Dominican citizenship. The IACHR maintained that this situation had kept the girls in a 'legal limbo' (IACHR, 2005, p. 67), leaving them with no juridical personality and therefore at risk of expulsion to Haiti.

The Dominican authorities considered the ruling to be highly damaging to the country[140]. In an attempt to avoid further litigation proceedings, the JCE took the strategic decision to present Dilcia and Violeta with a Dominican birth certificate. Rather than

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[137] See paragraph 363, Organization of American States, Inter-American Commission on Human Rights '*Report on the Situation of Human Rights in the Dominican Republic*' OEA/Ser.L/V/II.104, doc.49, rev. 1, of October 7, 1999 (IACHR, 1999) - Inter-American Commission on Human Rights, Country Report on the Dominican Republic (1999), para. 350-362. Full report available here http://www.cidh.org/countryrep/DominicanRep99/Table.htm [Accessed 31st May 2017] CHECK REF

[138] Ibid.

[139] The court stated, for example, that the mother of Dilcia Yean had already registered one of her daughters, Magdalena in October 2004. She was asked to present her Dominican cédula, witnesses, documentation from the Church and the mayor (IACHR, 2005, p. 23).

[140] To quell criticism of these practices, on 1 October 2001 the state informed the Commission: 'it ha[d] decided to grant birth certificates to the children,' noting that it had already issued the two girls with their documentation on 25 September 2001. See 'Inter-American Court of Human Rights Case of the Yean and Bosico Children V. The Dominican Republic Judgment of September (IACHR, 2005, p. 6).

accept the state had now chosen to recognise their state membership, instead the IACHR insisted the case continue. It pushed further to urge the state to provide the girls with an apology and compensation. Importantly, the case set a precedent in the region. It was the first time a regional court had ruled on the sovereign issue of nationality provision. The IACHR stated the Dominican government had ignored constitutional guarantees with regards to the automatic acquisition of nationality. The court ruled the concept of 'in transit' could not be equated with an irregular status nor could a child inherit the migratory status of their parents, even when that status was illegal or not recognised. It added:

> '[It is] unacceptable to describe the alleged victims [Dilcia and Violeta] in this case as 'foreigners in transit' since those who live for 10, 15 or more years in a country cannot be described as transients'[141].
> (IACHR, 2005, p. 50)

The court also criticised the government's refusal to register the births of the children. It ruled a lack of identification documentation impeded their right to a free primary education, preventing them from exercising their full citizenship rights based on their ethnic origin. The Dominican state, the IACHR maintained, had violated several articles within the Inter-American Convention on Human Rights. These included the right to a name and nationality, the right to recognition as a person before the law, the right of protection measures as children and the right to equal treatment before the law (IACHR, 2005, p. 56). It ordered the Dominican authorities to establish a clear appeals system and to implement procedures fairly, underlining the need to protect vulnerable children of Haitian descent to avoid risk of expulsion and ensure they could attend school. The case

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[141] See p. 50 IACHR (2005) *Case of the Girls Yean and Bosico v. Dominican Republic. Judgment of September 8, 2005 (Preliminary Objections, Merits, Reparations and Costs).* Available at: http://www.corteidh.or.cr/docs/casos/articulos/seriec_130_ ing.pdf

focused overwhelmingly on the right of the two children to a state-issued Dominican birth certificate as a means through which they could access their Dominican citizenship.

Less attention, however, was paid to the mothers of the girls. It is important to note that these two women were not Haitian migrants. Both had been born in the Dominican Republic and the state had recognised their Dominican citizenship. They had tried, albeit unsuccessfully, to register their daughters using their Dominican national identity card (Martínez, 2014, pp. 152–153). While the actions of the JCE were having a direct impact on their native-born children, it was indeed the state's refusal to recognise the validity of the documentation of the mothers that prevented them from registering their daughters. Both women possessed a Dominican *cédula*, yet government officials refused to issue birth certificates to their children on the grounds that they were 'Haitian'. The ruling made no mention of the potential tensions that could arise over which adult populations (many of whom were already documented) had access to Dominican paperwork. As I have stated, this is a principal concern of this study because while scholarship has focused on the positive benefits of birth certification for children, it has ignored the lived experiences of adult populations of these practices or considered how they might have also been affected by these measures.

4.3 Rectifying 'Administrative Oversights': General Migration Law 285-04 and the Registry of Foreigners

The 2004 General Law on Migration 285-04, the first major overhaul of Dominican migration law since the 1930s, defined a person without the legitimate legal right of abode as a non-resident and anyone without a government-issued residency permit a 'foreigner in transit'[142] The new legislation was introduced in parallel with the

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[142] See Sección VII: 4 De los no residentes Art.36: son admitidos como no residentes los extranjeros que califiquen en algunas de las siguientes subcategorías: 10. los no residentes son considerados personas en

social policy changes we reviewed in the previous chapter. President Hipólito Mejía approved the law at 11 p.m. on 15th August 2004 on the final day of his outgoing PRD (*Partido Revolucionario Dominicano*, Dominican Revolutionary Party*)* government. It was the last major piece of legislation the PRD passed before returning power to the Fernández-led PLD the following day. It introduced important changes to visa categories for migrants and temporary visitors and provided improvements to foreigners to facilitate regularisations in the country. The law nevertheless was not without its controversy as it directly conflicted with the existing *jus soli* provision within the Dominican Constitution that recognised [most] native-born children as Dominican nationals. Principally, the government used this law to start expanding the concept of 'in transit'[143]. It achieved this through the modification of the definition of 'foreigner in transit' which classified any person without a government-issued residency permit as a non-resident. It defined non-residents as temporary labourers and seasonal workers. The specifications were related to migrants working on sugar plantations and cross-border dwellers. They included foreigners entering the country under contract for a specific period to work in economic production or the distribution of goods and services. They also included persons working in accordance with assigned quotas, such as political migration plans carried out by the National Board of Migration. In addition, the non-resident category applied to tourists, travellers in transit, visa over-stayers and undocumented migrants.

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tránsito, para los fines de la aplicación del Artículo 11 de la Constitución de la República. Congreso Nacional de la República Dominicana (2004) 'Ley 285 sobre migración'. Santo Domingo: Gobierno Dominicano.

[143] The 2004 General Law on Migration 285-04 defined a person without the legitimate legal right of abode as a non-resident and anyone without a government-issued residency permit a 'foreigner in transit'. Sección VII: 4 De los no residentes Art.36: son admitidos como no residentes los extranjeros que califiquen en algunas de las siguientes subcategorías: 10. los no residentes son considerados personas en tránsito, para los fines de la aplicación del Artículo 11 de la Constitución de la República.

See Congreso Nacional de la República Dominicana (2004) 'Ley 285 sobre migración'. Santo Domingo: Gobierno Dominicano.

Through this reclassification, the state began to restrict access to Dominican documentation to any child born after 2004 to parents unable to prove their long-term migratory status in accordance with this law. It became much harder for children born to non-residents to apply for Dominican paperwork. The authorities began implementing the law retroactively, arguing they were rectifying an administrative oversight that had led to the erroneous inclusion of persons born to undocumented migrants as Dominicans within the civil registry. Importantly, the Law 285-04 also established the creation of a Registry of Foreigners (*Libro de Extranjería*). Although the Registry was not immediately put into practice, persons born on or after 16th August 2004 would receive no official status from the authorities. In direct defiance to regional pressure, and in the face of growing denunciations of statelessness practices, the authorities continued to argue that persons born to parents in an irregular migratory status did not have an automatic right to Dominican nationality. Just three months after the IACHR decision, on 14 December 2005 the state won a Supreme Court ruling which had challenged the constitutionality of the General Migration Law[144]. The domestic court upheld the authorities' application of the 'in transit' status in the case of children born to undocumented parents highlighting that children born to 'Haitians' were not nationals.

Criticism from the Inter-American system, as well as the growing number of complaints from domestic and international NGOs and human rights groups about discriminatory practices, angered Dominican nationalists. International interest in Dominican nationality issues was seen as part of a broader, externally-funded plot to override national sovereignty and discredit the country (US Government Cable, 2005). As absurd as this may sound, many Dominicans believe there exists an international plan

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[144] The case was brought by the Jesuit Service for Refugees and Migrants (*Servicio Jesuita a Refugiados y Migrantes*, SJRM).

to fuse the two nations together as one island. Nationalists exploit this fear and maintain that international interference presents a real and credible threat to the sovereignty of the Dominican Republic[145]. For this reason, international actors, NGOs and state officials saw the rule of law and the integration of human rights norms as an important and necessary step to effectively and legitimately tackle the problem of under-registration. In a victory to Dominican nationalists, the court ruled that even if persons are registered within the civil registry, and therefore already in possession of state-issued documentation, this did not necessarily guarantee their entitlement to a Dominican nationality. In sum, even if individuals held a Dominican birth certificate or *cédula*, these documents did not confirm their legal identity as a citizen[146].

4.4 'Cleaning up' the Civil Registry: Administrative and Bureaucratic Challenges to Legal Identity Documentation

Arguments over who should have access to Dominican documentation resulted in a 'tug-of-war' between domestic and international NGOs who argued for the right of Haitian-descended populations to legal identity papers and the state. From 2007, the JCE began to implement increasingly arbitrary measures to block access to legal identity documentation from Haitian-descended populations. Initially, the JCE claimed this was to speed up the civil registration process (Civolani Hischnjakow, 2011, p. 70). On 29

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[145] These arguments are even present among the Dominican diaspora. It is a tactic regularly used to discredit public figures who support Haitian migrants or Haitian interests. See, for example, Mercedes, R. (2018) *Denuncian intensiones en EEUU de fusionar RD con Haití*, CDN Digital. Available at: https://www.cdn.com.do/2018/08/14/denuncian-intensiones-eeuu-fusionar-rd-haiti (Accessed: 15 September 2018).

[146] In 2014, the IACHR brought its last judgment against the Dominican state in the *Case Of Expelled Dominicans And Haitians V. Dominican Republic*. It used the ruling as an opportunity to further criticise measures implemented after the 2013 Constitutional Tribunal ruling. It noted: 'by considering said persons were aliens and requiring them to undertake a procedure to accede to the nationality that corresponded to them as of their birth, Law No. 169 represented an impediment to the full exercise of the right to nationality of the victims.'
See p. 4 (IACHR, 2014) *Case Of Expelled Dominicans And Haitians V. Dominican Republic*.

March 2007, it issued Resolution 012-07 which allowed civil registry officials to refuse birth certificates to the children of foreigners whose status they suspected to be illegal[147]. The resolution instructed registry officials to 'meticulously examine' documentation when reissuing copies of birth certificates (Civolani Hischnjakow, 2011, pp. 69–86). This allowed state officials to challenge the validity of a person's citizenship status not solely at the point of birth registration (in the case of late registrations for adults, for example) but also if he or she needed to renew or obtain a copy of their identity card. The JCE put the Registry of Foreigners into practice in March 2007. Officials asked that migrant parents prove the legality of their residency status to obtain birth documentation for their children. Initially, persons who could not prove they were born to Dominican parents before 1950 would be allowed to naturalise as citizens, those born between 1951 and 1990 would be given permanent residency as foreigners and those born between 1991 and 14th August 2004 (the day before the introduction of the new migration law) would be given temporary residency (US Government Cable, 2009). These conditions applied to all persons born to foreign parents (or parents a civil registry official suspected of not being Dominican) and were not exclusive to Haitian-descended populations.

Crucially, these changes not only relied on the intervention of a government official but were facilitated by the introduction of a computerised system that signalled potential 'irregularities'. These included persons in possession of a birth certificate with no identity card and vice versa as well as individuals born to parents of any foreign origin, some of whom were registered since birth as nationals. If a civil registry official identified an irregularity, he or she was ordered not to issue, sign or copy documentation and to report the file to the administrative department. Civil registry officials and a team of

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[147] Civil registry officials used a number of justifications for not issuing documents. These included a foreign-sounding surname or assuming an individual's parents were not Dominicans. We explore some of these examples in greater depth in Chapter 6.

lawyers working at the JCE had already started flagging up files indicating certain 'anomalies'. These included the identification of persons whose parents had recorded their birth without using a state-issued *cédula*. State officials then began to apply this logic retroactively, refusing to record births or issue documentation to persons born to non-Dominican parents. They also started applying the 'in transit' definition to persons of foreign parentage. This included those already recorded within the civil registry. This meant that individuals who needed a copy of their birth certificate for a basic administrative errand (i.e. to obtain or renew their *cédula*) were told they would not be issued with their documentation.

There were also clear strategies to target women using public facilities. The JCE ordered public maternity clinics to issue one of two hospital birth records known as a *Constancia de Nacido Vivo* (Riveros, 2014, pp. 66–67). The forms differentiated between Dominican and foreign babies. A Dominican parent (usually the mother) was issued with a white form for her child and a foreign mother a pink form. Mothers issued with a pink slip were then told to take the document to the relevant foreign embassy or consulate to apply for citizenship for the child. These new administrative procedures had a significant impact on documented and undocumented Haitian-descended mothers as well as Haitian women with Dominican partners who found it increasingly difficult to register their children with the JCE. Because this practice was largely carried out through the mother, they effectively bypassed the involvement of the father who, even if in possession of a valid cédula, was excluded from registering a birth (Petrozziello, Hintzen and González Díaz, 2014). The mother was expected to present the slips together with her cédula to the JCE to register her child. A child deemed to be of foreign descent was recorded within the Registry of Foreigners.

As I have stated, these measures not only affected children but also adults. They were rolled out much more extensively from 20th August 2007 when the government enacted a late declarations amnesty through Law No. 218-07[148]. The amnesty was managed by the Late Declarations Unit at the JCE. It encouraged populations to approach the state and register their personal details[149]. Late declarations included agreements with a number of civil society actors, state bodies and national and international NGOs[150]. Priests at mass would announce the campaign to their congregations and encourage them to come forward and declare their birth. Schoolteachers told children about the initiative and asked young people to approach their elder family members to register their details in an electronic database and obtain their documentation. In sum, as many people as possible were encouraged to approach the state and provide details of their legal existence.

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[148] The National Congress together with the Commission for the Reform and Modernisation of the Justice System (*Comisionado de Apoyo a la Reforma y Modernización de la Justicia*, CARMJ) and the Commission for the Execution of Justice for Children and Adolescents (*Comisión para la Ejecución de la Justicia de Niños, Niñas y Adolescentes*, CEJNNA) promoted the 'I have the right to an identity' ('Yo tengo derecho a una identidad' campaign.
See UNICEF (2007a) *Inician Campaña Yo Tengo Derecho a una Identidad*, *UNICEF República Dominicana*. Available at: https://www.unicef.org/republicadominicana/politics_11646.htm (Accessed: 21 April 2018).
[149] I interviewed the former Director of the Department for Late Birth Registrations Brígida Sabina in Chapter 5.
[150] These included the Ministry of Education, World Vision, the Dominican Centre for Assessment and Legal Investigations (CEDAIL), a southern-based and border organisation entitled the Azua, San Juan de la Maguana and Elías Piña Foundation for Development (FUNDASEP), the National Council for Children and Adolescents (CONANI) and the Diocesan Center for Legal Assistance (CEDAJUR). This formed part of a strategy to improve the accessibility of the civil registry to all Dominicans in both rural and urban settings. The JCE had utilised ten mobile units to increase registrations and distribute national identity cards to vulnerable populations, including the disabled and the elderly. Through the Social Protection Investment Project, it had collaborated with and trained 15 different civil society and non-state actors. This included neighbourhood watches, community representatives, the Catholic and evangelical churches, parent associations at schools and domestic NGOs such as the Fundación de Noroeste. World Vision also helped with registrations in the southern towns of Barahona and San Juan de la Maguana and along the Haitian border in Elías Piña and Jimaní. These actors helped undocumented and informal populations open a file and told them what documents they needed to complete an application.

Additional changes to the JCE included the creation of an Inspections Department to further scrutinise citizenship documents and additional training for staff[151]. The JCE contracted the private company Consorcio de Soluciones Modernas (SOMO)[152] to digitise citizenship data and develop a database of every individual (i.e. a birth certificate and identity card). Each person was issued with a corresponding number, in accordance with legal identity efforts. For the first time, the JCE could digitally detect and investigate adults lacking a birth certificate or *cédula*. This system enabled the identification of births recorded without a Dominican identity card and persons born to foreign parents. Copies of original paperwork, once handwritten by a civil registry official, were transcribed into a database and recorded in a printable format. Notwithstanding, these new technological changes were beset by problems. The way the state was classifying persons born to non-residents was still fairly rudimentary and implemented haphazardly (US Government Cable, 2008b).

As we have seen, registrations were far from straightforward. Civil society organisations had spent close to two decades monitoring and reporting problems with registry procedures. In 2008, Open Society Justice Initiative representatives Indira Goris, Julia Harrington (a Senior Legal Officer) and Liliana Gamboa (Country Officer) met with US Embassy officials to express concern over irregularities with the civil registry. They noted the adverse effect both the use of the Registry of Foreigners and field interventions aimed at Dominicans were having on the registration of Haitian-descended populations:

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[151] In November 2007, the country, with funding from USAID, opened its first National Electoral and Civil Status Training School (Escuela Nacional de Formación Electoral y del Estado Civil, EFEC). The school provided courses to district attorneys, civil registrars, government employees and students. The JCE standardised pay and introduced training across departments. I interview the Director of EFEC in Chapter 5.

[152] See Junta Central Electoral (JCE) (2013) *JCE y SOMO finalizan contrato de automatización*. Available at: http://jce.gob.do/Noticias/jce-y-somo-finalizan-contrato-de-automatizacion-1 (Accessed: 15 September 2018).

'The Registry of Foreigners and the mobile civil registry units do not address the issues of other undocumented persons. Many are undocumented adults who are second or third generation descendants of Haitian migrant workers, whose parents and grandparents themselves did not have documents. A JCE judge told PolOff [a policy officer] that these undocumented persons are not Dominicans. He argued that they are not functionally stateless, as the Haitian constitution provides for a jus sanguini [sic] claim to Haitian nationality. (Note: Their claim to Haitian nationality is tenuous as most were born and raised or lived in the Dominican Republic most, if not all of their lives, most are undocumented, and many speak Spanish rather than Creole.'

(US Government Cable, 2008b)

Nevertheless, new administrative procedures at the Dominican civil registry received widespread support. The U.S. Embassy, aware of the potential negative consequences of these measures on Dominicans whose state membership was in dispute or being challenged, continued to provide diplomatic and financial assistance (through USAID) to the Dominican state:

'The lack of documentation is an ongoing issue in the country. The JCE estimates as many as six hundred thousand Dominicans do not have birth certificatesand [sic] as many as two hundred thousand do not have cedula [sic]. A number of these individuals are ostensibly Dominicans of Haitian descent, many of who [sic] insist on Dominican nationality as opposed to bing [sic] registered as a foreigner. While the governmnt [sic] deserves credit for implementing the Registry o [sic] Foreigners, much more needs to be done to effectively address the issue of documenting individuas [sic] who are presently functionally stateless.'

(US Government Cable, 2008b)

At a regional level, discussions on how to improve identification systems were also taking place. The Dominican Republic played a central role at these events. On 10 February 2009, representatives from twenty countries, including Argentina, Bolivia, Chile, Haiti, Mexico, Peru, the United States and Venezuela, met in La Romana[153] at a

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[153] The fact this meeting was held in La Romana is significant. The town lies to the south-east of the Dominican Republic. While a popular tourist destination, it is also central to disagreements over access to documentation. It was the most important sugar-producing area in the country and home to tens of thousands of Haitian-descended populations.

meeting entitled the International Meeting of Civil Registry, Identity and Migration Administrators (*Encuentro Internacional de Administradores del Registro Civil, Identidad y Migración*). Participants discussed the challenges and problems with the Dominican case, including the issue of how to identify and document migrants. They also discussed social policy efforts to improve registrations which included the expansion of awareness-raising campaigns and improved coordination across government institutions. At the event, OAS representative José Octavio Bodon underlined the somewhat ambitious goal of ensuring that all citizens of member countries obtain their identity documents by 2015[154]. He also encouraged the increased collaboration of countries as part of the Inter-American Programme for Universal Birth Registration and the Right to an Identity (*Programa Interamericano para Registro Civil Universal y Derecho a la Identidad*) which had been approved by the OAS Permanent Council in April 2008. Initially, the focus of the meeting had been to discuss recent government efforts (i.e. in social policy) to reduce, and aim to eliminate, the number of undocumented Dominicans by 2015. While discussions at the event focused on strategies to socially include Dominicans, however, behind-the-scenes conversations were still firmly fixed upon the registration of the migrant-descended. A US Embassy representative, for example, reported that:

> '…as soon as the doors closed on the public, the focus shifted decidedly to the "Haitian problem"'.
>
> (US Government Cable, 2009)

The state had made important steps in tackling the under-registration of Dominican populations. It was clear, however, that it also saw regional efforts to

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[154] CLARCIEV (2009) *Encuentro Internacional de Administradores del Registro Civil, Identidad y Migración*. Available at: http://clarciev.com/es/encuentro-internacional-de-administradores-del-registro-civil-identidad-y-migracion/ (Accessed: 6 May 2018).

document Latin American and Caribbean populations as an opportunity to address the issue of Haitian-descended populations. This was a group the authorities would continue to label as 'Haitians' and whose existence they did not want to acknowledge through the provision of Dominican legal identity documentation.

4.5 An End to Jus Soli Citizenship: The 2010 Dominican Constitution and the Constitutional Tribunal *Sentencia* 168-13

On 18th September 2008, President Fernández proposed a 'democratic revolution' with the draft of a new Dominican Constitution. The changes were significant and included reforms to the voting system and judiciary, presidential re-election, and adaptations to existing nationality provisions (US Government Cable, 2008a). The Constitution aimed to resolve disputes over *jus soli* citizenship by stating explicitly that children born to illegal immigrants were not eligible for Dominican nationality. The intention was to constitutionally enshrine changes from the 2004 migration law to ensure there was no conflict with the new draft. The Supreme Court had already upheld this interpretation from the law. Birthright citizenship for foreign-descended populations born to undocumented migrants formally ended on 26th January 2010 with the promulgation of the new Dominican Constitution[155]. Despite constitutional assurances the decision would not be implemented retrospectively, denunciations of discriminatory practices regarding refusals to issue documentation continued.

The situation took a dramatic and unexpected turn with ruling 168-13 (Asamblea Nacional, 2013). Represented by MOSCHTA, Juliana Deguis Pierre had presented the

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[155] See Capítulo V, De La Población Sección I De La Nacionalidad Artículo 18.- Nacionalidad. 'Son dominicanas y dominicanos: Las personas nacidas en territorio nacional, con excepción de los hijos e hijas de extranjeros miembros de legaciones diplomáticas y consulares, de extranjeros que se hallen en tránsito o residan ilegalmente en territorio dominicano. Se considera persona en tránsito a toda extranjera o extranjero definido como tal en las leyes dominicanas' Asamblea Nacional (2010) *Constitución de la República Dominicana de 2010.*

state with a *caso de amparo*. Her case contested the use of Resolution 012-07 to confiscate her birth certificate. Her lawyers argued the JCE's refusal to issue her with Dominican paperwork was an abuse of her fundamental rights. The tribunal rejected her claims. As their main argument, the judges stated Article 11 of the Haitian Constitution confirmed Juliana's status as Haitian national[156]. Born to both a Haitian mother and father, they ascertained the decision would render neither Juliana nor any other individual of Haitian ancestry affected by the decision stateless. This was because Juliana, and tens of thousands like her were, from birth, Haitian nationals. Ignoring the strong linguistic, cultural and familial ties Juliana held in the Dominican Republic, the decision instead hinged on a fundamental disagreement between the plaintiff regarding her perceived legal identity as a Dominican and the state's interpretation of her status as a Haitian. The judges subsequently upheld the decision to invalidate Juliana's state-issued Dominican birth certificate on the basis she had been erroneously recorded within the civil registry.

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[156] Que la entrega de la documentación requerida por la recurrida va en contra de lo establecido por la Constitución y las leyes que rigen la materia; y que la Junta Central Electoral no está despojando de nacionalidad ni dejando apátrida a persona alguna, ya que, tal y como establece la Constitución de la República de Haití de manera clara y tajante: ARTÍCULO 11. Posee la nacionalidad haitiana todo individuo nacido de padre haitiano o de madre haitiana, los cuales hayan nacido haitianos que no hayan renunciado a su nacionalidad al momento de su nacimiento […]'.
See pp. 9-10 Sentencia TC/0168/13, República Dominicana (2013) [Online] Available at: https://presidencia.gob.do/themes/custom/presidency/docs/gobplan/gobplan-15/Sentencia-TC-0168-13-C.pdf (Accessed: 5th March 2018).

2015	• As of June, mass expulsions are "permissible" by law. Those without paperwork are unlawful migrants.
2014-2015	• Entire population in the Dominican Republic urged to renew I.D. document (cédula)
2014	• Introduction of Naturalisation Law 169-14, the National Regularisation Plan for Foreigners with Irregular Migration Status with limited concessions
2013	• Constitutional Court ruling 168-13 upholds 2010 Constitution and attempts mass revocation of Dominican nationality, applicable back to 1929
2010	• Constitutional push-back - birthright citizenship repealed and citizens required to prove Dominican nationality of at least one parent
2007	• Hospitals begin giving "Dominican" babies and "foreign" babies different paperwork to register births
2004	• Legal prohibition through Migration Law. Definition of "in transit" narrowed – undocumented Haitian parents for example were not residents
1990s	• Informal practice of denial
1929	• Constitution automatically granted jus soli citizenship but excluded children born to diplomats or "in transit" (10 days or less)

Image 9: Timeline of Events Leading up to the 2013 Sentencia and Beyond

The judges then ratified terminology from the recently modified 2010 Constitution into law, confirming that anyone born between 16 June 1929 (the date the Dominican-Haitian border was formally established) and 18 April 2007 (the date of the promulgation of the General Migration Law 284-04) to a parent deemed 'in transit' or 'residing illegally' had no claim to birthright citizenship. Juliana, they decided, was born a 'foreigner in transit'. Underlining the need to normalise these 'irregularities', the judges then ordered the Interior Ministry and the Police (*Ministerio de Interior y Policía*, MIP), the Dominican Congress and the JCE to provide a full audit of the civil registry to detect others who, like Juliana, they claimed, had erroneously received state-issued documents. The judges also ordered the launch of a National Regularization Plan for Foreigners (*Plan Nacional de Regularización de Extranjeros*, PNRE), contemplated within the 2004 Migration Law but not yet implemented. The PNRE was to facilitate the registration of undocumented migrants living in the country. Showing some level of leniency, the court granted Juliana temporary permission to remain in the country, ordering her to register as a foreigner through the PNRE[157].

4.6 Naturalising Citizens: Law 169-14

The ruling had far-reaching consequences. In response to fierce international criticism and widespread condemnation of the decision[158], President Medina promised the

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[157] CUARTO: DISPONER, asimismo, que la Dirección General de Migración, dentro del indicado plazo de diez (10) días, otorgue un permiso especial de estadía temporal en el país a la señora Juliana Dequis (o Deguis) Pierre, hasta que el *Plan nacional de regularización de los extranjeros ilegales radicados en el país* previsto en el artículo 151 de la Ley de Migración núm. 285-04 determine las condiciones de regularización de este género de casos.
See p. 99 TC/0168/13, República Dominicana (2013) [Online] Available at:
https://presidencia.gob.do/themes/custom/presidency/docs/gobplan/gobplan-15/Sentencia-TC-0168-13-C.pdf (Accessed: 5th March 2018).
[158] Criticism came from the Caribbean Community (CARICOM), the UNHCR, UNICEF, the US, the European Union and others. See Gamboa, L. & Harrington Reddy, J (May 2014) *Judicial denationalisation of Dominicans of Haitian descent* Forced Migration Review [Online] Available from:
http://www.fmreview.org/en/afghanistan/gamboa-harrington.pdf (Accessed: 20th June 2015).

country would find a 'humanitarian solution to the crisis'[159]. Following intense negotiation between the Executive, the Ministry of Internal Affairs, the Chancellery, the JCE and the far-right nationalist group *Fuerza Nacional Progresista* (FNP), this solution included the implementation of a legislative 'fix' known as Naturalisation Law 169-14. Passed by Congress on 12th May 2014 and implemented in late July the same year, the law provided a pathway to naturalisation for those affected by the ruling. It divided native-born populations born to non-Dominican parents into two separate categories:

- Group A - registered nationals born in the Dominican Republic to 'undocumented' non-Dominican parents between 16 June 1929 and 18 April 2007. Persons in this group had the opportunity to 'regularise' their citizenship status with the JCE. Their names were easily identifiable as they were made public by the JCE website and published in a local newspaper[160].

- Group B - native-born, foreign-descended individuals with no state-issued documentation. Persons in this category had to register as foreigners with the MIP (i.e. as migrants and not the civil registry) with a view to applying for naturalisation after two years[161].

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[159] Presidencia de la República Dominicana (2013) *República Dominicana explica ante OEA estrategia regularización de extranjeros*. Available at: https://presidencia.gob.do/noticias/republica-dominicana-explica-ante-oea-estrategia-regularizacion-de-extranjeros (Accessed: 20 June 2015).
[160] On 26 June 2014, the JCE published the names of people in Group A audited by the JCE in the national newspaper Listin Diario. The document publicly named 55,000 (approx.) people registered under the Naturalisation Plan, 43,000 of whom were persons of Haitian ancestry.
See Junta Central Electoral (2014) *Invitamos a todas las personas contenidas en este listado a pasar por las Oficialías del Estado Civil que aparecen en esta relación a recoger su acta de registro de inscripción que le acredita como dominicanos en virtud de la Ley No. 169/14*, *Listin Diario*. Santo Domingo. Available at: http://www.listindiario.com/Themes/Default/Content/img/jce.pdf (Accessed: 22 September 2015).
[161] At the time of writing, this naturalisation process has yet to take place, nor was it clear to any of the Group B candidates I interviewed in Chapter 6 how they could (re)apply for citizenship as Dominicans.

Naturalisation Law 169-14 imposed further cumbersome bureaucratic demands on *citizens*, tens of thousands of whom were mired in poverty with limited access to the means to meet the criteria demanded by the Dominican authorities. The government promised that if native-born applicants followed the correct procedures and submitted the necessary documentation, the JCE would recognise their Dominican citizenship. Both groups existed in law as nationals at the time of their birth but now faced increased scrutiny from registry officials to evidence the validity of their Dominican citizenship.

Dominican civil society organisations representing the interests of Haitian migrants and Haitian-descended populations initially opposed this law. Reconoci.do, a campaign movement defending the rights of Haitian-descended populations to a Dominican nationality[162], saw it an unnecessary compromise. The rationale of Reconoci.do was that persons identified within Group A had already legitimately acquired their documentation yet were now seeing their rights truncated. They saw the additional bureaucratic demands placed upon this group to prove their right to belong as citizens as unfair and discriminatory. Reconoci.do initially only agreed to work with persons affected from Group A because they worked with citizens, not migrants. Gradually, however, civil society began to accept this law as they saw it as the lesser of two evils (i.e. a means of partly remediating the fallout from the *Sentencia*). On a visit to the country in 2015, Human Rights Watch observers raised concerns that the state was purposely using the Group A category to differentiate people in this group from 'regular' citizens. They also reported that state officials were moving applicants to a separate registry with a different folio and certificate number, resulting in the creation of 'a separate juridical personality from the original civil registry' (Human Rights Watch,

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[162] See interview with Reconoci.do found Ana María Belique Delba in Chapter 5.

2015, pp. 22–24). Some in Group A also complained that the JCE had yet to electronically enable their identity card and they were therefore unable to vote[163]. We will explore more of these experiences in Chapter 6.

4.7 The National Regularization Plan for Foreigners in an Irregular Migratory Situation (PNRE)

In parallel to the implementation of Law 168-14, the government introduced the National Regularization Plan for Foreigners in an Irregular Migratory Situation (PNRE)[164]. This began on 1 June 2014 and expired on 17th June 2015[165]. Group B applicants were made to register as migrants through the PNRE together with Haitian migrants. This led to scenarios in which Haitian nationals had their applications processed in the same place as Group B applicants. This created confusing scenes in which both Haitian and Dominican nationals found it difficult to register or understand how to apply. This was further complicated by the fact they were made to stand in line together. Civil registry officials were equally unversed in procedures and at times dealt with the two groups (i.e. undocumented citizens in Group B and foreign-born migrants) interchangeably. This led civil registry officials to turn Group B applicants away, sometimes after multiple attempts to register as Dominicans. These practices overwhelmingly had an impact on the poor and problems in accessing legal identity papers was compounded for this group. Obstacles included the short initial time period

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[163] It is telling that despite the overwhelming amount of time, energy, resources and international and national funding invested in identifying 'anomalous' files, in total the JCE only successfully annulled 132 out of a total 60,089 declarations. State officials also identified only 7.27% (4,391) in need of further investigation. These figures were obtained from a JCE presentation entitled 'Total de Casos Auditados' shown to me by Bridget Wooding of OBMICA during our interview on 19th August 2016.

[164] Ministerio de Interior y Policía (2014) *Plan Nacional de Regularización de Extranjeros en Situación Irregular.* Available at: http://www.mip.gob.do/Portals/0/docs/PublicacionRegularizacion.pdf (Accessed: 21 June 2015).

[165] Official website for the PNRE. See Ministerio de Interior y Policía (2015) *Plan Nacional de Regularización de Extranjeros en Situación Irregular.* Available at: http://www.planderegularizacionrd.org/ (Accessed: 23 June 2015).

of three months to accept applications[166], difficulty for people living in rural areas to access the plan, exorbitant costs associated with legalising documentation for persons with a low level of education and limited resources, the rejection of group applications by civil society groups that had tried to register groups in large numbers, and spelling mistakes and incorrect birth dates on documentation processed by registry officials. Group B applicants had to provide one of four notarised pieces of documentary evidence:

1. Hospital birth record
2. A notarized statement by 7 witnesses, testifying to the applicant's birth date and place
3. A notarized statement by the midwife delivering the applicant
4. A notarized statement by family members of the applicant with Dominican nationality[167]

These additional demands placed on Group B applicants and their treatment and reclassification as Haitian migrants helped facilitate a discourse underlining the need to integrate foreign migrants into rather than exclude Dominican citizens from Dominican society. Persons in Group B are distinguishable on the card given to foreigners by their birthplace in the Dominican Republic (see below).

Image 10: Group B Regularisation Card, PNRE

4.8 A New Expression of *Dominicanidad*: Launch of the New Biometric Cédula

In parallel to the PNRE, and the registrations of Group A and Group B applicants, in April 2014 the JCE launched a nine-month citizenship registration drive. All Dominican nationals, at home and overseas, were required apply for their new, biometric *cédula*[168]. The President of the JCE, Roberto Rosario, called the card an expression of *dominicanidad*, linking citizens to their origins, their values and their nation[169]. The integration of biometric technologies in the form of a 'cédula *inteligente*' facilitated the sharing of information not only in the public sectors in health, education and welfare but also in private institutions such as the banking sector. Within a year, the JCE reported that over six million Dominicans had renewed their documentation through this scheme[170]. The transformation of the civil registry broadened the reach of the Dominican state to transnational populations and their descendants. The JCE, for example, opened civil registries overseas. The services of the JCE were now fully accessible from a digitised database. Applicants no longer had to make the journey back to Santo Domingo to apply for a copy of their birth certificate, renew a passport of obtain state-issued paperwork. Crucially, the JCE was able to use the launch to quietly remove the much-criticised racial classification, present on the card since the 1930s.

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[168] The new *cédula* was based on recent changes to Spanish, Chilean, Brazilian and Peruvian ID cards. Caelum Dominicana, a private border surveillance and identity management company belonging to Caelum Global ID solutions, managed the design and biometric integration of the card. At the time of writing, the company had over twenty customised projects in countries including Iraq, Cameroon, US, Egypt and Canada.

[169] 'La idea es vincular la cédula a nuestros orígenes, a nuestros valores, lo que somos como nación, porque es el documento de identificación' Listín Diario (2014b) *Rosario dice nueva cédula incluirá escudo de la bandera y será expresión de la dominicanidad* Available at: https://www.listindiario.com/la-republica/2014/02/06/309707/rosario-dice-nueva-cedula-incluira-escudo-de-la-bandera-y-sera-expresion-de-la-dominicanidad (Accessed: 27 April 2018).

[170] Diario Libre (2015) *Más de seis millones ya poseen la nueva cédula identidad y electoral*. Available at: https://www.diariolibre.com/noticias/ms-de-seis-millones-ya-poseen-la-nueva-cdula-identidad-y-electoral-PADL1119521 (Accessed: 22 September 2015).

Fotografía del Ciudadano (a)

Firma del Ciudadano (a)

Nombre y Apellidos del Ciudadano (a)

Número Claramente Visible de la Cedula de Identidad y Electoral

Datos Biográficos Ciudadano (a)

Imagen Fantasma de la Fotografía del Ciudadano (a)

REPÚBLICA DOMINICANA
JUNTA CENTRAL ELECTORAL
CÉDULA DE IDENTIDAD Y ELECTORAL

001-0000000-1

LUGAR DE NACIMIENTO:
SANTIAGO DE LOS CABALLEROS
FECHA DE NACIMIENTO:
21 SEPTIEMBRE 1960
NACIONALIDAD: DOMINICANA
SEXO: M SANGRE: O+ ESTADO CIVIL: C
OCUPACIÓN: INGENIERO
FECHA DE EMISIÓN:
01 ENERO 2014

JULIA INOCENCIA PÉREZ HIDALGO

Image 11: The New Dominican Biometric Cédula with the Old Racial Classification now removed

The image on the next page provides an overview of Dominican citizenship and immigration reforms from 2004-2014. The purpose of the graphic is to demonstrate the complexity of these architectures. It evidences how the line between citizens and foreigners is certainly not clear-cut. As we will see in the following chapters, for a poor Dominican with a primary education and limited access to resources, navigation of these systems was, at times, insurmountable. For persons with no form of evidence they were born or grew up in the country (i.e. Group B applicants), obtaining citizenship paperwork was an especially complicated process. We will learn more about the impact of these measures and the lived experiences of native-born populations in Chapter 6.

Image 12 Overview of Dominican Citizenship and Immigration Reforms 2004-2014

Citizens

Migrants

Junta Central Electoral (JCE)

September 2013 Constitutional Tribunal ruling
retroactively stripped persons of foreign parentage born from 1929-2007 of their Dominican nationality due to the irregular migratory status of their parents (i.e. it affected DR **citizens**)

Consejo Nacional de Migración (CNM)

Ministerio de Interior y Policía (MIP)

Ministerio de Relaciones Exteriores (MRE)

Dirección General de Migración (DGM)

Citizenship Registration (two pathways)

Migration Registration (one pathway)

2004 General Law on Migration
(mentions the creation of a National Regularisation Plan for Foreigners)

Standard renewal of cédula
(national ID card)
between April 2014 and 10 January 2015

Naturalisation Law 169/14
(introduced in May 2014 after criticism of 2013 ruling to allow those affected to register with the authorities)
divided the denationalised into Group A and Group B. It expired on 1 February 2015.

Decree 327-13
National Regularisation Plan for Foreigners in an Irregular Migratory Situation (PNRE)
1 June 2014 - 17 June 2015

DR citizens

Group A Naturalisation Law
(allowed to register as DR **citizens** and renew/obtain cédula)

Group B Naturalisation Law
(told to register through the PNRE as foreigners and naturalise as DR **citizens** within two years). After 1 February, native born applicants told to register through PNRE as migrants

First generation migrants
(long term residents in the DR)

Persons born in DR to Dominican parents registered at some point within the civil registry already in possession of a Dominican birth certificate/cédula. Anyone born after 2010 to two foreign parents no longer has an automatic right to Dorninican nationality

Persons born in the DR between 16 June 1929 and 18 April 2007 to foreign parents already in possession of some form of DR state-issued documentation (birth certificate, cédula or passport) and whose details were at some point recorded within the civil registry

Persons born in the DR between 16 June 1929 and 18 April 2007 to non-Dominican parents with an "irregular" migratory status (i.e. the parents were undocumented, in possession of invalid work permits or with expired residency papers)

Undocumented first generation migrants and long term residents in the DR born abroad with no proof of identity or work permit

Documented first generation migrants and long term residents in the DR born abroad with invalid work permits who overstayed their visa/legal residence period or whose residency papers had expired

Children born in the DR after 2010 to foreign parents residing illegally in the country in accordance with the 2010 Constitution

Some applicants who went to renew their cédula encountered difficulty at this point based on their foreign parentage

Names of 55,000 **Group A** applicants published in national newspaper Listin Diario in the summer 2015. Applicants were invited to collect their cédula from the JCE

Some from **Group A** reported difficulty in renewing/obtaining cédula. Others reported receiving ID cards with new registration numbers different from their original cards

Documentation required for Group B applicants to prove birth in the DR
(1 document required)
Hospital birth record; Notarized statement by 7 witnesses, testifying to the applicant's birth date and place; Notarized statement by the midwife delivering the applicant; Notarized statement by family members of the applicant with Dominican nationality

Obtained in the DR but sometimes at a high cost to applicants

Obtained overseas (mainly from Haiti requiring several trips

Documentation required for PNRE applicants to provide evidence of:
Time spent in the country; ties to the DR; working and socio-economic conditions; a family base in the DR

Group B applicants and **PNRE** migrants reported that in order to complete registration, the authorities requested foreign identity documents to have their paperwork processed. This sometimes required several trips abroad .

Persons born in DR between 16 June 1929 and 18 April 2007 to one Dominican parent (i.e. with both a **jus soli** and **jus sanguinis** right to a DR nationality) were at times sent to register through **Group A** as part of the **Naturalisation Law** or through the **PNRE** as foreigners due to the suspected "illegality" of the parent's Dominican status
The additional demand of a parental ID document from the mother rather than the father as a prerequisite to allow applicants to complete registration process prevented many from applying through the Naturalisation law as **citizens**

4.9 Conclusion

This chapter has traced a timeline of legal, institutional, bureaucratic and administrative reforms introduced by the Dominican state from 2004-2014 to retroactively and arbitrarily challenge the right of Haitian-descended populations to Dominican citizenship paperwork. These measures, I maintain, marked a clear shift in strategy for the Dominican authorities. They strategically decided to focus on the need to promote the rule of law and human rights norms over the past use of brute force and violence against migrants and their descendants. We examined how, as early as the 1990s, Haitian-descended populations had started to denounce state practices blocking them from accessing Dominican citizenship paperwork. At a domestic level, NGOs working with Haitian migrants and their descendants incorporated jurisprudence and worked closely with the Inter-American system to demand access to documentation. Campaign groups equated a lack of documentation with a lack of citizenship, arguing that without documentation persons of Haitian ancestry could not access their Dominican nationality. These approaches overwhelmingly focused on the right of children born to Haitian migrants to a nationality evidenced by a Dominican birth certificate. They involved the incorporation of international actors to push the Dominican state to change its practices by issuing affected populations with their citizenship papers. By 2004, in parallel to the new social policy measures and improvements in civil registrations we reviewed in Chapter 3, JCE officials increasingly refused to issue paperwork to and/or confiscated documentation from Haitian-descended populations. I have illustrated how, in the Dominican case, state architectures were used to prevent persons already living as citizens to legal identity documentation. I have also shown how, as these measures grew, the Dominican national identity card (the *cédula*) played a central role into acceptance onto social policy initiatives and the ability of card-bearers to access services. At a

national level, hospitals, schools and banks insisted on the presentation of a *cédula* as a means to guarantee access to state services. Without documentation, individuals found they were increasingly excluded from accessing these services.

The following two chapters provide an analysis of my fieldwork in the Dominican Republic. The aim of Chapter 5 is to examine the responses of key social policy, state and civil society actors overseeing legal identity measures in the country. I examine the experiences of these actors and compare and contrast their testimonies with the lived experiences of persons (largely) documented as Dominicans. I note how legal identity can be experienced and (re)produced in a variety of contradictory and unexpected ways. Chapter 6 then amplifies the voices of Dominican-born populations and their experiences of legal identity measures. I demonstrate the multi-faceted and heterogenous ways in which individuals from different socioeconomic have experienced these measures.

Chapter 5
The Pendulum Swings Too Far:
Stakeholder Responses to the Expansion of Legal Identity

'When someone has spent their life as part of a social group that lives among
themselves…they breathe but they don't exist. When you give them their
documentation you can see how people's faces change.
The tiredness, all the work they had to go through…
Their smiles tell you that you have just changed someone's life.'
(Sabino Pozo, 2016)

'[In the DR]…the pendulum swung
so far that it became nearly
impossible to get your [legal identity] documents
if your parents did not have a *cédula*.'
(Carlson, 2016)

5.0 Introduction

The findings in this chapter challenge the normative assumption within global
policy that considers the provision of legal identity as an inclusionary process for *all*. As
discussed in Chapters 1 and 2, legal identity (i.e. the provision of a birth certificate,
identity card and unique identifier number to everyone, *everywhere*) has become a core
component of global policy in the run-up to the 2030 Sustainable Development Goals
(SDGs). Despite their now central role within international development, however,
empirical analysis of legal identity practices has been notably absent from contemporary
debates on citizenship, noncitizenship and statelessness. This is the first of two fieldwork
chapters. In this chapter, I merge critical analysis of social policy practices and state
architectures with the responses of key international, state and civil society actors
working to break the cycle of under-documentation. I examine how social protection
strategies to provide a legal identity to Dominicans, while providing tangible economic
and social benefits to thousands of individuals the state identified as citizens, also resulted
in problems for (largely) Haitian-descended populations. In Chapter 6, I then link the
observations of these actors and compare these with the lived experiences of (largely
documented) native born foreign-descended populations. I highlight the numerous

contestations that have arisen over access to state-issued documentation. I demonstrate how citizens (as opposed to solely migrants) are having to navigate at times complex and cumbersome bureaucratic systems to obtain their legal identity paperwork. Principally I argue that whilst facilitating social inclusion, these practices can foment the exclusion of 'undesirable' populations while also further destabilising the citizenship systems for other individuals, potentially blocking their access to state services, such as health, education and welfare.

5.1 Part I Fieldwork Analysis: Methodology and Key Informants

This fieldwork began with a mapping exercise across the length and breadth of the Dominican Republic to identify native born persons (18+) of non-Dominican lineage from different socioeconomic and geographical backgrounds. I initially intended to record their experiences of civil registry practices and any potential problems they may or may not have encountered in acquiring and/or renewing their documentation. The rationale for this was to look at the impact of legal identity measures on documented adult (as opposed to the traditional focus on undocumented child) populations. In particular, I was interested in the experiences of individuals already in possession of a state-issued birth certificate, identity card and/or passport, i.e. persons the state had already identified as Dominican nationals. I then intended to conduct semi-structured, qualitative interviews, using this group as my focus. During the mapping exercise, the growing influence of social policy practices over civil registrations became increasingly apparent. Informants told me about the use of mobile vans to reach rural areas as well as home visits to collate data from families. They talked to me about their interactions with civil registry officials and civil society actors, including church officials, NGO fieldworkers, community representatives and others. Upon reviewing this feedback, I was able to identify the World Bank Social Protection Investment Loan (World Bank, 2007) we

examined in Chapter 3 and look at its central role in improving the provision of legal identity documents to poor Dominicans. Through qualitative policy analysis, I then revisited my original methodology and more closely examined the impact of these measures on the registration of domestic populations. I became specifically interested in the expansion of legal identity practices in the Dominican Republic and their impact on persons of non-Dominican ancestry. Subsequently, I analysed the role of international actors (principally the World Bank, the IDB and the UN) in the introduction of new social policy architectures since the mid-2000s. I was then able to link these measures to the increasingly restrictive and arbitrary practices of state officials in blocking access to Dominican legal identity documentation from persons of foreign parentage.

As I stated in 2.4, I took the important decision to *dehaitianise* my approach to this project. In contrast to the bulk of literature on the Dominican case, I decided to examine the social *inclusion* of Dominicans rather than the state's *exclusion* of Haitian migrants and their descendants. This decision was extremely beneficial to the overall findings of the thesis. It allowed me to move the project away from a discussion on Haitian migrants, otherness and non-belonging; highly contentious and politically charged topics on the island. Instead, a focus on the inclusion, citizenship and belonging of Dominicans facilitated access to and dialogue with a range of key decision-makers, registry officials and social policy practitioners. It also meant I could directly approach state actors to talk about registrations. This facilitated open discussions about the experiences of Haitian-descended populations as well as growing concerns over the access of this group to Dominican documentation. Notably, this approach allowed me to speak with representatives from the Dominican civil registry (JCE). These conversations already provide a significant contribution to the field of Dominican studies because thus far academics have largely talked with NGOs working with Haitian migrants yet have

not sought to understand the ways in which the Dominican state is constructed or the strategies that govern the registration of populations. This is because while many scholars denounce the practices of the JCE as discriminatory, the vast majority have not directly examined policy, nor have they approached registry officials based at the JCE to observe how registrations take place[171]. This fieldwork chapter therefore offers a new perspective into the conceptualisation of legal identity at a normative and international level and the empirical impact of these measures.

As I mentioned in the overview of the research methodology and limitations in Chapter 2, the decision to include an in-depth analysis of the policies governing and actors overseeing legal identity measures was pivotal to this study. The analysis in this chapter encompasses semi-structured, qualitative interviews with 19 international, state and civil society actors involved in the provision of legal identity in the Dominican Republic. These include a World Bank official who designed and oversaw the introduction of legal identity measures in the country, three former directors responsible for overhauling the Dominican social policy sector (2004-2012), representatives from the Dominican Ministry of Economy, Planning and Development (MEPyD), a registry official and legal specialists from the Central Electoral Board (JCE), the director of an NGO working on migrant rights (OBMICA), fieldworkers facilitating registrations (CEDESO and 180°) as well as one school director, a journalist and a human rights activist (Reconoci.do/Centro Bonó). All interviewees in this chapter agreed to be named

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[171] An exception to this is the ethnographic fieldwork of Simmons at the JCE of civil registry officials in their interactions with Dominicans applying for a *cédula*. See Simmons, K. E. (2009) *Reconstructing Racial Identity and the African Past in the Dominican Republic*. Gainesville: University Press of Florida.

and signed an agreement before commencing the study[172]. 17 out of 19 of these interviews were held in Spanish. Two were carried out in English[173].

Having identified legal identity as an important methodological approach, I began to identify actors who had played a central role in the implementation of these practices. As a first step, I contacted the former World Bank Task Team Leader for the Dominican Republic Social Protection Investment Project, Carine Clert. Carine kindly put me in contact with Susana Gámez, the Technical Coordinator at the Social Cabinet. Susana Gámez subsequently helped facilitate access to the personnel responsible for the implementation of the Dominican government's new social policy measures through the Technical Directorate Social Cabinet from 2004 until 2012. This led me to contact the key actors responsible for the implementation of social policy measures from 2004-2012. They included:

(1) Samuel Carlson, the principal economist and social inclusion, education and childhood development specialist responsible for the elaboration and implementation of the World Bank Social Protection Investment Project 2004-2007 [6th September 2016 via SKYPE]

(2) Miriam Rodríguez de Simó, former director of the Unique System for Beneficiaries (SIUBEN) [10th August 2016 at the Ministry of Economy, Planning and Development, MEPyD, Santo Domingo]

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[172] See Appendix.
[173] I interviewed (1) Samuel Carlson of the World Bank and (12) Dr Bridget Wooding of OBMICA in English. All other interviews in this chapter were held in Spanish. Translations are author's own.

(3) Van Elder Espinal Martínez, former director of the Social Subsidies Administration (ADESS) [11th August 2016 in a coffee shop, Piantini, Santo Domingo]

(4) Fernando Reyes Castro, former director of Programa Solidaridad [17th August 2016 at the office of former Vice President Rafael Francisco Alburquerque de Castro, Santo Domingo]

(5) Enrique Ogando, former director of the Legal Identity Documentation Component, Social Protection Investment Project (CDD-PIPS) [23rd August 2016 at the offices of the Executive Commission for Health Sector Reform, CERSS, in Gazcue, Santo Domingo]

Importantly, I was able to gain access to the actors working within the Dominican civil registry responsible for the training of registry officials. These included:

(6) Brígida Sabino Pozo, civil registry official, former Director of Late Birth Registrations and current Director of the Inspections Department at the Central Electoral Board (JCE) [25th August 2016 at the JCE Inspections Department in Santo Domingo]

(7) Odalys Otero Núñez, Director of the National School of Electoral Training and Civil Status (EFEC) [26th August 2016 at EFEC in La Castellana, Santo Domingo]

I also spoke with NGO fieldworkers working with young people of Haitian descent to help them obtain their legal identity documentation. These actors mobilised after the implementation of Law 169-14 to help individuals in Group A (registered nationals born in the Dominican Republic to 'undocumented' non-Dominican parents between 16 June 1929 and 18 April 2007) and Group B (native-born, foreign-descended individuals with no state-issued documentation). Many working in this field had been directly affected by these measures. Some knew family members, friends or neighbours who were having difficulties in obtaining their documentation. Others were still in a dispute with the authorities over their own legal status and struggling to obtain documentation. They included:

(8) Arsénito Santana, a healthworker at the Centre for Sustainable Development (Centro de Desarrollo Sostenible, CEDESO), a Dominican NGO [7th April 2016 at CEDESO head office in Tamayo, Bahoruco]

(9) Yoni Tusen, community project development worker at 180° para la Cooperación y el Desarrollo, a Dominican NGO based in La Romana, [6th May 2016 in Guaymate, La Romana]

(10) Midouard Confident, coordinator of *batey* outreach at 180° para la Cooperación y el Desarrollo[174], Dominican NGO based in La Romana, [6th May 2016 in Guaymate, La Romana]

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[174] See *180 Grados para la Cooperación y el Desarrollo* [Online] Available at: http://180grados.info (Accessed: 20th May 2018).

(11) Ana María Belique Delba, Founder of Reconoci.do[175] and employee at Centro Bonó[176], Dominican NGO. Ana was in a long-running dispute with the Dominican authorities over access to her Dominican national identity card [20th May 2016 at Centro Bonó, Mejoramiento Social, Santo Domingo]

Finally, I spoke with well-known and leading activists including NGO representatives and campaigners. These actors had been overwhelmingly critical of the negative impact civil registrations were having on Haitian-descended populations. They included:

(12) Dr Bridget Wooding, Director of the NGO Caribbean Migrants Observatory (OBMICA)[177], Dominican NGO. OBMICA works with Haitian migrants and their descendants. It also facilitates dialogue between many international organisations and development agencies working on the Dominican case [19th August 2016 at the OBMICA office in Gazcue, Santo Domingo]

(13) The lawyer Jenny Morón who works with Haitian-descended populations affected by ruling 168-13, at the Movement of Haitian-Dominican Women (El Movimiento de Mujeres Dominico-Haitianas, MUDHA[178]) [25th April 2016 at the MUDHA office in La Balsa de San Luis, East Santo Domingo]

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175 See *Reconoci.do* [Online] Available at: http://reconoci.do (Accessed: 20th May 2018).
176 See *Centro Bonó* [Online] Available at: http://bono.org.do (Accessed: 20th May 2018).
177 See *Caribbean Migrants Observatory* [Online] Available at: http://www.obmica.org (Accessed: 20th May 2018).
178 See *Movimiento de Mujeres Dominico-Haitianas* [Online] Available at: http://mudhaong.org (Accessed: 20th May 2018).

(14) María Martínez, caseworker at the Socio-Cultural Movement for Haitian Workers (Movimiento Socio Cultural para los Trabajadores Haitianos, MOSCTHA[179]) [13th April 2016 at the MOSCTHA office in Villa Mella, Santo Domingo][180]

(15) Juan Bolívar Díaz, Dominican journalist for Hoy Newspaper[181] and television presenter. Juan has been a prominent critic of recent registration measures [27th August 2016 at newspaper offices Periódico Hoy, Santo Domingo]

(16) School director [ANON] [4th May 2016 at a school in Guaymate, La Romana]

In addition to these actors, I approached:

(17) Dr Miguel Ceara Hatton, the economist, former Director of the Office of Human Development at the United Nations Development Program (UNDP) and editor of the UNDP Social Policy publications[182] [17th May 2016 at his home in Santo Domingo]

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[179] See *Movimiento Socio Cultural para los Trabajadores Haitianos* [Online] Available at: http://www.mosctha.org (Accessed: 20th May 2018).

[180] The responses I received from legal specialists 13 and 14 helped me identify Dominican state practices, laws and bureaucratic measures used to block Haitian-descended populations from accessing citizenship documentation. I incorporated this information into Chapter 4 of this thesis.

[181] See *Periódico Hoy* [Online] Available at: http://hoy.com.do (Accessed: 20th May 2018).

[182] See UNDP (2010a) *Política social: capacidades y derechos, El PNUD en República Dominicana*. [Online] Available at: http://www.do.undp.org/content/dominican_republic/es/home/library/human_development/politica-social--capacidades-y-derechos--volumen-i-.html (Accessed: 15th September 2018).

(18) Leopoldo Artiles Gil, a sectorial specialist at the Dominican government, [10th August 2016 at the Ministry of Economy, Planning and Development, MEPyD[183], Santo Domingo]

(19) Dr Antonio Morillo, the economist responsible for the development of all Dominican Poverty Maps since the 1990s [10th August 2016 at the Ministry of Economy, Planning and Development, MEPyD, Santo Domingo][184]

5.2 The White Elephant in the Room: The Use of Social Policy and Targeting Mechanisms to Identify Poor Dominicans

As we saw in Chapter 3, in line with World Bank and IDB demands to eliminate inefficient universal social programmes and overcome wasteful spending levels, from 2004 the Dominican Republic began to promote a more individualised approach to social assistance. As I have shown, this strategy was parallel to developments across Latin America and the Caribbean and relied on concrete steps to tackle high levels of under-registration and ensure welfare payments were reaching targeted (i.e. Dominican) populations. To learn more about the implementation of legal identity measures, I spoke with Samuel Carlson, a former World Bank employee. Samuel had arrived in the country in 2003 to develop projects in education, social protection, nutrition and health in both the Dominican Republic and Haiti. From 2004 until 2007, Samuel headed up the World Bank Social Protection Investment Project. As we reviewed in Chapter 3, a fundamental component of this project was to encourage the large-scale provision of legal identity

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[183] See *Ministerio de Economía, Planificación y Desarrollo* [Online] Available at: http://economia.gob.do (Accessed: 15th September 2018).
[184] The input I received from informants 17, 18 and 19 were extremely useful to build a picture of social policy institutions detailed in Chapter 3. I used their guidance to locate core policy documents cited in Chapter 3.

documentation to Dominicans. He began working in the Dominican Republic towards the end of the Mejía government (2000-2004). It was a tumultuous period. The economy was collapsing, poverty levels were rising, and the social situation was tense. Although the Mejía government had entertained the idea of introducing a Social Cabinet, it was the Fernández government that really brought this vision to life.

Samuel, an education specialist, told me he was concerned that, due to a lack of birth certificates, children were being excluded from a primary education. He said that the Dominican government was already 'ahead of the game' in trying to identify some of these populations for inclusion into the education sector. There was a huge amount of informality across the board and he was concerned that, without legal identity documentation, thousands of children were unable to enrol in educational programmes. He noted how the then Secretary of Education (SEE) had already started to develop a database from school registrations with a list of names of children whose parents had tried but were unable to register them due to a lack of sufficient documentation. He told me that he went directly to the SEE to get a copy of this database. At that time, data was stored in a rudimentary manner on an old desktop computer in a tiny office. Enthusiastic about the opportunity this presented to improve registrations, Samuel began to work with the World Bank to set numerical targets to facilitate the recording of birth certificates for Dominican children to attend school. He told me:

> 'These were tremendously vulnerable children and that's why going back to the quick disbursement adjustment loan there were conditionalities in there about the documentation of Dominican children. There were specific numerical targets about x number of thousands of Dominican children who needed to get their birth certificates in order to be registered in school.'
>
> (Carlson, 2016)

From the outset, there were clear tensions over the expansion of legal identity measures. At a regional level, the World Bank and the IDB were pushing the Dominican

state to increase registrations. At a local level, however, there was a lack of political will to tackle the exceptionally high levels of under-registration. The World Bank was aware of the political ramifications of registrations. There was a problem with the growing number of Haitian-descended populations in the country and a lack of political will to register them. Samuel referred to under-registration as the 'third rail of the subway'[185]. It was such a political hot potato, he said, that anyone who went near it would get electrocuted. He went on to explain why the government lacked motivation in addressing the issue of under-registration, noting:

> 'No-one had wanted to get involved in the identification issue on any large scale because it was so politically charged...it was the white elephant in the room...The Dominican government has never been particularly motivated to discuss the issue of documentation. This is given the history between the DR and Haiti when hundreds of thousands of Haitian workers were brought over during the Trujillo era to work in the sugar cane plantations. They were undocumented, they didn't have passports. They had children. The Dominican Republic never wanted to acknowledge the children of Haitians as Dominicans even though their law stated that if you were born in the country, you were Dominican. They didn't want to encourage more Haitians to come over to have their children there. They were afraid of the Haitian 'horde invasion'. It's a very powerful narrative. Politically, no-one wanted to deal with these undocumented children. The World Bank was saying, 'look if we're going to help you with social policy, if we're going to help you with the social protection plan…that's got to reach the most vulnerable Dominicans in your population'. The ones that were the most vulnerable, however, were the ones with no legal existence. So, the World Bank pushed for that to happen.'
>
> <div align="right">(Carlson, 2016)</div>

My interview with Samuel demonstrated very clearly the pivotal role the World Bank had played in pushing the authorities to use social policy to provide Dominicans with a legal identity. He told me how documentation had become his own personal obsession. He saw it as an important and necessary step in improving access to services

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[185] This is also a reference to the Santo Domingo Metro which was built by the Fernández government and was part of his dream to convert the capital city Santo Domingo into his own 'Nueva York chiquito' (A small New York).

for Dominicans. Nevertheless, he worked largely at the macro level and was not directly involved with registrations. While he understood that the documentation of individuals of Haitian ancestry was a sensitive issue and likely to create problems, he did not see first-hand how the JCE was carrying out registrations. Instead, he encouraged the state to improve the civil registry. He said that he was in a position where, from a technical perspective, he could offer support to the state. As an outsider, he felt he could say what he wanted even in difficult situations to very important people. He knew that he was a nuisance to some but was willing to get up in people's faces and meet directly with government officials. Sometimes politicians made him wait for hours as a means, he believed, to exert their authority and power over him. It was clear to him, for example, that the JCE had no desire to tackle under-registration. He met with the JCE judges as well as the technical staff responsible for issuing *cédulas*. He identified the obvious conflict of interest of the JCE, an institution which was responsible for both managing the electoral roll and issuing legal identity documentation. 'Those two things should be kept separate,' he told me. He also noted the use of the *cédula* as a means to influence votes and retain political power. This was in direct contrast to recent efforts to ensure that Dominicans were documented. He said:

> 'Historically, Balaguer had issued *cédulas* to tens of thousands of people who then voted for him. Even when many people thought they were Haitians…they [government officials] went to the communities and gave the [Dominican] *cédula* away. It was easy to get hold of. People would turn up on trucks and give out documents to anybody. One *cédula* equalled one vote'
>
> (Carlson, 2016)

Samuel felt that the rapid growth of the Social Cabinet had a lot to do with the personality of the Vice President Rafael Albuquerque[186] who headed up the department from 2004-2012. A professor of labour rights, Rafael was a lawyer and highly respected as a defender of workers' rights. He was seen as an important and influential political actor because, Samuel reasoned, he was not a part of the capitalist class and was therefore less driven by any external agency or agenda. From 2004, as President Fernández put his efforts into achieving economic stabilisation, Albuquerque focused on social policy. Samuel saw this as a good and effective delegation of powers. Although social policy was an initiative at the highest levels of government, it was not warmly welcomed by everyone. There was a lot of political in-fighting over the running of the institution[187].

The documentation component was fundamental to the successful functioning of the social policy initiative Solidaridad. Indeed, there was no feasible way it could function without it. Samuel helped to start discussions around Solidaridad and worked with the Dominican government to design the Conditional Cash Transfer (CCT) programme. He explained the World Bank strategy that saw investment in the Solidaridad programme as a way of helping the government establish a strong, transparent, functioning CCT programme that reached the most vulnerable. Solidaridad coincided with the boom of other popular CCTs in the region: *Oportunidades* in Mexico, *Bolsa Família* in Brazil and *Madres de Familia* in Colombia, among others. All had different strategies, depending who was implementing them. This was tricky, especially because thousands of potential beneficiaries already had a Dominican identity card but no birth certificate. Many

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[186] I met with former Vice President of the Dominican Republic Rafael Albuqurque during my fieldwork. Although we spoke briefly, I was unable to formally interview him and so have not included his comments in this project.

[187] Albuquerque was eventually replaced by the wife of President Fernández, Margarita María Cedeño Lizardo, in 2012 when the new government was elected into power and she became Vice President. After this date, she brought in her own staff to take over the running of the social policy sector.

therefore thought they were Dominican citizens yet the JCE held no formal record of their birth. This created problems because acceptance onto CCTs was intrinsically linked to the need to hold birth documentation. As Samuel told me:

> 'The only way you get to be a beneficiary of Solidaridad is as a Dominican…If you don't have a birth certificate, you really don't have any legal existence.'
>
> (Carlson, 2016)

My interview with Samuel highlighted the strong political component of civil registrations and the difficult relationship that had developed between the Social Cabinet and the World Bank because of these tensions. He told me that the Technical Coordinator at the Social Cabinet, Susana Gámez, was in a tricky position and operating in a challenging environment. There was a tension between the need to maintain the technical integrity of the project and balance this against external pressure from the World Bank and Dominican political actors. At some point during the mid-2000s, the World Bank had a falling out with the Dominican government and began to disagree over the content of the operational manual[188]. Samuel told me the government felt the World Bank was intervening too much in the project. The World Bank country director, Christina Malmberg Calvo, met with Susana. These discussions then went to the management levels of the World Bank in Washington. After months of design work, the relationship became very fraught between Susana's political bosses and the World Bank technical bosses. PRD opposition members of Congress wanted to make sure that Solidaridad cards would not be used to the political advantage of the PLD or be perceived by the public as a cash handout. Samuel told me that politicians knew very well the history of Balaguer. Each document and identity card they obtained could mean an extra vote for the PLD:

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[188] See Programa Solidaridad (2006) *Manual Operativo del Programa Solidaridad. Gabinete de Política Social.* Santo Domingo.

'They [Dominican politicians] certainly understood the importance at a basic human level of helping people who didn't have documents get documents. People are *jodido* ('fucked') without their *cédula*. They knew how hard and important it was to get one…They wanted to have eyes on how the project was implemented so that it was fair. The World Bank involvement in the project was welcomed by Congress because they did not trust that the Executive Branch would carry this out in an objective, technical manner. They assumed it would be carried out in a political manner as had been [the case] historically.'

(Carlson, 2016)

The state therefore began to develop a strategy to improve birth registrations. It tried to avoid the late registration of adults by going directly to the source: public hospitals and clinics. This encompassed a strong gender component which purposely targeted women as the vehicle through which the state could provide (and also refuse to issue) paperwork. By intervening at healthcare centres and encouraging women to give birth in state-run facilities rather than at home, civil registry officials could ensure that mothers registered their babies as soon as they were born. These practices were nevertheless problematic for Haitian migrants, undocumented women, or persons who held paperwork but the state did not want to recognise as citizens. As Samuel noted:

'The JCE had the birth certificates issued at the hospital. They met with those folks to ask when the mother gave birth if they could get these birth certificates issued straight away rather than retroactively…They certainly intervened [in the case of] women. If [a woman] had [her] *cédula*, they would issue her with an *acta* [birth certificate]. If she didn't have a *cédula*, they wouldn't. It was [all carried out] through the woman.'

(Carlson, 2016)

Samuel highlighted some of the potential problems with registrations. They included the possible manipulation of beneficiary lists and non-fulfilment of *conditionalities*. I asked whether there were any warning signs regarding the potential detrimental impact of social policy measures on access to citizenship. He said that alarm bells were ringing to the extent that no-one in the country had undertaken a documentation or identification programme of this magnitude ever before. In the past,

NGOs had had some involvement in registering populations, but this was insignificant and the JCE got annoyed at these initiatives. The JCE judges saw attempts by third parties to facilitate registrations as unnecessary meddling. The World Bank had agreed to offer incentives to the Dominican government for each *cédula* issued but it had not provided additional money for staff, computers, vehicles and other equipment to finance the programme. The World Bank money could not be paid directly to the JCE as it had to be channelled through the Central Bank to the Treasury and then the project account. As the focus was output-based (i.e. the state was rewarded per *cédula* issued), the World Bank requested evidence of registrations. Samuel remembered sitting down with a technical team from the JCE to analyse each step of the documentation process. They began to evaluate how many applications they could process and how long this would take as well as any additional equipment and computers they would need to install to handle the size of the growing database. They carried out a cost scenario with the government and then divided this by an estimated number to predict the unit cost which was close to 200/250 pesos per *cédula* ($5 approx.).

It was clear from our interview that Samuel was committed to the provision of legal identity documentation. He said that lots of people – particularly at the JCE - wanted him to go away. He was nevertheless enthused by the advances he made with the project. He was convinced that the benefits of legal identity measures, especially for children, overwhelmingly outweighed any shortcomings. Identification allowed them to access the Solidaridad programme. They could enrol in school and get healthcare. Children, once they had their documents, *existed* he told me.

5.3 Closing the 'Gaps': The Expansion of the Dominican Social Cabinet

To learn more about the changes introduced to social policy, I approached the former directors of the three main areas of social policy from 2004-2012: Miriam

Rodríguez de Simó (SIUBEN), Van Elder Espinal Martínez (ADESS) and Fernando Reyes Castro (Solidaridad). I also met with Enrique Ogando, the former director of the Legal Identity Documentation Component of the Social Protection Investment Project (CDD-PIPS). The four social policy actors I interviewed were far more hesitant to discuss political conflicts than Samuel who had left the World Bank in 2007 and could speak more freely about his experiences. I did not ask them directly about the impact of registrations on Haitian-descended populations as I wanted to see if the theme would come up during the course of the interview. To my surprise, it was the civil registry officials at the JCE (see 5.4, p. 163) who spoke far more openly and directly about problems with registering the descendants of migrants. In contrast, the social policy actors I met with did not refer to this directly, but instead repeatedly mentioned the need to address the problem of gaps within the system. Notably, Miriam from SIUBEN told me:

> 'Health and education are both a matter of human rights and are within the Constitution. Dominicans have a right to these services. They should all have the same level of access. That was the vision of the targeting model. We have to revise what the targeting models are and ensure that any gaps are closed.'
>
> (Rodríguez de Simó, 2016)

The interviews centred around the positive impact of registrations on Dominicans. Each of the actors (as well as Samuel) spoke enthusiastically and positively about the new measures to document populations, including the increased intervention of the state at hospitals and schools to encourage people to register their children. They agreed that legal identity had increased awareness in terms of the *need* for documentation. They all supported a vision that saw poor Dominicans demanding their rights from the state and actively participating as citizens within it. This was a fundamental cultural change in a country where in the past the poor had been so used to high levels of informality and state handouts. Undoubtedly, the introduction of a new social policy sector contributed to a

significant shift in the way in which the state was now addressing poverty and interacting with its citizens. The *cédula* was the central tool in ensuring that the state could maintain this closeness with its citizenry.

I met with Miriam at the Ministry of Economy, Planning and Development (MEPyD) where she now works in international cooperation. She explained how SIUBEN had become the government's main instrument to transfer resources to the poorest and how it functioned as a poverty census to target and identify Dominican populations. She told me of the institutional complexity of this endeavour. In 2004, there was a shift in focus which used social protection to defend the model of the traditional Dominican family unit. Miriam maintained these changes encompassed a major shift away from people seeing the state as a benefactor[189]. Miriam recounted how gradually Dominicans were starting to view access to welfare, health and education as a right for citizens. They went to public offices and demanded their documentation. They asked to be included onto welfare programmes. Through these practices, people were learning to claim specific services and articulate what they wanted from the state. This represented a huge cultural shift in a country with a strong history of clientelism:

> 'Before they [the state] used to give you things. You received them but there was no sense of responsibility. That vision has changed because there was a complete conceptual redesign of social policy, a new methodological approach...People *reclama* [demand a service]. They go to a system and ask for their money. Having a card has a value for them. They ask to be registered.'
> (Rodríguez de Simó, 2016)

Populations, however, could not just go and register for the scheme. Instead, they had to wait until the state approached them through a home visit. Miriam noted the need to individualise approaches to social protection, telling me how a focus on the heads of

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[189] This was a theme prevalent during the authoritarian regimes of Trujillo and Balaguer.

household was not effective enough. This is because if that person dies or moves elsewhere, anomalies could appear in the system. SIUBEN began to flag up incomplete files. They had to go back to the source (i.e. household) to verify information such as a surname and family background. This was then processed in one of ten of the SIUBEN regional offices. The government realised it not sufficient to interview individuals, it had to approach them directly and encourage behavioural changes. It saw the home as a family unit, living off one income, one budget. Their needs were shared. Miriam told me that SIUBEN did not go looking for poor individuals but poor households. Improvements in data collation facilitated the more effective sharing of statistics with other government and international agencies. SIUBEN started to share parts of its database with the World Bank, the IDB, the UNDP, the National Health Insurance Service (SeNaSA) and Solidaridad. The information was also shared with the JCE for validation. Every six months, the JCE reviewed the national identity cards on its main database and then sent this information back to SIUBEN. Through improved technologies and information sharing, it was becoming easier to identify individuals using their name and *cédula* number.

Miriam was proud of the strong database SIUBEN had developed. She said the collation of socioeconomic data not just from the head of household but across the entire family was extremely useful as this included information on people's quality of life, living conditions, housing, human development, level of education, and employment status. The World Bank had been keen for SIUBEN to target women to collate the data. There was nevertheless resistance from state officials to do this. Miriam did not see this as a major issue, telling me:

> 'Oh, there's no discrimination [with gender] there. We didn't introduce any form of positive discrimination like they did in Mexico. They introduced this to better promote conditions for women. In the Dominican case, we let people decide whether or not they wanted to

designate the man or the woman as the head of household. We did not introduce gender.'

<div align="right">(Rodríguez de Simó, 2016)</div>

Miriam told me how social protection was for everyone; documented and undocumented [Dominican] populations, men and women alike. Those without their paperwork were told to approach the JCE and try and get their documents for inclusion onto the programme. If an individual did not have any documentation, he or she was encouraged to take someone in their household to help them register. She saw this as a question of transparency and the only way to strengthen programme capacity. An individual could not get their cash transfer payment without being registered. It was a question of logic, she told me.

My conversation began with Van Elder Espinal Martínez giving a detailed description of the Dominican economic crisis in 2003. He talked about the high levels of inflation, food prices and gas and electricity tariffs. He told me how life had become very expensive for poor Dominicans. In 2004, right before President Fernández came to power, the Mejía government could not fulfil its contractual obligations with international funders. Three agreements with the IMF had already failed. It was clear that generalised subsidies were wasteful and not financially viable. The system in place was very weak and there was a need to create a specialised agency to administrate all of the social subsidies of the government. The government had to develop a more efficient, transparent system of payment that would generate credibility. This hinged on the need to effectively identify and target beneficiaries.

Van Elder referred to ADESS as a 'Sisbén *aplatanado* [a Dominicanised Sisbén]'. The idea for ADESS was based on the poverty identification model Sisbén in Colombia. A Dominican commission had travelled to Colombia for two weeks to learn more about the programme. ADESS was an electronic system that formed part of a public-private

agreement between private banks. The Solidaridad card was behind this system of payments. From October 2004, the new government began to develop this model with the launch of a three-month pilot plan with 6000 beneficiaries. The plan took place in Domingo Savio, a small neighbourhood to the north of the city's Colonial Zone, situated next to the Ozama River.

ADESS was centred around a vision that saw the poor as a client and individual who could manage their own affairs. The burden of proof therefore was placed on the individual to evidence their existence in order to obtain access to health services. The Dominican Republic incorporated a strategy unique to Latin America. It was the first country, for example, to involve a non-state banking partner, Visa International, in the disbursement of welfare payments. The involvement of Visa was extremely useful as it helped with the disbursement of multiple subsidies through the debit card. This would have been impossible if solely administered through a local bank. Van Elder told me how he travelled extensively to showcase the work of ADESS and Solidaridad. This included learning from the experiences of regional partners in Peru, Panama, Honduras and Brazil. He participated in roadshows with international banks. Private sector investment was cruicial as Visa was able to help the Dominican government develop its social policy strategy. SIUBEN would inform ADESS electronically who the poor were. ADESS was then able to revise the data it received. The system channelled an enormous amount of money. Van Elder predicted that this amounted to around 2 billion US dollars. He saw the magnitude and reach of these efforts as an enormous achievement:

> '[The social protection system] is one of the most important advances in the last 100 years. Almost 80% of Dominicans now have health insurance. Before, we didn't have the structure in place. Now we know how many poor people we have and where they are.'
>
> (Espinal Martínez, 2016)

In order to ensure that cash transfers reached the poor, the Social Cabinet had to decide where beneficiaries were most likely to go and spend their money. For Van Elder, the *colmado* (a local convenience store similar to a corner shop) was the logical solution. He told me that anthropologists had researched the *colmado* to show how this stood at the heart of the Dominican community[190]. A *colmado* connects the poor with a point of purchase. The plan therefore was to test the Solidaridad payment card at 10 different stores in Domingo Savio in the capital of Santo Domingo. Each establishment received an electronic payment terminal to receive purchases. The pilot project was successful. Through a Social Provisions Network (*Red Social de Abastos*), ADESS subsequently reached 5000 colmados, markets and supermarkets. As beneficiaries received cash onto their card, they had to learn how to go to a store to make a payment. This was new, innovative and exciting for beneficiaries and local businesses. To function effectively, it depended on a good relationship with Dominican local banks and businesses, including BanReservas, Asociación de Prestamos, Asociación Cibao and Asociación la Nacional de Préstamos. These actors committed to ensuring that the plastic card would work correctly, and payments were made on time. The system reached one third of Dominican families with some form of subsidy payment. Van Elder predicted the 'sweep' was very big, reaching 90% of the poor in the country. From 2005-2006, the state had already identified 600,000 families. By the time it had finished, it had already met with close to one million. I asked Van Elder if there had been any difficulties in the implementation of the social protection programme. Although he did not go into specific details, he did mention that the identification of beneficiaries had been a particularly difficult process.

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[190] See Murray, G. F. (1996) 'El colmado: una exploración antropológica del negocio de comidas y bebidas en la República Dominicana', in Santo Domingo: Fondo para el Financiamiento de la Microempresa.

The ex-director of Solidaridad, Fernando Reyes Castro discussed a timeline similar to that of Miriam and Van Elder. He told me how the introduction of the Conditional Cash Transfer (CCT) programme Solidaridad in 2005 was the last important step in social protection. Solidaridad was committed to providing different services to beneficiaries. It worked with representatives from an intersectoral committee in the areas of education, health and national health insurance. Solidaridad also carried out the inscription process for CCTs. It informed beneficiaries of their duties as members of the programme including sanctions for non-compliance. The state saw this more than just carrying out a transfer, it wanted to directly reach populations and influence lasting behavioural changes. Registrations were therefore a fundamental component of this strategy. Solidaridad began to align its objectives with health and education by contracting more personnel such as lawyers, social promotors and doctors. It was able to improve the number of registrations through closer collaboration with the civil registry. Fernando told me the importance of *Dominicanos y Dominicanas con Nombre y Apellido* (Dominicans with a First and Last Name) to the social protection strategy. They knew that 20-28% of the population identified as Dominicans eligible for welfare did not have the right papers. The component aimed to strengthen the identity of Dominicans who had previously received a visit from SIUBEN and had no paperwork or incorrect documentation. Solidaridad was trying to help this group onto the programme. When SIUBEN carried out its first *levantamiento* (this means 'lifting of information', i.e. survey) in 2004, it became very clear to the Social Cabinet the sheer quantity of people without the necessary documents to join the programme (i.e. a birth certificate and a *cédula*). Documentation concerns were closely tied to the banking sector and the expansion of financial inclusion efforts. Without a *cédula*, or an expired card, a beneficiary could not receive a payment from the bank. A person therefore needed a birth

certificate to get the *cédula*. This scenario was further problematised by the high number of potential beneficiaries with an old national identity card but no birth documentation making it difficult to accept Dominicans who would otherwise be eligible for welfare payments.

There was also a clear gender element to the distribution of CCTs. Mothers were an important focus of Solidaridad because they were seen as the vehicle through which the state could improve registrations and reach and improve the health and well-being of their children. According to Fernando, approximately 70-80% of persons declared as heads of household were women. Once Solidaridad had carried out the registration process (largely through the female head of household), it then sent beneficiary information to ADESS to arrangement cash disbursements. At the time, this was 500 pesos per month and 150 pesos for each child registered at school and attending classes. This covered the first eight years of basic primary education. The Secretary for Health became more interested because the statistics being collated were so useful and helped with efforts to reduce maternal death rates.

Solidaridad was actively involved in the registration of families through the use of social promotors who would visit families and verify living conditions. These details were shared with ADESS. They would then return to the homes to give out the cards to each head of household. Solidaridad would train families on how to use the card. Beneficiaries were told it was personal and they could not share it with other people. There were commercial products tied to the card, including what beneficiaries could purchase from the *colmado*. They were told about the programme and the duties each person in the household was expected to fulfil. Cash payments depended on the number of children in school and training sessions for a mother and her children. They encouraged

women to give birth in public hospitals rather than at home to facilitate the registration of their children.

Enrique Ogando was responsible for the implementation of the Legal Identity Documentation Component, Social Protection Investment Project (CDD-PIPS) with the World Bank. In the past, universal social programmes had been distorted, and corruption was widespread. The move towards a more targeted approach to social protection meant that programmes could directly benefit the poor and divert funds away from more affluent groups. Enrique told me how, by the mid-2000s, the government began to eliminate universal social programmes. He explained how President Fernández began promoting a holistic approach to social policy that brought together cross-cutting themes across the government. These included education, health and labour. Youth employment, a priority for the IDB, had also been important to ensuring the inclusion of young people into the formal economy. Again, documentation was central to this strategy.

Enrique, like his social policy colleagues, spoke very little about the human impact of registrations. Instead, he focused largely on the benefits for the banking system and the formal economy. He noted the enthusiasm and support CDD-PIPS received from the private sector and banks regarding efforts to formalise registration procedures. This was seen as very innovative and exciting. It was not simply an isolated initiative but one which required lasting support from ministries and institutions. Everything was moving towards targeting he said. These improvements helped the state identify which beneficiaries were being included for Dominican paperwork and who was being left out. As Enrique told me:

> 'You can't give resources to a person who does not meet the basic requirements…to whom it [documentation] does not correspond. This makes things more transparent.'
>
> (Ogando, 2016)

Enrique told me how the World Bank had expanded registrations through support from the IDB and the UNDP. Susana Gámez, the Technical Director of the Social Cabinet, had already worked with the UN and was strategically placed to encourage more resources for social protection efforts between international actors and the Dominican government. Targeting was a priority for the government as they needed to know who the populations were and where they were located. It was adopted as part of a global vision to break the cycle of poverty. The authorities began to develop the concept of cash transfer programmes as a means to not only transfer resources but also to encourage behavioural changes. This included ensuring parents obtained birth documentation for their children so they could register them in school. It also involved interventions at public clinics and hospitals to register babies with the civil registry. They monitored school attendance and promoted vaccinations.

As Samuel also told me, Enrique mentioned the difficulties Susana had experienced in lobbying Congress to support legal identity measures. There was some political resistance from opposition party members to the expansion of *en masse* registrations. Many were suspicious and thought there must be an ulterior motive to such an ambitious plan (i.e. to obtain votes). They were also wary of the involvement from the World Bank and IDB as powerful and external actors. Eventually, however, the government obtained an absolute majority in support of registrations. Politicians backed the use of the Solidaridad card. As a result, registration efforts gained cross-party popularity; a significant achievement and one that was essential in ensuring the widespread reach of legal identity documents.

5.4 'We tried to ensure that no-one felt excluded': The Dominican Civil Registry Perspective

I went to the JCE to gain a greater understanding of the institutional and bureaucratic measures used to exclude persons of foreign ancestry from the civil registry.

As I have stated, I was grateful for the open responses I received from both Brígida (Director of the Inspections Department) and Odalys (Director of the National School of Electoral Training and Civil Status). The JCE is widely thought to function as an opaque institution with strong political connections to the ruling PLD. It was particularly sensitive following the fallout from the *Sentencia* having received widespread criticism for its practices. I was therefore honestly surprised when Brígida and Odalys agreed to meet with me and spoke so frankly about their involvement with civil registrations. Their contributions offered a crucial perspective to this study.

As the former Director of the Department for Late Birth Registrations, Brígida began working as a registry official in the eastern town of San Pedro de Macorís in 2003, the site where many of the first complaints arose regarding access to documentation. The town was one of the largest sugar-producing regions in the country and home to a high number of Haitian-descended and black *cocolo* populations[191]. Outside the JCE main building in Santo Domingo, I was immediately struck by the absence of *buscones*[192]. These were people who, until recently, had maintained a permanent presence outside many government buildings. Brígida spoke with pride about their disappearance. She linked this to recent legal identity efforts which included the modernisation and *tecnificación* of the civil registry. As the JCE began to digitise citizenship documentation and staff training improved, she said, people no longer needed to pay others to sort out paperwork issues for them. They did not have to take the 'back door' approach as they could now go directly to the state to resolve any outstanding issues.

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[191] *Cocolos* is a term used to describe Afro-descended populations originating from the Anglophone, Francophone and Dutch Caribbean. Tens of thousands of *cocolos* migrated to Samaná in the north-east, Puerto Plata on the north coast and San Pedro de Macorís in the east. Many worked in the sugar industry and in ports in the late 19th century. This wave of migration was later replaced by the introduction of Haitian labour as a cheaper and more labour-intensive alternative.

[192] *Buscones* are tricksters who try and obtain money in exchange for documentation. People would pay *buscones* in exchange for help in obtaining paperwork. The authorities often saw them as a nuisance.

Brígida had recently moved to a new position as the Director of the Inspections Department. This was the section of the JCE responsible for examining and verifying the validity of applications for citizenship paperwork When I arrived at the JCE, I was immediately struck by the location of the department. I had to walk through an old warehouse where there were old computers stacked up to the ceiling, discarded files and old office equipment. It was clear that there had been a complete re-modification of the building. In stark contrast, I walked into a new air-conditioned office. I could see row upon row of people working at the computers. Brígida told me the majority were lawyers or law students who verified individual files and updated information as needed. She told me how the JCE had built on the work started by the Social Policy Cabinet and supported by the World Bank. Their initial efforts, she noted, had left a platform, including the integration of new biometric technology, that had facilitated future registration procedures. State institutions were now able to share information across government ministries to verify mistakes and resolve problems that some people had had for years. One example she gave was the case of twin sisters recorded under the same name as the same person. Using biometric data, the JCE was able to identify their fingerprints and open two separate files for each of the women, giving them two separate identities. Another problem she noted was the late declarations of dead people. Social policy, Brígida told me, might be a useful tool to register living populations, but it cannot force people to tell the state if someone dies. The provision of legal identity may contribute to improved access to services for the living but the deceased also remain on the system. People really had no motivation to declare a death or stop receiving CCT payments. The poor therefore had to be incentivised to ensure they not only held the correct documentation but also took the initiative to tell the state about these changes. Brígida cited access to information, a significant improvement to the registry. If someone wants

to verify a person's identity, they can do so by searching for any citizen on the JCE webpage using their *cédula* number. An individual can also look up the details of Solidaridad beneficiaries on the ADESS website[193].

One of the biggest challenges the JCE faced was to present the institution as a service-providing entity. This, she maintained, had led to improvements in registrations and had a positive impact on the JCE staff, their interactions with citizens (often referred to as 'clients') and the local environment. It had resulted in fundamental changes with regards to how civil registry officials interacted with citizens. It included the reconceptualization within social policy of the civil registry official as a community worker. This shifted the role from an administrative actor to one that was also expected to educate citizens about their rights and the rights of their children. As Brígida noted:

> 'We tried to ensure that no-one felt excluded.'
> (Sabino Pozo, 2016)

Failing to articulate any shortcomings with registrations, instead Brígida noted that the changes had been overwhelmingly positive. Importantly, she was very sensitive to the human impact of legal identity measures. She was eager to share the transformative impact of policy on persons the state identified as Dominicans:

> 'When someone has spent their life as part of a social group that lives among themselves…they breathe but they don't exist. When you give them their documentation you can see how people's faces change. The tiredness, all the work they had to go through. All of it was worth it. When you see the reaction of a mother when you give her a *cédula* and seven birth certificates to her children. Their smiles tell you that you have just changed someone's life.'
>
> (Sabino Pozo, 2016)

Brígida told me that an individual is now more likely to claim services from the state as he or she has a vested interest in accessing these. Echoing the discourse of

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[193] The details of each beneficiary can be identified on the ADESS website via. Available at: http://www.adess.gov.do/v2/reportes/busqueda.aspx (Accessed 15th September 2018).

international actors, she argued the identity card holds an intrinsic value for the individual. Documentation can help bolster a sense of common identity with regards to what it *means* to be a Dominican. It can therefore harness an incredible sense of satisfaction for the citizen. This, she believed, gives people dignity and a sense of belonging. As such, it can result in the increased agency and empowerment of individuals to demand their rights. She maintained that women had most benefitted from this cultural shift:

> 'A woman with a *cédula* can go out and earn a wage. She can open a beauty salon, have a bank account and get a mobile phone. A woman can ensure the home is connected to the electricity grid without resorting to the help of a family member or neighbour. She can also receive additional benefits, such as the school bonus, when she sends her children to school. Women therefore can *feel* the benefit of changes to the system'
>
> (Sabino Pozo, 2016)

The decision regarding who to identify as Dominicans was nevertheless far from straightforward. Denunciations from Haitian-descended populations over problems accessing their citizenship paperwork were increasing. When I met with Odalys Otero Núñez, Director of National School of Electoral Training and Civil Status (EFEC), she mentioned the internal discussions taking place regarding who should be recognised as Dominicans. She said that decades of Haitian immigration into the country was creating difficulties on the ground. Children born to Haitians, she argued, had increased social demands with regards to access to education and healthcare services. I asked what link existed between measures to document Dominicans and the issue of Haitian immigration. Odalys responded:

> 'In the Constitution, the children of foreigners are not Dominicans[194]. Haiti doesn't want to recognise their nationality either. Legally, they don't want to give them their documents. Some people say this is a form

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[194] Albeit this was the case after constitutional amendments in 2010. As we reviewed in the last chapter, however, JCE began retroactively enforcing these practices from 2007.

a statelessness. But it isn't. They aren't Dominicans. This gets mixed
up. On the other hand, there are Dominicans and the children of
Dominicans without documents of any kind. There is a problem. Even
how to do the communications campaign to reach them.'

<div align="right">(Odalys Otero Núñez, 2016)</div>

Critically, I also learned about the transnational benefits of these changes.

Improvements in legal identity practices were reaching far beyond state borders and

having enormous benefits for Dominicans living overseas. Dominican citizens no longer

have to travel to the JCE in the capital Santo Domingo to locate their original documents.

Whereas in the past, individuals would have had to return to their village or town of birth

to obtain paperwork, the diaspora was now able to approach the Dominican consulate in

New York[195] and elsewhere to request copies of original documentation and obtain a new

identity card. For decades, tens of thousands of Dominicans had arrived legally in the

United States. Although most held a valid passport and a tourist visa upon arrival, many

would allow their travel documentation to expire. This situation left once documented

Dominicans without their paperwork and unable to return to the Dominican Republic to

resolve basic bureaucratic matters.

In steep contrast to state discourse on 'illegal' Haitians in the Dominican

Republic, Brígida spoke with compassion about undocumented Dominicans in the United

States (including Puerto Rico) who, she noted, had 'fallen into illegality'. She praised the

introduction of decentralisation measures that now allowed this group to acquire their

citizenship documentation without the need to return to Santo Domingo. These new

measures had real benefits for both documented and undocumented Dominicans living in

the United States and elsewhere. There were also clear political motivations to ensuring

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[195] I initially tried to include a visit to the Dominican Consulate in Times Square, New York as part of
this study. I unfortunately did not have the time or budget to include this component in the fieldwork.
Nevertheless, I see the reach of legal identity measures beyond state borders as an important part of this
research. The practices of the Dominican state overseas are likely to make an important and necessary
contribution to the impact of legal identity measures on transnational populations.

Dominicans living overseas had their *cédula*. As registration mechanisms improved, the JCE invested in offices to facilitate overseas voting. Brígida recounted how the Dominican Consulate located on Times Square in New York regularly issues up to 800 *cédulas* every day. This she told me has helped citizens around the world vote in Dominican elections. The state can now provide the services needed to help them regularise. Paradoxically, therefore, as the state was expanding access to Dominicans and their descendants overseas (some of whom had never travelled to the island), at a domestic level it was restricting access to paperwork from native born persons of foreign ancestry[196].

Although the JCE actors I interviewed demonstrated enthusiasm for the recent institutional and structural changes, Odalys did ask why registration measures were so widespread. She questioned the need to insist that everyone has a piece of plastic particularly when many already held some form of documentation (i.e. an old paper cédula or a birth certificate). She challenged the point of such rigid legal identity measures, and underlined some of the more pressing issues the poor had to worry about: access to drinking water, lack of hospitals, inadequate healthcare and illiteracy. Odalys even suggested that despite improved formality across government services, in many cases people could still attend clinics and were seen to even if they could not produce a document. In contrast to World Bank concerns about the need to document everyone, she maintained, a lack of documentation did not necessarily stop the treatment of migrants, Dominicans or the undocumented at a hospital or a school[197]. 'Why all this effort now?' she asked me. 'Why even bother?'

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[196] See Sagás, E. (2018) *To Be, but Not to Be: (Re)defining Citizenship and Dominicanidad. Global Haiti and the Dominican Republic: The Contradictions of Inclusion and Exclusion*. Barcelona.
[197] The link between citizenship registrations and access to state services is important, particularly as there is limited quantitative data to substantiate these claims.

5.6 Registrations from the Grassroots: Experiences of Persons Working with Migrant-Descended Populations

All the actors I interviewed in this section said that the *Sentencia* was unexpected and they were not prepared for it. I spoke with a representative from the Centre for Sustainable Development (CEDESO), an NGO called 180° for Cooperation and Development and representatives from Reconoci.do/Centro Bonó and the Caribbean Migrants Observatory (OBMICA). Before the *Sentencia*, many of these actors had worked directly with Haitian immigrants to help them declare their children. After the ruling, they shifted their focus onto the migrant-descended. In contrast to my conversations with civil registry representatives, these actors unequivocally considered persons of Haitian descent Dominicans with the right to legal identity documentation. They demonstrated an in-depth knowledge of subsequent registration criteria as part of Law 169-14. None of the fieldworkers I spoke with, however, linked the experiences of Haitian-descended populations to legal identity practices or to the expansion of registrations for Dominicans. Instead, they saw the *Sentencia* as an attack on their communities. They all considered documentation a necessary component to recognition as a Dominican national and regularly referred to a person without a birth certificate or a *cédula*, or with invalid or out-of-date paperwork, as having no nationality, or being stateless. All the actors were extremely knowledgeable about the practicalities associated with registrations and their potentially negative impact on young people. They clearly articulated how mistakes made by civil registry officials had created real problems for them and their friends and families.

To begin to really understand the impact of legal identity measures on populations of Haitian ancestry, I contacted people involved at a local level in helping this group obtain their paperwork. I met with Arsénito Santana, a healthworker from CEDESO in

Tamayo, a small town in the southwest of the country. I also spoke to Yoni Tusen[198] and Midouard who worked at 180° for Cooperation and Development (180 Grados para la Cooperación y el Desarrollo), a Spanish NGO in La Romana to the east. Arsénito and Yoni were two young men of Haitian descent. Midouard was a Haitian who lived and worked in the *bateyes* (Dominican sugar cane plantation communities). All three were extremely familiar with the communities they worked in. They cared deeply about the impact of registrations on their friends and families and expressed a commitment to helping with affected populations overcome documentation problems. In addition, I spoke with Ana María Belique Delba, the founder of Reconoci.do and employee at Centro Bonó, a religious Dominican NGO that has campaigned for the rights of Haitian-descended populations to a Dominican nationality. Ana in particular had been overwhelmingly affected by state practices. When I met with her, she still had a *caso de amparo* (a case on the grounds of unconstitutionality) pending against the Dominican state[199]. She was demanding that the JCE return her confiscated *cédula* and recognise her status as a Dominican citizen. Finally, I spoke with Dr Bridget Wooding, director of the Caribbean Migrants Observatory (OBMICA). Bridget is an academic who has worked with Haitian migrants in the Dominican Republic since the 1980s. She has written extensively on the problems migrant-descended populations have been facing and is a prominent campaigner on statelessness.

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[198] The names Tusen and Toussaint are common among Haitian-descended populations living in the Dominican Republic. They refer to François-Dominique Toussaint Louverture, leader of the Haitian revolution (1791-1804).

[199] Suprema Corte de Justicia (2014) *Junta Central Electoral Vs. Ana María Belique Delba. Resolución 1342-2014*. Santo Domingo.

Centre for Sustainable Development (CEDESO)

CEDESO fieldworker Arsénito Santana was extremely passionate about helping members of his community obtain paperwork. He had grown up in a *batey* and initially described himself to me as the *hijo de haitianos* (the son of Haitians). It was only after we had talked for a number of hours did it transpire that Arsénito was in fact a fourth-generation Haitian (his great-grandparents were born in Haiti). He had lived in the Dominican Republic all his life, as had his parents and grandparents. When I asked why he had said his parents were migrants, he was surprised. He responded: '*Coño, sí. ¡Tienes razón*!' ('Bloody hell, yes. You're right!'). He then laughed and talked about how absurd he found the whole situation, stating: '*Tú sabes…Soy dominicano, pero en realidad para ellos nunca lo seré de verdad*' ('I am a Dominican but to them [i.e. the state, the elite] I won't ever really be one').

Image 13 Train Transporting Sugarcane on a Dominican Batey in La Romana

Image 14 Batey 8 near La Romana

Arsénito noted the growing emphasis on the need to present an identity card. My conversations with him highlighted the ambiguities associated with registrations. People, he told me, have grown up as Dominicans yet are being identified by the state as noncitizens. This has affected the movement of Haitian-descended populations within the country and had an impact on their access to services. He told me:

'There is a problem with documentation in the country. There is a large number of people who do not have their paperwork. Both Dominicans and foreigners. The JCE doesn't give out answers. There is a bureaucratic *tollo* [mess]. There are a lot of lost opportunities. Now you need a *cédula* to get a job here. You need it for health insurance, to work in a free trade zone, to study. If not…if you need to travel…what are you going to do? Everyone asks you for a document. Most young people who do not have documents don't leave their community. They don't have anywhere to go. Sometimes with a piece of paper they can move around without their *cédula*. But this is changing. If you're the same colour as me, they stop you. If you don't have your document, they send you back to your house or they send you to Haiti without you knowing where you're going…I have seen a lot of young people. They take away their nationality. The ID does not say that they are

Dominicans. It says that they are the children of foreigners. They are irregular. There is one ID that says they are foreigners [the identity card given to people identified in Group B]. This is for people born abroad but they give it to them [people born in the DR]. They are not happy about this. They can't do what they wanted to do. The can't have access to credit or borrow money. They don't enjoy things in the same way. They should have given these people their *cédula*. They are from here.'

<div align="right">(Santana, 2016)</div>

The three young men said that most people (particularly those living in the *bateyes*) had heard about the *Sentencia* but did not take it very seriously. There was a lack of clarity and widespread confusion. Between the *Sentencia* 168-13 and Law 169-14, Arsénito, Yoni and Midouard began attending talks and trainings. People stopped them in the street and asked them for help. They observed how these practices were affecting people in haphazard ways. Significantly, they did not understand why they had their documentation when others were struggling:

'I don't know why this did not affect me. My cousin, my neighbours, a young lad in the community I studied with. I see them affected. These are people born in the community. You feel empathy for them. I see problems in the future. They need to sort this out. They [the JCE] gave them the documents so that they had something in their hand. But it should not say '*residente permanente*' (permanent resident). They were born in the country and they deserve to be treated better…I think it is a sentence. The most affected are the children of Haitians. The Chinese, Japanese, Spanish, Puerto Ricans. These people do not have problems registering their children in the country[200]. They tell them [the Haitian-descended] they are not Dominicans. In Haiti, they say they are not Haitians. Do they feel Haitian? Do they identify as Haitians? No. No. Can you imagine? They don't know the culture, the environment. It is not the same thing. They have no *patria* [homeland]. They are going to take them to a country they do not know. Where am I going to go? Where do I have to go if my mum and dad are here? *Dominicanidad* is about pride. People are proud of this. They are

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[200] My fieldwork findings in Chapter 6 indicate that this is not entirely the case. Although Naturalisation Law 169-14 overwhelming affected persons of Haitian ancestry, it also had an impact on individuals of other foreign descent, including those of Chinese, Japanese, Spanish and US lineage, among others. Clearly, Puerto Ricans can access a US passport and so Arséntio's observation here is misguided. The point, however, is that the majority of actors I spoke with have solely focused on Haitian-descended populations and therefore broadly assume that this is the only group affected. While it is certainly true that the legal identity measures the government introduced overwhelmingly and unfavourably targeted persons born to Haitians, it is crucial to note, as I have argued, that they form part of a broader *destabilising* process that can affect individuals across all socioeconomic backgrounds and of different ethnic and national origins.

satisfied with being Dominican. They *feel* patriotic. Many who have told me they [the state] have done this to minimise the other person. To make them feel small. No-one has any good information. They told me they were going to annul my ID. No-one says why.'

<div align="right">(Santana, 2016)</div>

180° for Cooperation and Development

Yoni from 180° told me about the confusion around registrations. There were cost implications for poor populations. Sometimes NGOs would pay to transport groups of people trying to obtain their documentation. After Law 169-14 was introduced, the JCE began to turn away people who were trying to register large groups. NGOs and lawyers were not allowed to accompany individuals into the building. Registrations had to be carried out on a one-by-one basis. Although intended to resolve the difficulties documented persons of Haitian ancestry (Group A) had been encountering at the civil registry, registrations as part of Law 169-14 led to chaotic scenes. Government officials found it difficult to differentiate between undocumented Dominicans and Haitians:

'They are Dominicans, not foreigners. They were born here and recorded as Dominicans. Law 169-14 said that persons in Group A declared before 2007 could get their documents as Dominicans. For Group B, the government allowed these people to be declared as foreigners. After 2 years they could apply to naturalise as Dominicans. They [the authorities] confuse Group B with Haitian immigrants. If you go with the piece of paper to the JCE they send you to immigration in Santo Domingo. There was a lot of confusion.'

<div align="right">(Yoni Tusen,</div>

2016)

Despite the JCE communications campaigns, there was clearly a lack of information. Although affected populations were confused by the procedures, the fieldworkers I spoke with demonstrated an in-depth knowledge and understanding of these practices. They possessed a clear desire to help affected populations and saw what was happening to people in their community as an injustice. Practitioners received regular complaints from both Dominicans and Haitians about their interactions with the state.

After Law 169-14, the authorities would not allow lawyers or support workers to accompany individuals and many people were left without their documents.

Reconoci.do and Centro Bonó

Despite their critique of the practical problems created by Law 169-14, and repeated references to the '*tollo*' [the 'mess'], NGO practitioners and fieldworkers tended to support measures to document populations. Following the *Sentencia*, 1,500 young people joined the activist movement Reconoci.do, a campaign group formed to highlight the bureaucratic difficulties persons of Haitian descent were confronting in the country. I spoke with Ana Belique, a human rights activist, child of Haitian parents and founder of Reconoci.do. Ana works at the NGO Centro Bonó and is a well-known and prominent spokesperson for affected populations. At one point, Reconoci.do worked exclusively with Group A (persons already registered with the authorities). She told me they were reluctant to associate with Group B (persons born in the Dominican Republic with no form of documentation, subsequently identified as foreigners). She saw them as two entirely different groups. She reasoned that if she had registered and always had her documents then why should she be treated in the same way as populations who had never held any form of paperwork? She did not see this as fair. She had played by the rules and done things the 'right' way. Ana was deeply unhappy about what she viewed as a truncation of citizenship rights for people, like her, who had already complied with the law and lived as Dominican citizens. She saw the registration drives introduced as part of Law 169-14 as an additional, unnecessary and discriminatory layer of bureaucracy.

Ana noted how difficulties in obtaining citizenship documents made social ascent much more difficult. She talked about the aspirations of the Haitian-descended in the country. Their reality has changed over the past two decades. The sugar industry has declined, and it is difficult to find young people of Haitian descent ready to work on

plantations. The work is arduous and badly paid. Young people are claiming documents to help them leave the plantation. Most populations in San Pedro de Macorís, where many of the affected live, work in the textiles and ceramics industry. Others have moved to the tourism sector in Juan Dolio and Boca Chica. Some were now at university. People have aspirations and want to branch out into other areas. Although NGOs and the media talked incessantly about the deportations of Haitian migrants, in reality these measures were designed to keep populations in their place to ensure they did not leave the *batey*, she told me.

Caribbean Migrants Observatory (OBMICA)

Bridget Wooding, Director of the Caribbean Migrants Observatory (OBMICA), referred to the state's reluctance to address the problem of under-registration as the *avestruz* (ostrich) policy[201]. She noted how, by the mid-2000s, NGOs had won a space with the Inter-American system and many thought they were making progress and improving dialogue with the state. Bridget talked about the dehumanising impact of government policy on populations struggling to obtain their paperwork. In her opinion, pro-Haitian rights movements had miscalculated the need to carry out sufficient groundwork at home so that different sectors were sufficiently sensitised to the issues and not manipulated by ultra-right fractions. In hindsight, she says, they should have tried to incorporate civil society actors representing different issues (the examples she mentioned included the media, young people, women's groups and Afro-descended movements) to neutralise or debunk attacks on migrants and their descendants.

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[201] The government literally had its head stuck in the sand like an ostrich because it did not want to deal with the problem of under-registration.

In contrast to the fieldworkers I spoke with, Bridget spoke positively about post-2013 'regularisation' drives. From a strategic standpoint, she saw this as a space for constructive engagement and supported the shift towards greater formality through an improvement in registrations. Although not ideal, she said that civil society actors needed to cooperate around Law 169-14. NGOs had been increasingly vocal about problems in accessing documentation yet had chosen to work with international actors rather than with the state[202]. Notably, OBMICA had no strategy to reach out to the JCE or engage with the state over the implementation of legal identity measures. Instead, they focused on the experiences of Haitian migrants and their children.

5.7 Criticism of Legal Identity Practices

The Dominican journalist and human rights activist Juan Bolívar Díaz was highly critical of identification measures. Juan has regularly written for Hoy newspaper on the systematic exclusion of Dominicans of Haitian descent from the Dominican civil registry[203]. From the mid-2000s, he noticed the JCE had started refusing documents to people with 'strange surnames'[204]. He did not link this to legal identity. Instead, he saw this as a violation of fundamental rights. Juan underlined what he saw as some of the absurdities arising from recent registration measures. He said that inspections of civil registry records had affected individuals born in the Dominican Republic over three or four generations. He maintained this group may originally have come from Haiti but culturally, linguistically and psychologically they were Dominicans. He noted the

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[202] These actors included the UNHCR, the Center for Justice and International Law (CEJIL), Open Society and the Robert F. Kennedy Center for Justice and Human Rights, among others.
[203] For articles on this subject, see *Juanbolivardiaz.com* [Online] Available at: http://juanbolivardiaz.com/ (Accessed 31st October 2016).
[204] Ibid.

transnational implications of these measures, underlining that some affected populations were not even based on the island but lived outside the country.

Juan called the treatment of Haitian-descended populations an act of racism. He talked about the historical trauma and violence associated with the Dominican identity. The mulatto, he argued, was not the product of love between two people but was born from rape. The white Spaniard, the slave owner, the coloniser, the oppressor had systematically abused the black woman to express his primitive and macho needs. This is why the Dominican male does not accept his black identity, he reasoned. A Dominican cannot be a negro or mulatto but instead seeks to find acceptance as an *indio* or white man:

> 'There is racial hatred. It is about revenge. Revenge against the blacks who have invaded the country. Not because we have exploited them for decades with low wages and terrible conditions [sarcastic tone]. They invaded us(!) [laughs] Some things make no sense. Errors have happened. Mistakes have been made. *Dominicanidad* is an elastic term. A Dominican doesn't recognise himself. We have no racial or cultural identity if we deny the black component in our blood, our culture. We are blacks and we are Spanish. We're not Indians. We don't have Indians. We use the term *indio* to say we are not black. Those who are in the minority are the whites. There are not just mulattos but blacks. Many people who are mulattos think that they are white. That's until they arrive in Europe or the US and they realise they are not as white as they had initially thought.'
>
> (Bolívar Díaz, 2016)

In contrast to the focus of international organisations, NGOs and fieldworkers on children and young people, Juan instead expressed concern over the impact of registrations on the elderly. He saw the demands placed upon adult populations, and the elderly in particular, as unrealistic and cumbersome. Like Odalys at the JCE, he asked why so much energy was put into insisting that all populations across every generation had their paperwork. He said that this made no sense for older people, particularly the

poor, as they rarely got married[205]. They had little need for divorce papers or other documentation such as a passport. They hardly ever travelled. He stated:

> 'What do they [the elderly] need these documents for? They don't need a birth certificate. These people were excluded but in practice many still had some form of documentation.'
>
> (Bolívar Díaz, 2016)

Juan said that recent registration practices have destroyed lives and the state had taken opportunities and money away from Dominicans. He gave three examples. Firstly, that of a baseball player based in San Pedro de Macorís who had secured a contract to play in the US but could not travel due to disputes over his documentation. Secondly, a young woman working at a tourist resort in the east of the island. She already had a birth certificate, *cédula* and passport. The JCE, however, refused to allow her to renew her birth certificate and she was subsequently unable to renew her passport. This decision, he stated, prevented her from travelling to Italy to get married. Thirdly, he noted how JCE practices have aroused suspicion for all citizens. He gave an example of a family friend whose name appeared on the list of excluded even though she was of non-Haitian origin[206].

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[205] This reality is often overlooked by international actors. When interviewed, people may say they are 'married' (*casados*) when in reality they are 'co-habiting' (*amancebados*). Rarely does this indicate a couple has formally married either through the church or civil union. When Dominicans talk about getting married, this cultural term refers to when cohabitation began. In income-poor communities, it is common for a person to refer to his or her partner as husband/wife (including in homosexual partnerships) even when no formal ceremony has taken place. Western researchers, development specialists and ethnographers can often overlook these nuances, particularly when unfamiliar with the country. A lack of formal registration of populations has created practical difficulties for parents if the father and mother are not able to provide official confirmation of their relationship in the form of a wedding certificate. This reality is often misunderstood by international researchers, particularly when collating data from poor populations in *batey* communities. This can lead to misleading statistics when no record exists of their co-habitation or formal union as a couple.

[206] To verify this story, I located the details of this individual on the 169/14 list of names published in the local newspaper. See Listin Diario (2014a) *Law 169-14: List of Names Published by the JCE*. All details remain anonymised for the purpose of this study.

5.8 Legal Identity and Exclusion: Circumventing Registrations

Finally, I met with the director of a secondary school in Guaymate, La Romana [anon]. Her comments clearly conflicted with the concerns of Samuel at the World Bank regarding the theme of exclusion from education due to a lack of identity documentation. These comments were similar to the feedback I had received from Odalys at the JCE regarding persistent informality in the health and education sectors. Although these systems were improving, people consistently found ways to navigate around demands for paperwork. Nevertheless, as these demands increased, it was becoming increasingly difficult to avoid the issue. The school director had approximately 90 students on record but said she always tried to include undocumented children into her school. She openly admitted to not playing by the rules because, she reasoned, she saw the value of an education and registered children whether or not their parents could present a birth certificate. The director said she filled out the registration form on their behalf as she did not want the children to miss out. She knew it was not allowed but she was happy to do so.

As a child, she had missed one year of school due to a lack of birth certificate and understood what that type of exclusion felt like. She told me, '*Ellos* [*mis padres*] *se descuidaron conmigo*' ['They [my parents] were careless with me']. It was interesting to hear her express her lack of registration as a form of neglect or lack of care by her parents. It resonated with me that she saw it her duty to include undocumented children into her school. She stated very clearly that she did not care if the children were Haitian or Dominican as she thought all children had the right to receive and education and be in school. The assumption, when talking to Samuel (formerly) of the World Bank, was that this group was regularly excluded from an education. Her response highlighted that as legal identity practices are becoming more concretised, and the use of the *cédula* more

formalised, it will be harder for not only the individual but also the actors working in education, healthcare and other areas to circumnavigate these systems and try and include the undocumented. The school director then continued to tell me:

> 'There was one young girl [born to Haitian-descended parents] at the school. Her mother wasn't declared. So, we had to first declare the mother to ensure the daughter could then attend school. Years went by and she still didn't go to school. Most schools do not accept unregistered children. I registered her and she managed to finish her *bachillerato* with a letter from a lawyer that stated her case was being processed. It confirmed they were working on this. He then brought along her documents when she had already finished school. She was later able to go to university. It was a little late, but she did manage this. If it had happened later, she would have had to start school now. Most in the school have a birth certificate but a minority don't. They don't exist at all. It's a struggle to study. They can't get a *cédula* because they don't have documents. They can't have money in the bank.'
>
> (School Director, ANON, 2016)

The director nevertheless acknowledged that it was becoming much more difficult to avoid the registrations system. As processes were becoming more formalised, the state was demanding more accurate data from the school regarding student enrolments. She said this made no difference to her and she would continue to include all students regardless. In rural areas, she noted, registrations were still extremely informal. While it was becoming harder to register a child without a birth certificate, she saw the education of children as a priority. It really made no difference to her where their parents were from. They still had to sing the anthem every day and pledge allegiance to the Dominican flag. This, she told me, made it very clear to her where their loyalties lay.

5.9 Conclusion

Social protection is intrinsically linked to the civil registry and documentation. It relies on robust state institutions to function effectively. The interview process in this chapter has highlighted the expansive role of legal identity measures. It was clear that, since the mid-2000s, the Dominican state had significantly improved its bureaucratic

organising of domestic populations. The successes are noteworthy. As I learnt from speaking to informants, there had been considerable investments into infrastructure and staff training. There were less *buscones* on the street asking for money and acquiring paperwork through fraudulent means. Improvements in the digitisation of data meant that Dominicans living overseas no longer had to physically return to Santo Domingo to obtain paperwork. The banking sector, including international actors such as Visa International, encouraged the financial inclusion of previously undetectable populations.

Social assistance had grown to reach hundreds of thousands of beneficiaries through the Solidaridad card. Cash transfers had encouraged behavioural changes in Dominicans so that more were registering their children and family members and encouraging others to do the same. As this thesis has nevertheless highlighted, although social policy bolstered legal identity mechanisms to include populations, it also created a space for exclusion. Before changes to registration procedures in the mid-2000s, vulnerable and informal populations living in the Dominican Republic had little motivation to acquire paperwork. For Haitian-descended populations in particular, legal identity measures began to create real problems. Education, healthcare and welfare services became more accessible for persons the state recognised as citizens yet also led to contestations regarding who the Dominican state recognised as eligible for citizenship. We will learn more about the direct impact of legal identity measures in the next chapter.

Upon finishing our interview, I thanked Samuel for his time. He told me he had left the Dominican Republic in 2007 and had not closely followed what had happened in the country since then. Our conversation ended with him asking me:

'So, how did that whole registrations thing pan out anyway?'

Navigating *el tollo*[207]:
An Examination of the Impact of Legal Identity Measures on Documented Populations

When policies motivated by anti-Haitianism are implemented,
the negative impacts are felt by all people who are somehow
marked as Haitian, regardless of whether they are recent migrants,
third generation Dominicans or even black Dominicans with no
Haitian ancestry. Anti-Haitianism destabilizes the citizenship system,
as well as broader senses of membership and belonging.
(Aber and Small, 2013, p. 81)

'A person is not just their nationality.
Dominicanidad is a word that limits you, it restricts you to a certain role.
It is not just about beer, the *malecón* (seafront), the beach or drinking rum.
It is a word that we are using to *organise* people.'
(Cluster 3, Group A, Informant C)

6.0 Introduction

Thus far in this thesis I have shown how the expansion of social policy measures improved the targeting and identification of Dominicans of both national and non-national origin. Although they promoted the need to provide all citizens with a legal identity, these measures also resulted in difficulties for some foreign-descended populations who found the state challenged or refuted their claim to citizenship paperwork. This chapter links the observations of the actors working to combat under-registration we examined in the last chapter with the lived experiences of (mostly) documented persons of non-Dominican ancestry. I illustrate the 'heterogeneous and complex' (Tonkiss and Bloom, 2015, p. 844) impact of legal identity measures on adult populations, many of whom were already registered within the civil registry and held some form of citizenship documentation (i.e. a Dominican birth certificate or national identity card, *cédula*). For the purposes of this study, I interpret these as an 'assemblage' of measures (Goldring and Landolt, 2013) that not only cast doubt and uncertainty over

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[207] Dominicans regularly apply this term to describe their frustrations with the civil registry. *Tollo* = mess or institutional chaos.

access to citizenship but also increasingly place the burden of proof on the citizen to evidence their right to belong.

In contrast to studies that solely examine the experiences of undocumented children born to Haitian migrants (i.e. 'stateless' populations) – persons already living at the *fringes* of citizenship[208] - instead I largely consider the experiences of 'un-Dominicans'. As Martínez notes, persons in this group are Dominican *citizens* yet have faced bureaucratic obstacles when attempting to acquire state-issued paperwork[209]. Rather than focus on migrants or undocumented populations therefore, I examine the experiences of documented persons. I do this to illustrate the interactions these individuals have had with state architectures and, where possible, to show the ways in which they have navigated these systems to obtain and/or retain their legal identity paperwork. This, I argue, highlights the importance of the Dominican case as it illustrates tensions between contemporary understandings of the assumed inclusionary impact of legal identity practices and how these are experienced empirically (Bhabha and Robinson, 2011). In addition to this, to date, scholars have largely assumed that those affected by the 2013 *Sentencia* were persons of Haitian ancestry. This fieldwork study confirms this. In addition to this, however, I consider the ways in which legal identity measures form part of a broader *destabilising* process (Aber & Small, 2013) across populations. While indisputably motivated by anti-Haitian practices, I demonstrate how these measures can affect all citizens.

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[208] See Lawrance, B. N. and Stevens, J. (2017) *Citizenship in Question: Evidentiary Birthright and Statelessness*. Edited by J. S. Benjamin N. Lawrance. Durham and London: Duke University Press.
[209] See Martínez, S. (2015) *'Anti-Haitian Exclusionism in the Dominican Republic' - YouTube, Center for Religion, Ethics and Culture*. Available at: https://www.youtube.com/watch?v=TLLUztLPJkk (Accessed: 22nd September 2015).

6.1 Part II Fieldwork Analysis: Methodology and Interviews

I initially intended, in the wake of the 2013 *Sentencia*, to examine how the Dominican state was [retroactively] (re)classifying the citizenship of registered nationals. This was because the bulk of literature on this theme frames the ruling as a case of denationalisation/citizenship-stripping. As the fieldwork progressed, and once I had analysed the informant interviews from this chapter, the instrumental role of international social protection measures in governing domestic registration practices became increasingly apparent. This finding allowed me to locate the documents associated with the World Bank Social Protection Loan[210] and identify key social policy actors working to implement legal identity measures. The study covers fieldwork carried out in the Dominican Republic from March until September 2016. This began with a three-month mapping exercise involving interviews with native-born documented persons of (largely) foreign descent (18+). In total, I carried out 40 one-to-one semi-structured, qualitative interviews approximately 45-60 minutes in length. As I explained in Chapter 2, I decided not to restrict the study to migrant dense areas such as the *batey* and the Haitian-Dominican border; locations traditionally popular with researchers. Instead, I wanted to examine experiences across a range of different socioeconomic backgrounds and geographical locations.

This approach allowed me to ask if these measures had had an impact on other groups, beyond the Haitian-descended populations they initially targeted. This included the impact of legal identity measures on native-born populations now living overseas. This is a particularly interesting development because it demonstrates how legal identity measures that target domestic populations can reach beyond the nation-state and impact

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[210] See World Bank (2007) *Dominican Republic Social Protection Investment Loan. Report No: 36299-DO*. Santo Domingo.

transnational populations and their descendants. Although I briefly touch upon this point in this study, this certainly offers an opportunity for further examination. It is nevertheless a noteworthy concern as it could potentially be developed for further postdoctoral analysis.

6.1.1 Interview Selection Criteria

Selection criteria for informants in this chapter were as follows:

- All informants were adults (18+) born in the Dominican Republic since 1929[211].

- All had, at one time, received some form of state-issued paperwork. Before commencing the interview, all informants (with the exception of Group B applicants[212]) had to evidence this by providing some form of legal identity document. This included either a state-issued Dominican birth certificate, a national identity card (*cédula*) and/or passport.

- Foreign-descended populations were defined (for the purpose of this study) as an individual with at least one parent and/or grandparent born outside the Dominican Republic.

- Participants were selected from a range of different socioeconomic backgrounds, geographical locations and rural and urban settings. Some had encountered difficulties in their interactions with state officials, but others were also unaffected, partially affected or indeed unaware of issues with their documentation.

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[211] This is the year Dominican citizenship was formally established within the Constitution.
[212] Native-born, non-registered persons with no formal registration.

- To ensure the full confidentiality of informants, all personal details of persons in this chapter have been anonymised[213].

6.1.2 Breakdown of Semi-Structured Interview Questions

Principally, I was interested in how informants navigated state architectures and (if relevant) how they overcame any challenges they confronted. I wanted to record their feelings and understandings of these processes. I was interested in how they viewed their documentation and what importance it held for them. During the semi-structured interview process, the informants were encouraged to provide a basic oral history of their ancestry, including (where applicable) how their relatives arrived in the Dominican Republic. They were asked to share details from their childhood about where they grew up and the memories they had of their siblings, parents, grandparents and extended family. Once I had built up a basic background of an informant's family background, I began to ask questions about their interactions with the civil registry (JCE) and how they acquired their documentation. This included details of how, when and where their birth was registered, what paperwork they currently held or had held in the past, whether or not they had a *cédula* and what they used this card for. Some variations of the questions I asked include:

- Have you ever encountered difficulty when obtaining your documentation?

- What are some of the memories you have of your interactions with state officials?

- What, in general, has been your experience of Dominican bureaucracy?

- Is paperwork important to you? What do you use your documents for?

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[213] See 6.2.3 Methodological Limitations and Ethical Concerns and Appendix for Consent Form and Information Sheet.

- Have your documents facilitated/impeded entry to specific spaces and/or services such as education, health or welfare?

- Have you ever encountered any difficulties in trying to obtain paperwork?

- How do your experiences differ/compare to that of your siblings?

I concluded by asking informants about their own perceptions of their national identity and *dominicanidad*[214]. Some of the questions included:

- Are there potential contradictions regarding state classifications and how you self-identify?

- Do you have strong feelings of belonging to your paperwork?

- What does your paperwork mean to you?

6.1.3 Methodological Limitations and Ethical Concerns (Revisited)

> '…uncomfortable fieldwork is often very good fieldwork.'
> (Hume and Mulcock, 2004, p. xxiii)

All key data shown to me by informants were kept anonymous at all times. When the information in this chapter appears vague (i.e. exact dates and places of birth, location of the informant, specific job titles and names) this is largely because I have taken the decision to omit these details to ensure the complete anonymity of an informant. Due to the sheer quantity of interviews I carried out (40 in total), I have chosen a selection of relevant case studies for each cluster (see 6.1.4 for Informant Cluster Breakdown). The information of interest to this study includes the nationality, sex and racial category (in the case of old ID cards) stated on the identification, the type of legal identity

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[214] Questions in relation to *dominicanidad* examined perceptions of national identity and belonging. This included how informants constructed their own sense of belonging in relation to their interactions with state institutions. It was also to get a clearer idea of the ways in which the state was using documentation to construct the Dominican identity.

documentation the person holds or held (i.e. a Dominican birth certificate, national identity card or passport) and new documentation they have been issued (i.e. a residency permit). All applicants were asked to accept the criteria provided on the information sheet before an interview commenced[215]. All interviews and exchanges with informants were carried out in Spanish, with the exception of one which was in Haitian *kreyòl*. The fieldwork also involved the examination of additional documentation including *fichas* (Dominican work permits given to Haitian sugar cane employees), hospital birth records and notarised statements to certify birth of individual in the country. One major ethical issue I encountered when carrying out this fieldwork was in my interactions with a Dominican NGO[216]. Initially, I decided it would be useful to approach this organisation to help me identify Haitian-descended populations included in Group A and Group B. This was because the NGO had a legal team that was examining individual cases. After meeting with one of their lawyers, they offered to organise a visit for me to three separate fieldwork sites, one in the east of the country, another in the west and a third close to the capital of Santo Domingo. The NGO offered, over a two-day period, to introduce me to 15-18 individuals who had encountered obstacles in obtaining their documentation. Their proposal was clearly advantageous as it would have given me direct access to a large number of informants in relatively little time. I was nonetheless concerned that the NGO in question had requested I pay them a fee to ensure access to informants. They also insisted on selecting which individuals I could speak to for this study. Principally, I was concerned that their input could negatively influence informant feedback and potentially lead to tailored responses. I therefore took the decision to decline this offer and try and find my own participants for the study.

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[215] See Appendix.
[216] I have intentionally kept the identity of this organisation anonymous due to the sensitivities of the project.

6.1.4 Informant Cluster Breakdown

Once I analysed the interview data, I divided the informants into four main cluster groups (see next page). Note: I do not use this format with the intention of 'pigeon holing' participants in any overly simplistic manner. I do this to provide an overview of how the civil registry challenged or contested the right to legal identity documentation to some within these clusters. I am aware that there are contradictions and conflicts with this framing[217]. Nevertheless, it provides a necessary overview of the ways in which different groups have experienced legal identity measures, highlighting the obstacles and challenges of informants in navigating state architectures to (re)obtain their identity documentation.

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[217] For example, my interview with Informant C (pp. 195-198) illustrated how the state can still challenge access to legal identity, even when this involves native-born persons of no immediate foreign descent.

Image 15 Informant Cluster Breakdown

Cluster No.	Informant Overview		Dominican legal identity documentation?	Informants No.	Status as Dominican citizens contested by the JCE?
1	Persons of no immediate foreign descent born in the DR: parents & grandparents also born in the DR		Yes	8	Yes, 1 person
2	Registered persons of foreign descent born in the DR to one or two foreign parents: six of Haitian, seven of 'cocolo'[218] and three of Chinese, Swiss and Belgian descent respectively		Yes	16	Some difficulties with civil registrations but generally surmountable
3	**Group A**[219]	Persons of immediate foreign descent, i.e. both parents were born in another country and migrated to the DR: six of Haitian, two of Argentinean and one of Japanese descent	Yes	9	Yes, via Law 169-14. This cluster encountered more difficulties than Cluster 2 but largely surmountable[220]
	Group B	Native-born, non-registered persons with no formal registration (all born to two Haitian parents)	No	5	Yes, via the National Regularization Plan for Foreigners (PNRE). (Re)Classified as foreigners.
4	Two miscellaneous cases that do not fit into any of aforementioned cluster groups		Yes	2	Yes, both.

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[218] *Cocolo* is a term used in the Dominican Republic and the Spanish-speaking Caribbean to describe Afro-descended populations from the Anglophone, Francophone and Dutch Caribbean.

[219] I identified each informant in Group A using the list of names published in a local newspaper. See Junta Central Electoral (2014) *Invitamos a todas las personas contenidas en este listado a pasar por las Oficialías del Estado Civil que aparecen en esta relación a recoger su acta de registro de inscripción que le acredita como dominicanos en virtud de la Ley No. 169/14*, *Listín Diario*. Santo Domingo. Available at: http://www.listindiario.com/Themes/Default/Content/img/jce.pdf (Accessed: 22 September 2015).

[220] Not all of the informants in this cluster were aware that their names had been included in Group A and were therefore traceable via Law 169-14. I identified this group having carried out my fieldwork interviews and upon analysis of the data. For ethical reasons, I did not inform participants if they were this Group A.

Before planning each trip, I approached local representatives, including religious and community leaders, church groups, educators and Dominican NGOs working with Haitian migrants and their descendants. When I arrived at each location, I also spoke with *colmado* (grocery store) owners[221], *motoconchistas* (motorbike taxi drivers) and street vendors. To ensure confidentiality, all interviews were held in private. With the exception of six individuals from Group B[222], all informants were asked to provide a copy of their Dominican birth certificate and/or nationality identity card (*cédula*) before commencing the interview.

6.2 Cluster 1: Persons of No Immediate Foreign Descent

This section involved interviews with persons of Dominican parentage with no immediate foreign ancestry. I included this group to compare and contrast their experiences with those of foreign-descended informants in Clusters 2, 3, and 4. All eight of the informants in this cluster complained about their interactions with the civil registry. All had obtained their biometric *cédula* with relative ease. Although most informants complained about waiting times, having to travel long distances and the costs involved with this, they all saw the benefits of the new card. They welcomed modernisation efforts and were grateful the JCE had given them the opportunity to rectify errors with their personal details. Many told me there had been far too much informality in the country and saw the need to improve registrations. As we will see, however, Informant C faced unexpected problems and was challenged by a JCE registry official. This had a significant impact on her sense of identity and her ability to register one of her children.

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[221] A *colmado* is a small shop selling basic food and alcohol.
[222] This is the group identified by the state as part of Law 169-14. These are persons born in the country yet with no proof of citizenship and never recorded within the civil registry.

Cluster 1, Informant A, San José de las Matas

Informant A, a forty-two-year-old woman with three children, lived in San José de las Matas, a rural town in the north-west of the country. She was from a low-income family and worked in agriculture selling avocados. She talked to me at length about the changes she had seen in her community during her lifetime. The country, she felt, was moving forward. Her family now had electricity and running water. Her children were in school. The informant, a Solidaridad beneficiary, spoke positively about the programme. She told me how representatives would regularly visit the area and always carried a lot of paperwork with them. They interviewed her and her children a total of five times and asked, she thought, a lot of strange questions about her home and her family. She did not ask why. They also spoke to her friends and neighbours in the village. The informant told me she had held two *cédulas* in her life: the old paper card and the new biometric version. She did not see her identity card as particularly important but was told she needed one for the Solidaridad programme. When I asked her about the benefits of obtaining the new *cédula*, she stated:

> 'Well, I need the *cédula* to use my Tarjeta Solidaridad. And to go to the hospital. You always use your *cédula* there. I use the Tarjeta every month. You go and give it to the colmado and they give you food. They give me 825 [pesos]. I've had it for a while. You need your *cédula* to get the Tarjeta…They use a machine in the colmado when you buy things. A lot of colmados have the machine now.'
>
> (Cluster 1, Informant A)

Informant A recently went to register for the new card because she had heard an announcement on the radio. A priest announced the registrations during mass and encouraged the congregation to visit the JCE. People in the community had also told her it was important. She went and sat in line and after a while a civil registry official called her to verify her details. A JCE representative then contacted her over the telephone after two weeks to confirm that she could go and collect her new document. The informant

said she was happy with her new card and found the process straightforward enough. She

reported no major issues with this.

Image 16 San José de las Matas

Cluster 1, Informant B, Samaná Bay

This informant was born to a middle-income family in the Bay of Samaná, a coastal town in the north-east of the country with a large number of *cocolo*-descended populations. She told me how, as a child, she was regularly awoken in the middle of the night by the screams of people drowning in the ocean trying to reach Puerto Rico by boat. Many were desperate to get to the island and used it as a springboard to the US mainland, she told me. The informant was married to a Haitian man, a pastor, who had migrated to the Dominican Republic. She told me that she personally had never encountered any problems with her documentation and that neither had her husband once he naturalised as a Dominican citizen. She got her first *cédula* at the age of 18 for university and, in contrast to Informant A, ensured she renewed her ID each time the state announced it necessary to do so. She had heard warnings in the media that the new identity card would be compulsory and people who did not update their documents were likely to encounter problems. As a Dominican woman with a Haitian husband, she acknowledged that Dominicans had more opportunities to move up the social scale. She said that, in comparison with Haiti, Dominicans do not have a lot to complain about:

> 'We compare ourselves to what is better, not worse. When I went to Haiti the poverty was so bad. They lack everything. They have nothing. There is no healthcare. Dominicans dream of going to a bigger country [sic] like Puerto Rico. Haiti was terrible. I went before the earthquake. They have a lot of beautiful places, but it is much worse there. It's like two different worlds. The world of the rich who live like they are in Hollywood and the life of the [everyday] people. In the DR, you can progress if you want to. You can move upwards... Poor Dominicans are at the bottom of the ladder, but Haitians will always be lower. A Dominican thinks he is superior to Haitians. His documentation is like a badge of honour, a gift from the state.'
>
> (Cluster 1, Informant B)

Informant B noted the importance of the *cédula* to complete the most basic of tasks. She told me you need the card at the bank, to register at university, to apply for a course, to get a passport. Nevertheless, she saw problems with paperwork as something

that affected the poor and uneducated. She reasoned she had never encountered major problems because she had always done things the 'right' way. She regularly travelled to the United States and wanted to ensure her paperwork was always up-to-date.

Cluster 1, Informant C, Tamayo, Bahoruco

All eight of the people I spoke with in this cluster had successfully renewed and obtained their new, biometric *cédula*. Notwithstanding, when Informant C, a domestic worker for a family in Santo Domingo, travelled to the JCE to collect her new card, a civil registry official told her there was a problem with her father's 'foreign-sounding' surname and the authorities would need to review her file. This woman was not of Haitian ancestry, and her parents and grandparents were documented Dominican citizens[223]. Her partner, a Dominican and father to the eldest child, was also registered and had his *cédula*. I met Informant C at the CEDESO office in the town of Tamayo, Bahoruco. As we saw in Chapter 5, in recent years staff at the NGO, some of whom were also personally affected by documentation issues, had been helping local Haitian-descended populations obtain their paperwork. The woman visited the office with her father. She told me she had approached the office staff as she did not know what else to do. It was clear she was visibly worried about the impact the situation was having on her family. She told me she had decided to go to an NGO working on 'Haitian' issues because she did know who else to approach about her problem. She said that sometimes people say she is Haitian because of her dark skin colour but insisted she was Dominican. She then showed me from a JCE registry official regarding an ongoing investigation to determine her nationality. The letter stated:

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[223] I was shown the Dominican national identity cards of the informant, her father and grandfather that corroborated this statement.

'Honourable Magistrate,

I, the undersigned, Civil Registry Official from the Municipality of Tamayo, wish to draw your attention to the following matter, with the aim of determining the true nationality of the lady ***, bearer of the Identity Card and Electoral Number ***, who is attempting to declare her son, yet appears to be of foreign nationality, for which we are carrying out this request for the corresponding purposes.'
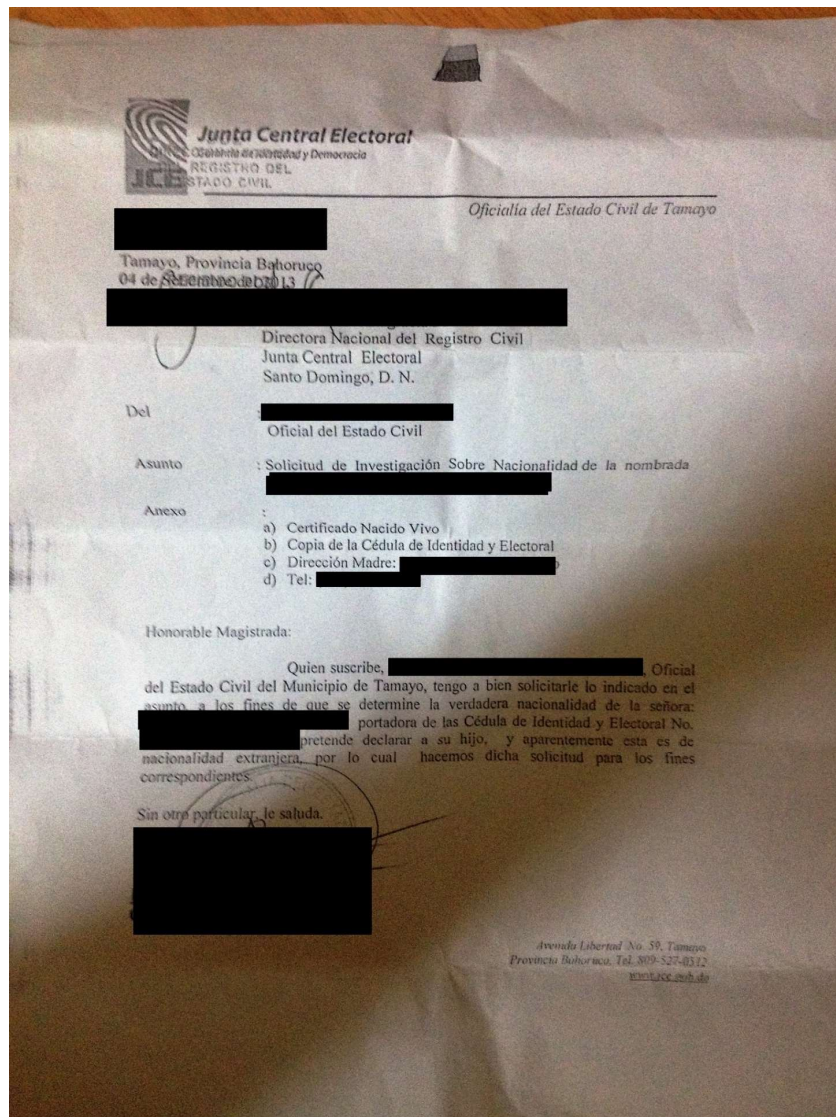

Image 17 Letter from JCE Querying the Validity of the Dominican Nationality of Documented Woman of Non-Haitian Descent

Informant C said that she was confused as to why she was experiencing these problems now. She was underage when she had her first child but was able to register the birth at the hospital using a *cédula de menor*[224]. By the time her third child was born in 2015, she was given a white slip from the hospital (*Constancia de Nacido Vivo)*[225] and was told to take it to the JCE. The document confirmed the child was born to a Dominican mother. She took this piece of paper and her *cédula* to collect the birth certificate. She was subsequently told she could not register her child due to a problem with her last name. She was told that her case was being reviewed and this would take a number of days. Three months later, she tried to get an update. She complained about her treatment. She felt the registry official did not speak to her appropriately and told her he could not resolve the situation. She was told her documents had been sent to the capital for review. She said the experience was very stressful and even led her to argue with her father.

The informant was clearly annoyed about the problems she was facing. She said she needed a birth certificate for her child. She told me her father had eight children and had declared all of them using the same surname. He had never encountered any problems, nor had any of her siblings. She could not understand why the JCE had singled her out on this occasion and was refusing her request for documentation. She wanted an explanation for what was happening. In the past, she had been able to speak directly with civil registry officials. Now, however, the JCE staff in Tamayo told her they had their hands tied and could not resolve her case without receiving a response from the main office in Santo Domingo. Informant A did not understand why her Dominican nationality was being challenged or how an anomaly might have appeared on her file. She had

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[224] This is an identity card issued to young mothers who are under the age of 18 so they can register their child.
[225] This is the document given to the mother of a child when born to confirm the personal details of the child, including the date of birth. Pink for foreign child, white for Dominican.

registered her other children and also had her new *cédula*. She said she got her identity card in the capital as she needed to show it to her employer. The process was fast. An official asked if she wanted to change any details on the card and she said no.

Informant C blamed the civil registry official who wrote the letter for making her life difficult. She did not see this as a systemic problem, but a personal one. She said the civil registry official in her town recognises and knows her. She saw it as a form of abuse and a personal attack. He is in a position of power and had chosen to create problems for her. As we concluded the interview, the informant was unclear about what to do next. She said she had never really thought much about what being Dominican meant to her but now she is being told she is not the person she thought she was. Her entire family is Dominican but the JCE is telling her she is foreign. She did not see the point or understand why this was happening. She wanted to get a birth certificate for her child and to find a practical solution to the problem as quickly as possible. She was worried for her future and that of the child she was struggling to register.

6.3 Cluster 2: Registered Persons of Foreign Descent

The 16 registered populations of foreign descent I spoke with complained much more about their interactions with the JCE than persons of non-foreign lineage. Six of the informants were of Haitian lineage, seven of Anglo, Dutch or Francophone Caribbean descent (the so-called *cocolo* population[226]) and three of Chinese, Swiss and Belgian

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[226] My conversations with persons of *cocolo* descent were particularly helpful because the state often presented (black) persons of *cocolo* descent as 'good' citizens in contrast to persons of Haitian lineage. The former, the state claimed, had taken the measures to regularise their status while the latter remained irregular and illegal. The authorities used this as a justification for why the *cocolos* were not experiencing problems to the same degree as Haitian-descended populations. They had always ensured they had their paperwork and therefore, the state reasoned, interactions with civil registry officials were positive. My focus on the *cocolos* allowed me to explore NGO claims that black people were being treated in a specific discriminatory way because of their dark skin colour. The reality of these claims, I discovered, was far more complex. See, for example, Santana, I. (2015) *Los descendientes de cocolos sin problemas con su estatus*, *Hoy Digital*. [Online] Available at: http://hoy.com.do/los-descendientes-de-cocolos-sin-problemas-con-su-estatus (Accessed: 13 June 2018).

heritage. They told me they saw the civil registry as a nuisance. Although the problems detailed in this section were surmountable, they were often met with annoyance.

Cluster 2, Informant A, Haitian Descent, *batey* near Bahoruco

I spoke to the owner of a local grocery store (known as a *colmado*) in a *batey* near Bahoruco. The man had Haitian grandparents and had grown up in the *batey* with his siblings and parents. We talked at length about the practical difficulties of living there and the scarcity of work. He lamented the lack of educational opportunities for children. The community had a small primary school but the secondary school was far so few children had access to further education. Families, he told me, needed a lot of dynamism and strength to move forward in life. As a *colmado* owner, the man occupied an important social position within his community. Although of Haitian descent, he had experienced no difficulties with documentation, showing me a valid identity card, driving licence and passport. He stated, nevertheless, that he was acutely aware of the problems some of his friends, neighbours and customers were facing. Specifically, people born to Haitian parents. He interacted daily with his customers, including Solidaridad welfare beneficiaries, and told me that they would go to his store and buy the basic goods they needed for their families. For others, however, life was not that simple. Every day he encountered customers who complained they could not obtain or renew their Dominican *cédula* to claim welfare or get healthcare assistance. He made a very clear connection between an increased emphasis on the need for documentation and the ability of Haitian-descended populations to rise up the social scale. He told me:

> 'The Vicini family [an influential and affluent sugar-producing Dominican family of Italian heritage]…they think they know what being Dominican means but I think they are mistaken. They talk about sovereignty. But if I can't be in the country because I am a Dominican of Haitian descent then neither can they. They are as much foreigners as I am. This applies to others too…Consuelo Despradel [a right-wing TV and radio personality] and the Cardinal [known for his vehemently

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pro-Hispanic, anti-Haitian stance]. People who support their cause. *Dominicanidad* is not just about pride. It is about seeing others who are losing their nationality. We are pushing them into a social limbo. There are children who can't study. Because of this attack, they can't move upwards. For people who don't have their documents, they are not insured. They can't even go to a clinic to be treated. They can't get hold of a Tarjeta Solidaridad and they don't have an insurance card. They [the Vicinis] don't experience any of this because they have the money, influence and social status.'

(Cluster 2, Informant A, Haitian Descent)

The informant said that although some of his family had stayed in the *batey*, most of his 12 siblings had moved to Santo Domingo or Santiago. All of his family had their paperwork. He was 12 or 13 years-of-age when his mother registered him in Cristóbal. He had renewed his *cédula* on three different occasions and never had any problems. When he got married, he was asked for a copy of his marriage certificate to change his civil status which he did without any issue. The process for obtaining the new biometric card, in his opinion, was also very easy. He was, however, acutely aware of the value of paperwork for other people. He saw it as an opportunity to leave the *batey*. Without it, he maintained, people were condemned to remain in precarious jobs with little access to welfare services. This was a situation that concerned him. He thought Haitian-descended populations, his neighbours and friends, were being treated as second-class citizens. The situation clearly upset him.

Cluster 2, Informant B, Haitian Descent, *batey* near Guaymate

My interview with Informant B highlighted the problem of Haitian-descended populations who had been given a *cédula* (often for politically-motivated reasons) but were never registered within the civil registry and therefore had no birth certificate. As demonstrated in this study, when social policy measures began expanding, this group increasingly encountered obstacles due to a lack of birth documentation. This left many unable to update their old paper *cédula* for the newer plastic version. While many who

had received a *cédula* assumed the card served as confirmation of their status as Dominican citizens, the JCE began rejecting applications for paperwork on the grounds that there was no record of their legal existence.

Informant B's great-grandparents were born in Haiti. She told me her parents and grandparents were born in a nearby *batey*. She recounted how, in the 1970s, representatives from the Social Christian Reformist Party (*Partido Reformista Social Cristiano, PRSC*) would visit the batey. The informant said that former President Balaguer[227] would strategically send trucks into Haitian populated areas during election periods. These comments echoed what the World Bank official Samuel Carlson had told me about the strategic use of the national identity card for political gain, particularly during the Balaguer era. The informant recounted:

> 'All people had to do was look at you and they would give you a *cédula*. It was not that difficult for Haitians or Dominicans to get hold of.'
>
> (Cluster 2, Informant B, Haitian Descent)

With the introduction of new legal identity measures, the state had begun to restrict, rather than expand, access to the *cédula.* My interview with Informant B highlighted this point. In 2011, she discovered, at the age of 52, that her birth details had not been registered with the JCE. She had tried to get her identity card as she was studying to finish high school for the first time. She approached a judge who gave her a piece of paper which allowed her to continue with her studies. Nevertheless, the institution told her she could not graduate without a birth certificate. She subsequently sought the help of an NGO platform which included CEDESO, the Institución de la Iglesia, Peace Corps, Plataforma Vida and Reconoci.do. Representatives from these organisations trained

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[227] Joaquín Balaguer founded the Social Christian Reformist Party (*Partido Reformista Social Cristiano, PRSC*) in 1963.

people in the community so that they could tell friends how to get their documents. They asked for a copy of her mother's birth and death certificate and identity card as well as a record of her baptism. They then helped her travel to Baní in the south-west of the country to visit the civil registry. Although she initially had encountered problems, she was eventually able to deposit her papers at the civil registry and ensure that her details were recorded within the system.

Cluster 2, Informant C, Haitian Descent, interview location not divulged

This informant and his parents were born in Batey 8 in Cristóbal in the southwest of the country. His grandparents migrated to the Dominican Republic from Haiti. He started school aged nine and did not finish his primary education. From the age of seventeen, he began working at a Free Trade Zone (FTZ) in the town of La Romana. Two years later, he obtained his first *cédula*. In 1999, the informant was contracted with other colleagues to work in South Korea for a textiles company. Similarly to Informant B, he noted the ease with which he could get his identity card and passport at that time. He also recognised the importance of having his identity card, telling me:

> '*Esa cédula me dio trabajo* [That document – my old card
> - gave me work]'.
> (Cluster 2, Informant C, Haitian Descent)

From 2010, the informant noted major changes with the registrations process. He observed, for example, that lawyers were no longer allowed to accompany their clients to the JCE. He told me it was around this time he also began encountering problems. His parents were born in the country and had recorded his birth using a *cédula*. Local officials, however, could not locate the number of the identity card in the registry. As a result, they requested he provide a copy of his mother's birth certificate. When he could not produce this document, he was sent to the JCE in Santo Domingo. He said he was made to travel

over five times to the capital at considerable expense to his person. It was a nuisance, but he was eventually able to resolve this issue. In 2016, when he went to renew his *cédula* as part of the new registrations, he was again told his file presented '*inconvenientes*' ('issues'). The reasons, however, were different this time. The first problem the system flagged was a misspelt first name. The second, that his *cédula* mistakenly stated he was a woman. He laughed about this situation saying he did not understand why this was such an issue now. In the past, state officials had overlooked the error and he even managed to get a passport that correctly stated he was a man. He was concerned that, because of these errors, he would not meet the deadline for his *cédula* renewal and this would affect his ability to vote in the 2016 presidential elections. Right before these began, an official at the JCE contacted him and told him to go and collect his new card. Informant C said he was treated well by the JCE staff. He was extremely happy when officials corrected his details and gave him a new card with the correct name and gender. He was also grateful he could get his *cédula* for free but criticised the additional costs involved with resolving these issues. The return journey to the capital was 600 pesos each time he travelled. He also had to wake up very early to ensure he arrived on time. He needed to legalise his documents, travel to the JCE and make copies. It cost over 200 pesos for his birth certificate which he needed to renew to get his identity card. He stated:

> 'You need a *cédula* to get around. If someone wants to make life difficult they can if you don't have one. In some places, they were no longer accepting the old *cédula* and that created some difficulties for me.'
> (Cluster 2, Informant C, Haitian Descent)

The one place the informant encountered problems was at the bank. Each time he went, he found it harder to withdraw money. Sometimes he used his driving licence as identification even though he knew he really should have shown his national identity card. When asked how he negotiated this situation, he said he had a personal contact there

who helped him. For over a year, he also had trouble accessing remittances via Western Union as the staff would not accept his old *cédula*. He told me he was much happier after the recent registrations as he was able to get his new card. Life, he assured me, was going to get much more manageable from hereon in.

Cluster 2, Informants D and E, Anglophone Caribbean Descent, La Romana

My interviews, with two women of *cocolo* descent, provided some historical context into state-led registrations. Importantly, informants D and E, both in their late 70s, recounted vividly their memories of the Trujillo dictatorship and the subsequent Balaguer authoritarian regime, linking recent registration drives to that era. They drew parallels between the new, biometric *cédula* and past experiences of increased state control and surveillance. Informant D was born in Santo Domingo. Her father, from Antigua, died in an industrial accident when her mother was three months pregnant. She recounted how a woman called *Doña Marta* (Lady Marta) had travelled to Saint Kitts to recruit her mother and sent her to work in the Dominican Republic. Doña Marta, it transpired, was a mistress who took young girls to the country to work as prostitutes. The informant told me about her difficult childhood. Her mother struggled as she did not speak Spanish and did not know a lot of people. She spoke about feeling different to other people from a young age. She recounted how she used to play in Parque Julia Molina (now Parque Enriquillo) in Santo Domingo. Children would jump out, pull her hair and call her *haitiana*. She remembers her mother registering her from a young age.

Informant E was born in San Pedro de Macorís. Her mother was from Antigua and her father from Anguilla. Her parents arrived in the country by boat as there were no planes at that time to transport people. The fathers of the informants were originally brought to the country to cut sugar cane. She had been issued with two *cédulas* in her life. The first, she acquired during the dictatorship. The second, with the recent registrations.

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She told me she had never experienced any problems in acquiring her documents. She nevertheless recalled how, during the dictatorship, the military would threaten people in the street for 'talking Haitian' (i.e. English). The informant told me how ashamed she was to speak English outside of the home for fear of mistreatment. She remembered how, in the 1940s and 1950s, people without a *cédula* were stopped and the police would often arrest them. The *cocolos*, she stated, were mistaken for Haitians because of their black features and dark skin colour. She said she found it suspicious that the government was now so concerned with registering everybody. She also noted how central the *cédula* had become to accessing specific services:

> 'You have to get the new *cédula*. If you don't have it, you are nothing. You need it. You can't do anything. In a hospital, an office, whatever happens you need your card.'
> (Cluster 2, Informant E, Anglophone Caribbean Descent)

Informants D and E told me they had always had a *cédula* and obtained the new card with relative ease. Nevertheless, a civil registry official in San Pedro de Macorís noted a misspelt name on Informant D's birth certificate but, rather than rectify the error, instead kept the spelling mistake on her new document. She told me she was not happy about this decision. Her name was important to her, she said. She felt, however, there was very little she could do as she was told the names needed to match. Paradoxically, although the two informants had told me how they had once been the target of state oppression and discrimination, in recent years the situation for *cocolo*-descended populations had changed drastically. Since the economy began expanding and neoliberal reforms were introduced in the 1990s, there were new opportunities for the descendants of *cocolos*. This group had some grasp of English, a fact now celebrated rather than rejected as something foreign or suspicious. *Cocolo* descendants are now sought after to work in tourism and Free Trade Zones (FTZs). The poor, she noted, are having a difficult time in the country and work is hard to come by. The *cocolos*, however, are now useful

to the economy and the state valued their presence. They are treated much better than they had been in the past, the two informants told me. They are no longer treated like Haitians, she said.

Cluster 2, Informant F, Swiss descent, Baní

Informant F was born in the rural town of Baní to a Swiss father and a Dominican mother. His father worked in agriculture selling mangos, avocados, plantain and papaya. At the age of two, he moved to Switzerland and returned to the Dominican Republic at 14-years-old. He found the transition very difficult. He complained extensively about his encounters with Dominican bureaucracy. One experience he shared was a robbery he experienced in 2011 at the entrance to his parents' land. Two men attacked him with a gun and took his money, identity card and driving licence. He said that the second a person loses their *cédula*, they are in trouble. The card is central to everything. Without a *cédula*, everything is closed off to you. My conversations with this informant highlighted the pivotal role of the *cédula* to basic administrative tasks. He noted how, when his card was stolen, he could not access other services.

In addition to these practical observations about his experiences with legal identity documentation, the informant also told me about his personal experiences of *dominicanidad*. Like many of the foreign-descended informants I spoke with, he told me about a complicated relationship with his own sense of belonging. He felt he occupied two very different worlds:

> 'I have a divided heart. I sometimes think I am Swiss-Dominican and other times I am Dominican-Swiss. In Switzerland they call me a '*suizo sucio*' (dirty Swiss) as I am not completely white or blond. In the Dominican Republic, I had the opposite experience and was teased for being rich and white. In reality, I was neither. I had forgotten how to speak Spanish when I returned to the country. The first two years were very difficult. The island restricted me, and Switzerland expanded me. I like being different and feeling unique though. But

Dominicans, we don't know who we are. We are French, Haitian, Spanish, European. All at the same time.'

<div align="right">(Cluster 2, Informant F, Swiss Descent)</div>

6.4 Cluster 3: Law 169-14: Registered Persons of Immediate Foreign Descent (Group A) and Unregistered Individuals of Foreign Descent (Group B)

All of the persons I identified in this section were the children of two foreign nationals. Their experiences were worse than persons in Clusters 1 and 2. The majority had to fight with the state to obtain legal identity documentation. Importantly, it was clear to the Haitian-descended populations why this was happening. Other persons of foreign descent could not explain or understand why they were encountering problems in accessing their documentation. They certainly did not link the changes they were experiencing to legal identity measures. Instead, they complained about the *tollo* and linked these practices to an informal and badly organised civil registry. In total, I interviewed 15 informants of immediate foreign descent (i.e. both parents were born in another country and migrated to the Dominican Republic) and divided these into two parts: Group A and Group B. Once I started to review my fieldwork data, I easily identified 9 persons in Group A via a list the JCE had published in a local newspaper[228]. They included six persons of Haitian descent, two of Argentinean descent and one of Japanese descent. Each Group A informant already held a state-issued *cédula* but had faced obstacles in renewing this document before the introduction of the new law. All of the informants of Haitian descent had been registered with a *ficha*. Constitutional

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[228] Group A was already recorded within the civil registry and identifiable via a list published in a local newspaper. On 26 June 2014, the JCE published the names of these people in the national newspaper Listin Diario (JCE, 2014). The document publicly named 55,000 people (approx.). See Junta Central Electoral (2014) *Invitamos a todas las personas contenidas en este listado a pasar por las Oficialías del Estado Civil que aparecen en esta relación a recoger su acta de registro de inscripción que le acredita como dominicanos en virtud de la Ley No. 169/14*, *Listin Diario*. Santo Domingo. Available at: http://www.listindiario.com/Themes/Default/Content/img/jce.pdf (Accessed: 22 September 2015).

Tribunal judges contested its validity as part of the *Sentencia*[229]. This was a work permit given to Haitians on sugar cane plantations. None were recorded with a *cédula* hence (I concluded) why their files had been flagged up on the government database[230].

Some informants knew they were named on this list, others did not. For ethical reasons, I took the decision not tell informants if I had identified their details on the JCE database. Their problems were, in most cases, surmountable but most had to navigate state architectures and make multiple visits back and forth to the JCE to acquire documentation. Most did not understand why they were encountering difficulties. None were told directly by the JCE that they were in Group A. In line with what social policy actors told me in Chapter 5, most people were instead informed that their files had flagged up anomalies, irregularities or 'gaps'. This sometimes led to direct confrontations with civil registry officials. Three of the candidates in this group were living overseas at the time of registrations, two in the United States and one in Argentina. I interviewed these three informants via SKYPE. I carried out one interview (Group A, Informant A) in Haitian *kreyòl* as the individual, although born in the Dominican Republic, was brought up in Haiti and did not speak Spanish.

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[229] 1.1.4. 'Ambas 'fichas' o 'documentos' resultan ajenas a los procesos de cedulación de la República Dominicana, por lo que se advierte que el padre y la madre de la recurrente no eran titulares de cédulas de identificación personal al momento de la declaración del nacimiento, puesto que en el registro del nacimiento de esta última no se dejó ninguna constancia de ello. Además, la naturaleza del documento de identificación del padre declarante muestra que era trabajador de nacionalidad haitiana que carecía de cédula de identificación personal, de lo cual adolecía igualmente su madre, puesto que tampoco existe en el expediente ninguna prueba de que ellos hayan regularizado legalmente su estancia en el país, obteniendo cédulas de identidad.'
See p. 54 Sentencia TC/0168/13, República Dominicana (2013) [Online] Available at: https://presidencia.gob.do/themes/custom/presidency/docs/gobplan/gobplan-15/Sentencia-TC-0168-13-C.pdf (Accessed: 5th March 2018).
[230] Civil registry officials 'approved the issuance of tens of thousands of valid birth certificates to the Dominican-born children of Haitian nationals, even though the latter often bore no proof of identity other than the 'temporary' identity cards (*carnets temporeros* or *fichas*) issued to seasonal workers by the sugar companies upon arrival from Haiti'.
See p. 146 Martínez, S. (2014) 'The Price of Confrontation: International Retributive Justice and the Struggle for Haitian-Dominican Rights', in Andreopoulos, George; Arat, Z. (ed.) *The Uses and Misuses of Human Rights: A Critical Approach to Advocacy*. New York, NY: Palgrave.

REPÚBLICA DOMINICANA

Junta Central Electoral

INVITAMOS A TODAS LAS PERSONAS CONTENIDAS EN ESTE LISTADO A PASAR POR LAS OFICIALÍAS DEL ESTADO CIVIL QUE APARECEN EN ESTA RELACIÓN A RECOGER SU ACTA DE REGISTRO DE INSCRIPCIÓN QUE LE ACREDITA COMO DOMINICANOS EN VIRTUD DE LA LEY No. 169/14

En la República Dominicana el Registro Civil se manejaba en las condiciones propias que caracterizan a las sociedades en vía de desarrollo, con las precariedades y necesidades que ello implica. Estas condiciones generales, que afectaban a todas las personas que habitaban en esta parte de la isla, y que convivían en los espacios de pobreza y pobreza extrema, nacionales y extranjeros, sin importar su condición migratoria, indujo a algunos a interpretar que en la República Dominicana habían prácticas discriminatorias, xenófobas y/o raciales, en contra de segmentos poblacionales, por parte de determinadas instancias públicas, ignorando que en realidad, no era más que la expresión de una situación generalizada que afectaba a los sectores de menores ingresos, a todos por igual, sin ninguna distinción, por el solo hecho, lamentable, de ser parte de la marginalidad y pobreza propias de países pobres.

En la última década, el Estado dominicano ha prestado especial interés en afrontar esta situación y garantizar a todas las personas los derechos que conceden la Constitución de la República y los acuerdos y convenciones internacionales sobre la materia.

Con la entrega de este listado, la Junta Central Electoral está cumpliendo con uno de los ejes fundamentales de la Reforma Migratoria en curso en la República Dominicana, que se sustenta en los siguientes instrumentos jurídicos:

- La Sentencia TC-168/13, de fecha 23 de septiembre 2013;

- La Ley 169-14, de fecha 23 de mayo 2014;

- El Plan Nacional de Regularización de Extranjeros en situación migratoria

irregular en la República Dominicana. G.O. No. 10737 del 15 de diciembre de 2015, (Decreto del Poder Ejecutivo No. 327-13);

- La auditoría a los libros del Registro Civil, realizada por la JCE;

- La Resolución 03/2015, de la Dirección General de Migración, que establece un procedimiento especial para la regularización del status migratorio a los estudiantes de nacionalidad haitiana en la República Dominicana, que representa una población superior a 15 mil personas.

Paralelamente, la Junta Central Electoral ejecuta un programa de Declaraciones Tardías en coordinación con el Gabinete de Políticas Sociales (GCPS) y el patrocinio y con el financiamiento del Banco Mundial para la disminución del subregistro, que según informe del mismo Banco Mundial, a la fecha se han hecho registros de nacimientos, como parte de este programa, en beneficio de un total de 255,512 Dominicanos y dominicanas. Con la ejecución de estas políticas públicas registrales, la República Dominicana garantiza los derechos fundamentales de todos los que habitan en su territorio.

En tal sentido, exhortamos a todas las personas que aparecen en esta relación a que acudan a la Oficialía del Estado Civil indicada en este documento o al Centro de Cedulación más cercano a retirar sus documentos en los cuales en virtud de la Ley 169/14 se les acredita su condición de dominicano o dominicana a fin de que puedan ejercer a plenitud todos sus derechos civiles y políticos.

A continuación, el listado citado, el cual también aparece publicado en nuestra página web www.jce.gob.do.

AUTORIZADOS

NOMBRE INSCRITO	MUNICIPIO	NO. REGISTRO	NOMBRE INSCRITO	MUNICIPIO	NO. REGISTRO	NOMBRE INSCRITO	MUNICIPIO	NO. REGISTRO
A BRISA BELTRAN BRISA	RAMON SANTANA	030-01-1941-383-00383	ABRAHAM JULIAN YAN	LA ROMANA	026-01-1974-198-00198	ADELCIA FRANSUA FRANSUA	GUAYMATE	103-01-1967-91-00091
A DE B BOLSI RAMON BOLSI	RAMON SANTANA	030-01-1940-392-01018	ABRAHAM LAROCHE RICHARD	SABANA GRANDE DE BOYA	090-01-1986-163-00163	ADELFA JEAN PATO	GUAYMATE	103-01-1989-48-00448
A FRANCISCO YLASM	RAMON SANTANA	030-01-1941-403-00403	ABRAHAM LUIS JUAN	SAN ANTONIO DE GUERRA	227-08-1982-66-00066	ADELFA MARIA IRIZARRY LACHAPEL DE VILLAR	SAN JOSE DE OCOA	013-01-1940-319-03819
A JOSEPH JOSEPH	RAMON SANTANA	030-01-1941-412-00412				ADELFIA YEAN HABE	HATO MAYOR	027-01-1978-137-00737
AARON THOMAS YACCINO RALPH	DISTRITO NACIONAL	001-01-2006-70-03870	ABRAHAM MARCELINO MIGUEL IBARRA	DISTRITO NACIONAL	001-01-1940-268-02140	ADELFINA YAN GARCIA	SAN ANTONIO DE GUERRA	227-08-1967-123-00123
ABAD DECIMO MESCA	GUAYMATE	103-01-1975-9-00209						
ABAD FISH CHARLE	EL SEIBO	025-01-1986-61-00281	ABRAHAM MURAT DURAN	LA ROMANA	026-02-1994-125-01320	ADELHEID NAVIDAD AMBAUEN TEJEDA	SAN JOSE DE OCOA	013-01-1996-150-00150
ABARGAS VALINES	YAMASA	005-01-1961-39-00539	ABRAHAM NUSAN CHARLES	GUAYMATE	103-01-1990-75-00275			

Image 18 Group A Identified as Part of Law 169-14 (Names Published in Listin Diario on 26 June 2014)

Group B consisted of six native-born, non-registered persons with no formal registration. This was the only group of informants not required to show any form of identification before commencing the interviews. All were of Haitian descent and lived in poverty. Informants in this group held no form of paperwork and were never registered with the civil registry. This group was not registered through the civil registry but instead was told to apply, together with Haitian migrants, via the National Regularization Plan for Foreigners (PNRE). Some, although not all, were then provided with a Migration Regularisation Card from the Interior Ministry and the Police (MIP). The principal difference between the card given to persons in Group B and migrants was the place of birth. Group B individuals, for example, were registered as foreigners born in the Dominican Republic.

Finally, I have included a miscellaneous section. This is because these were two exceptional cases that did not apply to any of the aforementioned Cluster Groups I had identified for this study but are relevant to the findings of this study.

Group A: Documented Persons of Immediate Foreign Descent
Cluster 3, Group A, Informant A, born to Haitian parents, location not divulged

Informant A was a 25-five-year-old man born in a *batey* in Los Tocones, Guaymate but now lives near the centre of La Romana with his Haitian 'wife' (i.e. his partner) and her ten-year-old child. Initially, he was fairly apathetic about getting his paperwork. He saw the process as a big inconvenience. He already had a job at a local discotheque and said his employers had never asked him for proof of status and always paid him in cash. He said he was happy with this arrangement. The informant told me he wanted to get his *cédula* because of numerous negative encounters he had already experienced with the authorities. When he was 22, local registry officials refused to give him his papers. He sold his motorbike and had to borrow money to travel to the capital. When there, an official refused to take his picture. He was told his Afro was an unsuitable hairstyle and was ordered to cut it for the photo. The informant said he was not happy about this. He also complained the police regularly stopped him in the street to ask him for this ID. When they saw him, they teased him about his hair which he referred to as his '*flow*' (i.e. his style). Sometimes, they pulled it, he told me. The informant was also put in jail on at least five occasions as he did not have his document. He said he resented being locked up for several hours with criminals. He was not a criminal and did not understand why a piece of plastic would change that.

The informant and his two brothers had had very different experiences of registrations. While he had found it difficult to get his identity papers, one of his brothers, who played baseball, had the opposite experience. This was thanks to a third party from

the sporting industry who intervened and managed the process for him. He said things were always much easier when money was involved. Their elder brother, however, had never been declared. He had to approach the mayor who insisted he instead get a Haitian passport. This, the informant maintained, was easier than trying to get his Dominican citizenship documentation because of all the recent problems. Despite being from the same family and born to the same parents at the same address, at one point, the three brothers had different citizenship statuses. Informant B had a birth certificate but no identity card and was identified in Group A as part of Law 169-14. His brother, who was trying to get to the US on a baseball scholarship, had all his Dominican documents and the state recognised him as a Dominican citizen. The third brother had no Dominican documents and was instead registered as a Haitian national, i.e. a foreigner. The informant thought the situation was completely ridiculous. When I asked him how he self-identified, he stated he was a Haitian and he told people this. He told me it did not matter to him what his papers said. He might have Dominican *cédula* but he was proud of his Haitian roots. Now he had his documents, he noted, it would be easier to study but, apart from that, he had saw little use for the card. The informant eventually obtained his first *cédula* with the recent registrations but complained the process was tiring and a lot of work. He first had to get a copy of his father's birth certificate and was later sent with his documents to the JCE where they took his photo. He waited for fifteen minutes and they gave him his *cédula*. He resented having to cut off his Afro to get his new ID card. In contrast to the NGOs and fieldworkers I spoke with in the last chapter, the informant did not interpret these actions as a form of discrimination or racism. Instead, he made light of the situation, joking that his style made him popular with the ladies which is why he liked his hair.

Cluster 3, Group A, Informant B, born to Haitian parents, now living overseas

The apathy Informant A demonstrated was drastically different to that of Informant B who was born to Haitian parents in a *batey* near the sugar-producing town of San Pedro de Macorís. As a teenager, he dreamt of becoming a baseball star but later studied at the national university and became a lawyer. He recounted how, at the time, there was not a strong culture of registering children, especially in rural areas. He had seen how the need for documentation has gradually increased since his childhood when, at the age of 11, nuns visited his *batey* and helped him get a a birth certificate. From 18 onwards, he began to encounter real problems that, he stated, had a detrimental and overwhelming impact on his person. Registry officials told him that, as the son of Haitians, he was not eligible for an identity card. The rationale for this, he maintained, was that his town was popular with the opposition party, the PRD (*Partido Revolucionario Dominicano)*. He reasoned that to the ruling PLD (*Partido de la Liberación Dominicana*), a *cédula* was seen as the loss of a vote. That was the real reason why children born to Haitians found it so hard to get their documents, he said.

After a long argument with registry staff, he was given his *cédula* but it read '*inhabilitado para votar'* (not eligible to vote). The informant insisted that, without the help of his friends, personal contacts and political connections, he would never have been able to obtain his paperwork. He said usually he hid his Haitian origins from his friends and colleagues. It was only when his name was published in Group A in the national newspaper that they found out about his Haitian roots. He noted that in San Pedro de Macorís, there are many people with non-Dominican surnames. It is an international town with lot of people of *cocolo* descent. Because of this, many colleagues did not assume his parents were Haitian. As he began to work in the public sector, he noticed the derogatory comments colleagues made about Haitians and tried to protect himself.

His brother also kept his origins a secret. All seven of his brothers and sisters had birth certificates but still experienced some level of difficulty in their interactions with the JCE. He found it curious that, although declared late, it was his siblings, recorded since birth, who were now encountering the most problems. His sister, for example, could not get into university. He said he found the situation particularly difficult because of his status as a lawyer and understanding of how the law should work. The state was violating their rights. Indeed, many of the people who have participated in the registrations process are lawyers, some were his colleagues. They know these actions are an infraction on people's rights yet at the same time they have benefitted financially from these problems.

The informant articulated with great clarity the ambiguity of race in the Dominican imagination. He told me:

> 'When there is such a negation of blackness…when someone has black features…they are seen as Haitian…even when the person has no connection whatsoever with Haiti…When people see that you have no accent and you speak Spanish exactly the same way as them, when they see you are educated and you behave in a certain way…people don't associate you with Haiti. They completely remove the notion that you could be Haitian or of Haitian origin from their head. For them, this comes as a surprise. The automatic response is always: 'How is that possible? You don't act like you're Haitian.' I had a Dominican girlfriend once at university who asked me what my second surname was. When I told her I had a Haitian last name, she didn't believe me. I had to sit down with her and talk to her about who I was and where my parents came from. Even when I see myself as black and am proud of my Haitian origins, they see me as *indio*. As something other than Haitian.'
> (Cluster 3, Group A, Informant B, Haitian Descent)

In the mid-2000s, the informant secured a state-sponsored scholarship to study for a master's degree in Europe. He returned to his village to request a certified copy of his birth certificate for acceptance onto this scheme. A civil registry official told him she had received an order not to give paperwork to people 'like him'. He was then sent to the capital to try and resolve the matter. He said he felt frustrated, powerless and vulnerable. When he arrived in the capital, he demanded to speak to a senior JCE official. This led to

a heated, near-violent confrontation during which they argued about the Constitution[231].

He told them they were violating his rights and needed to do their job correctly. The official told the informant he was not Dominican because his parents were Haitian. At this point, he was really upset and angry as he had already encountered these issues a number of times. The dispute ended with the official calling a lieutenant to take him away. Following this experience, he said he used his political contacts to secure two copies of his birth certificate. A friend then went with him to the Passport Office (*Dirección General de Pasaportes*) to get his travel document. Without these contacts, he told me, he never would have been able to secure the scholarship or travel abroad.

Once overseas, however, Informant B still encountered issues when he needed to renew his passport. An embassy official told him they were awaiting authorisation from the JCE and the Passport Office to sign and stamp his document. He said he felt powerless and abused. He found it illogical particularly as he had no-one to talk with and missed out on an important job interview with a prestigious international organisation because he was unable to travel. He noted the irony of the situation, stating:

> 'It [a Dominican passport]'s not really that great a great piece of paper, is it? Dominicans need a visa to go practically anywhere. In the broader scheme of things, It's really not the most useful of documents.'
> (Cluster 3, Group A, Informant B, Haitian Descent)

Once again, he encountered difficulties at immigration upon returning to Santo Domingo. An official stopped him and challenged him over the validity of his Dominican

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[231] This was prior to changes introduced to the 2010 Constitution. The informant and the civil registry official disputed the constitutional definition of nationality and who were defined as Dominicans. Specifically, who should be defined as 'in transit'.

passport. He said that this consistent ill-treatment made much more sense to him once he saw his name on the Group A list published in 2014. With this, he finally found a solution to his problem. He spoke positively about the process, saying it was fairly straightforward. While content that he had his new *cédula*, and that this now worked, he was nevertheless concerned that the authorities had publicly identified and named him. This, he said, affected his situation with his colleagues. Some told him they were surprised to discover, via the list, that he was 'Haitian' and asked why he had kept this a secret. He said he feels frustrated and powerless, that there were groups in power who wanted to maintain an anti-Haitian conversation to control and defend certain interests. He noted how ambiguous and conflictive this was, saying that Trujillo had killed Dominicans for their physical appearance and Balaguer deported people with no link to Haiti. He said that rich Dominicans all thought they were Europeans but that he strongly identified with his Dominican identity. He was born in the country and speaks Spanish. He has represented the government as a Dominican at international events. How can it be that, when abroad, the state sees him as a Dominican but when at home he is a Haitian? This did not make sense to him. He said that although his parents are Haitian, he had learnt Dominican values. His parents have integrated into society. They lived in a *batey* but his father was a tailor, not a cane-cutter, and ensured his children had access to an education. He said that *dominicanidad* was, in many ways, a denial of blackness, of people's African roots.

Cluster 3, Group A, Informant C, born to Argentinean parents now living in Argentina

This is an important case as it underlines some of the problems persons of non-Haitian ancestry have also experienced. Scholars have largely overlooked these cases to instead focus their research on Haitian migrants and their children. Significantly, Informant C, born in the sugar-producing town of La Romana, was a white woman born

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to Argentinean parents. They had arrived in the Dominican Republic via the United States during the Argentinean dictatorship. They were not permanent residents when she was born but had valid work visas as teachers[232]. Her parents declared her birth but did not have a *cédula* number with which to register their daughter. She saw the situation as absurd because, she said, they had been in the country legally and she was registered from birth.

Initially, Informant C was not overly concerned with the problems she began to encounter at the JCE but gradually she began to see these practices as unjust and discriminatory. She grew more upset. She saw how angry her father was becoming and that this was creating a conflict within the family. She said she identified heavily with Dominican culture. She sang the national anthem every day at school and felt a strong link to the country. She was a social activist who cared about where she was from. She was, she noted, a 'good and active citizen'. She had participated in marches and always tried to vote. She said that the civil registry officials talked about her nationality a lot. They told her the state did not recognise her as a Dominican. She could not understand how this could happen. Her mother had already naturalised as a Dominican and had always had her paperwork. The informant was born in the country and had spent her whole life there. When she went to the Argentinean embassy, she was told they could not register her without documentary evidence of her Dominican citizenship. It bothered her a lot. She said it made her feel like an alien from outer space, like she did not belong on this planet. She acknowledged that she was not always accepted and that as a white woman she doesn't typically 'look' Dominican. She thought that for some she would

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[232] I was not shown a copy of these visa, so cannot verify whether this information is entirely correct.

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never really be accepted as a Dominican because she was white. This bothered her, she told me.

In 2008, Informant C needed a copy of her birth certificate to register with the Ministry of Education for the national exams[233]. This was, she told me, the first time she discovered there was a problem with her status. She tried to resolve the issue with the JCE in the capital but was sent back to La Romana. Civil registry staff did not explain to her why they were refusing to issue her with a copy of her birth certificate and so they sought help from a family friend who was a lawyer. The informant expressed confusion with this situation, noting that the civil registry official who refused to give her a copy of her birth certificate was the same person who had signed her original document when she was born. To her, it made no sense why this person would begin to treat her differently[234]. In 2013, she participated in an anti-government rally against corruption. The following day, a JCE official phoned her house to discuss her case. She got really upset about the situation and mentioned she knew of similar cases of JCE employees calling the houses of other protesters. She felt singled out, however, because she was queried about the validity of her national status. She saw this as a sign that the government was creating a database of political activists and that this could be used against her. This situation made her feel scared and unsafe.

In contrast to the other two informants of Haitian descent, she was unaware of her Group A status. Instead, she saw state practices as typical of the *tollo* in the country. This was something that had prevented her from finishing high school. She clearly did not understand why these practices were affecting her. She said an official from the JCE contacted her in 2015 and she was given a piece of paper with a case number. In January

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[233] This is the test students take at 16 to graduate from high school.
[234] In other words, she did not link the actions of the civil registry official to legal identity measures. She therefore interpreted the situation as confusing and illogical.

2015, she had an interview at the civil registry in Santo Domingo. She took her old *cédula* and all the documents she had. She had represented the country in international competitions and took the certificates for those with her too. During the interview process, a JCE official asked the informant basic questions about her life: where she was from, where she went to school, the names of her neighbours, her nicknames as a child. She said they were testing to see if she had lived her whole life in the country, if she identified with Dominican culture and the way of life. It was not a difficult process and many of the questions did not have a right or wrong answer. She said she was tired of navigating bureaucratic hurdles and wanted to find a way out of her predicament. She stated:

> 'At that point, I decided to play the part of a smart little good girl. My mum sent me to get my hair done, she made me take out my earrings. I dressed well. I wanted to look calm. I said, 'Oh, look how lucky we are! We have found out about this and now we can come and resolve this issue. But in reality, on the inside, I was really angry. I didn't understand how, out of nowhere, a person could lose their nationality and no-one tells you. That's what happened to me in 2008. No-one told me anything. Nothing at all.'
> (Cluster 3, Group A, Informant C, Argentinean Descent)

The informant told me she did not have to wait a long time and the process was over relatively quickly. While at the JCE, she found out that the system had also flagged up a problem with her sister's file[235]. Because her sister was still a minor, she did not have to travel to the JCE for an interview. The registry official instead worked on both cases at the same time and asked that she answer questions on behalf of her sibling. Upon successful completion of this interview, she was awarded a new, biometric *cédula* and was told that neither she nor her sister would encounter problems. She said that the interview, which eventually was fairly straightforward, had nevertheless really worn her

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[235] I verified this information and found that the sister of the informant had also appeared named in Group A. All data relating to this file has been kept confidential.

down. She said she was frustrated but decided not to fight the system any longer. The experience has made her identity from a new perspective:

> 'A person is not just their nationality. *Dominicanidad* is a word that limits you, it restricts you to a certain role. It is not just about beer, the *malecón* (seafront), the beach or drinking rum. It is a word that we are using to organise people.'
>   (Cluster 3, Group A, Informant C, Argentinean Descent)

Cluster 3, Group A, Informant D, born to Japanese parents now living in Santo Domingo

This 44-year-old informant was born in the rural village of Jima Abajo in La Vega to Japanese parents. They arrived in the country after World War II to work in rice production. They formed part of the foreign colonies encouraged by the Trujillo regime to bring their agricultural skills to the country. The informant told me how, at the time, Japan was mired in poverty and many were desperate to find work or travel abroad in search of a better life. She talked about how '*la simpatía del tirano*' (the 'tyrant's charm) was a double-edged sword. She was fortunate, she said, that the dictator favoured the Japanese. He wanted them to modernise farming methods and, because they were not Haitians, he saw them as 'white' and therefore useful actors in his nation-building project[236]. The informant's mother arrived in the town of Dajabón on the Haitian-Dominican border at the age of nine and her father in Constanza, in the central region, at the age of 14. Some of the immigrants they travelled with also settled in Jarabacoa.

She told me that as the family did not grow up in a Japanese colony, and her parents had arrived in the country at such a young age, they had a lot of influence of Dominican culture. They ate Dominican food. They also spoke Spanish at home although

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[236] For a helpful overview of how the Trujillo dictatorship used Japanese populations as part of the nation-building project, see Perez Hazel, Y. (2016) 'Whiteness in paradise: Japanese immigrant narratives of identity, collective action, and Japan's national responsibility', *Asian Ethnicity*. Routledge, 17(3), pp. 435–455.

she later studied Japanese as an adult. The informant was registered at birth and got her first *cédula* when she was 16. She was thankful to her parents for doing that. In contrast to Informant C, she was aware that her name was in Group A. She said that she was surprised that this was the case especially as she thought she had all of her paperwork in order. Nevertheless, she did not see it as a big problem. She went straight to the JCE and had to answer some questions about her family, her neighbourhood and her personal life. In contrast to the previous informant who saw this as an infraction of her rights, this time I was told the process was very straightforward. The registry officials did not ask her for any more paperwork and she got her new card very quickly. When I asked her what *dominicanidad* meant to her, she said:

> '*Dominicanidad* is a political term. It's like a form of blackmail. Some people use it as a shield, but I think it goes deeper than that. It's appropriation, responsibility and belonging. It's not just about going around waving a flag at a baseball match or a concert. It also means having an awareness about the problems in this country and trying to look for ways to solve them. I don't see any relationship between my documents and my identity. Nationality and identity are not the same thing. Identity is something that makes you concerned about what happens in your country. If something happens in Japan, that makes me sad but as sad as when something happens here. Nationality is where you are born and the country that welcomes you. There are foreigners who get their paperwork because their family is living and working in a country. That doesn't mean their roots belong to that place. My roots belong in the Dominican Republic. It's my country...even when Dominicans don't see me as Dominican and in Japan they don't see me as Japanese.'
> (Cluster 3, Group A, Informant D, Japanese Descent)

The informant was very well travelled and had visited Japan, Brazil, Mexico, Paraguay, Peru and the US. She said she always travels with her Japanese passport because of the hassle getting a visa for her Dominican passport. She said she gets annoyed sometimes when people call her '*chino*' (Chinese). She always corrects people and tells them she is Dominican, but her parents are Japanese.

Group B: Native-Born, Non-Registered Persons with No Formal Registration

Group B was, by far, the most vulnerable group I interviewed. All were born to Haitian parents and living in extreme poverty. These individuals were never registered with the civil registry and had no documentary evidence that they were born in the country. As I did not request to see documentation from this group, there was no way I could corroborate whether or not an individual had been born in the country or if they were a migrant. People from Plan B registered through the National Regularization Plan for Foreigners (PNRE). Both Haitian migrants and Group B applicants who registered through the PNRE were supposed to receive a Migration Regularisation Card from the Interior Ministry and the Police (MIP). The card records their nationality as Haitian. The way to differentiate between a Haitian born in Haiti and a Group B applicant is the place of birth on the card which for Dominican-born applicants in a Dominican town, city, village or *batey*. Individuals in Group B were told they had the option to naturalise as Dominican citizens within two years of receiving the card. When I carried out the fieldwork, however, this process was unclear to informants and the cards were issued for two years. All informants in Group B reported feeling vulnerable and confused by the registrations. They also complained that the authorities (i.e. the MIP and the JCE) did not communicate clearly with them and there was confusion over the requirements. Although the process was free, they complained about the additional costs associated with registrations, such as travel and getting photocopies. They were also not happy about witnesses demanding money from them, so their names could be included on a notarized statement.

Cluster 3, Group B, Informant A, Sabana Grande de Boyá

Informant A was born in Sabana Grande de Boyá and her parents in Haiti. She said they had no documents with which to declare her as they had lost all their paperwork

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during Hurricane Georges[237]. She first heard about the PNRE from the television in her local colmado. She knew that the registration period was limited and that she needed seven witnesses to confirm she was born in the country. She went to the maternity ward to try, unsuccessfully, to collect her hospital birth record (*Constancia de Nacido Vivo*). She then tried to register with the Interior Ministry and the Police (MIP). She travelled back and forth there to wait in line. Each time she was told she needed to call back to get an update. She said the process was very long and her paperwork was not yet ready:

'I still don't have my paperwork. They didn't give me anything.'
(Cluster 3, Group B, Informant A)

Informant A told me she cannot go to the hospital and has to pay a lot of money to access health services. She studied until sixth grade but never worked. She says she is Haitian because her parents are Haitian. She needs a Dominican document because this will help her continue her studies, look after her children and give them a better life. If she has no paperwork, neither will her three children. She wants to declare them. She cannot register the children without a *cédula*. Informant A registered via the PNRE but is still awaiting confirmation of her application status and remains undocumented.

Cluster 3, Group B, Informant B, Sabana Grande de Boyá

In contrast, Informant B, had acquired her new card but was far from happy. She was born in Sabana Grande de Boyá, the town where the Yean & Bosico case originated. She had five sons and three daughters, all of whom are undocumented. She told me her parents were not born in Haiti but in the Dominican town of Barahona in the south of the country. They worked in the coffee and sugar industry. Her grandparents were '*de aquel lado* (from the other side, i.e. Haiti)'. Her father had a *ficha* but never declared the

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[237] Hurricane Georges had a devastating on the Dominican Republic when it hit in 1998. It killed close to 400 people and had a hugely detrimental impact of the economy.

children. She was born at home. She heard about the new registrations from someone in her community. She went with declarations from seven witnesses who could confirm she was born in the Dominican Republic and with her mother's Haitian birth certificate. She said her mother was given a Haitian birth certificate in the town by Haitian embassy representatives. They charged people 200 pesos to give out the documents. She said it was far easier to get a Haitian birth certificate than a Dominican one, noting:

> 'They were giving them [Haitian birth certificates] out to anyone who wanted one.'
>
> (Cluster 3, Group B, Informant B)

The first time she attempted to get a Dominican birth certificate, a JCE in Monte Plata told her the application was incomplete. After this, she paid a lawyer 3800 pesos (a substantial amount of money) to help her complete the process. She tried to deposit her documents on three different occasions. She said there were a lot of people waiting. Although her parents were born in the Dominican Republic, she was eventually forced to register through the National Regularization Plan for Foreigners (PNRE) because she had no other option. She had no documents to prove where she was born and this made things difficult. She obtained her Migration Regularisation Card from the MIP. The card stated her nationality as Haitian and that she was born in the Dominican Republic. She asked what on earth could she do with a card that identified her as a foreigner. She did not understand why, as she was born in the country, she was registered as a Haitian. There were Haitians and Dominicans in the queue. They talked about the documents and asked each other what documents they needed and how the process worked. She told people that she did not want documents from immigration because she was born here [in the DR]. She stated:

> 'I told someone [waiting in line for registrations] that I didn't want documents from immigration. What am I going to do with a document that's meant for foreigners? What am I going to do if I'm not allowed to get a *cédula*? I can't do anything with this document [she shows me her

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regularisation card]. About two months ago, I went to buy a phone and they didn't want to sell me one. They told me I couldn't get a SIM card because I wasn't registered [as a Dominican]. There are a lot of things I've wanted to do but can't. I can't get a good job with this card because they tell me I don't appear in the system. I'm not allowed to vote.'

<div align="right">(Cluster 3, Group B, Informant B)</div>

Informant B did not know what would happen once the card expired. She said she would like to go the JCE to try and get a *cédula* but did not really understand what she needed to do to get this. She has not been told how to naturalise and what she is expected to do. She is not clear about this. She thinks it is a trick and they have no intention of giving people in Group B their documents. She said she still wants a *cédula* to declare her children, to work, to vote. Her husband has his *cédula* and was also born in the country. This made no difference to her, she noted:

'A father cannot register his children. They tell him he can't do this on his own. A mother is allowed to do this, but a father can't. They [the JCE] don't give out documents. They say no. My partner hasn't even bothered to do this. We haven't even tried as we know they'll just say no.'

<div align="right">(Cluster 3, Group B, Informant B)</div>

Informant B said that her new document is worthless. She does not even walk around with it in her purse: 'What's the point?' she said. It was a lot of effort to get but no-one ever asks her to produce it. In contrast, she is regularly asked for her *cédula*. This has created problems. When she goes to the clinic for some tests, she cannot get these done without one. Sometimes they accept a photocopy of a neighbour's ID card so that she can get a smear test done. Without this, they say no. Nowadays, you need a *cédula* even to work as a maid, she told me. The informant used to work in Herrera (an industrial town to the west of Santo Domingo) and in Sabana Larga (a rural town to the north of San José de Ocoa in the southwest of the country) cooking, cleaning and washing for different families. Without a *cédula* she can no longer work with the recruitment agency that used to have her on their books. Life is getting more difficult for people like her, she told me.

6.5 Cluster 4: Miscellaneous Cases

The following two examples were the most challenging to categorise. For this reason, I created this miscellaneous section to demonstrate the complex, and at times contradictory, experiences of the informants who participated in this study.

Cluster 4, Miscellaneous, Informant A, born in La Romana living in Haiti

Informant A was originally born in La Romana but grew up in Marigot, in south-eastern Haiti. He did not speak Spanish and we conducted the interview in Haitian *kreyòl*. He showed me a copy of his Dominican birth certificate. As he had not lived in the country long enough, he never obtained a Dominican *cédula*. A family member contacted him in Haiti to tell him about the registrations as part of Law 169-14. His mother, who was still living in the Dominican Republic, went to the civil registry to speak with JCE officials and try and get a copy of his birth certificate. The informant said he wanted to take advantage of this opportunity to get his Dominican identity card. He knew that the registrations were important. As he had neither a Haitian nor a Dominican passport, he hid in the back of a vehicle to illegally cross the border into the Dominican Republic. The process had been extremely challenging. He has already visited the civil registry four times only to be told that his information was not yet available on the system. He said he was motivated to obtain his Dominican identity card as this would facilitate access to better work and educational opportunities. He knew he was entitled to the card and that this information had reached him while he was in Haiti. He was still waiting to hear from the JCE.

Cluster 4, Miscellaneous, Informant B, Guaymate

This interview highlighted the level of confusion experienced by many vulnerable populations when trying to acquire paperwork. Incredibly, Informant B, who lives in a

batey in the east of the country, was able to register through both the MIP as a Haitian migrant and the JCE as a Dominican citizen. This, she told me, was because she found the whole process utterly confusing and wanted to do the 'right' thing. She had heard rumours from her neighbours about potential deportations. She was told that any person without the correct paperwork would be sent to Haiti. Informant B told me she went to school but did not get very far. At the age of 15, she got 'married' (i.e. met and began co-habiting with her partner). Her 'husband' (i.e. partner) is Haitian and they have two girls, a six and a two-year-old. Her partner works in construction in the tourist town of Bávaro but also cuts cane so that they can continue to live in the *batey*. Her parents were Haitian. She was born in the *batey*.

Informant B told me her parents registered her when she was born, and she had a Dominican birth certificate. She said that getting a *cédula* '*estaba dando brega* (it was hard work)'. She went to the JCE in Guaymate with her birth certificate and *ficha*. She said there was a woman in the *batey* who accompanied young girls in the neighbourhood to the clinic and to the JCE to get their documents. The informant talked to her about her situation and was told she would find it difficult to get her *cédula*. She stated that because she was finding it difficult to get her documents from the JCE, she decided to register as a Haitian through the PNRE and took the decision to deal with the '*papeleo de los haitianos* (paperwork for Haitians)'. Rather than use her Dominican *acta*, instead she borrowed a Haitian birth certificate from her neighbour - 'a friend' - so she could deposit her documents with the MIP. She said she took this decision by herself. No-one told her she had to do it.

To gain some clarity on this, I asked her:

'OK. So, you're telling me that you had a Dominican birth certificate, but because the JCE had told you they didn't recognise the validity of this document, instead you decided the best course of action would be to register as a foreigner? You went to your friend and asked her to give you

her [Haitian] birth certificate. You then took this document (knowing it didn't belong to you) and used it to register as a Haitian. Is that correct?'

<div align="right">(Hayes de Kalaf, 2016)</div>

To which she replied, 'Yes'. We then both laughed about the absurdity of this situation. She rationalised that she was afraid because the authorities did not want to give her an identity card. She took the decision to falsify a document and register as a Haitian under another name. I asked her what she could have done with the PNRE card (the 'Haitian' card). She responded, 'Nothing'. Eventually, however, she returned to the JCE where she was given her new, biometric, Dominican *cédula*. I asked her what motivation she had for also getting this document. She said, the police used to stop and ask for her papers. She hoped that this would not happen again. The next step, she told me, was to register her two children. Her and her Haitian 'husband' (partner) had already encountered problems at the health clinic. He had registered through the PNRE but is still waiting for his migration card. She said she is going to declare her children as a single Dominican woman if her husband still cannot get the documents he needs. It would be easier to take him out of the equation altogether, she added.

6.6 Conclusion

<div align="right">If the modern 'problem of identity'
is how to construct an identity and keep it
solid and stable, the postmodern 'problem of identity'
is primarily how to avoid fixation and keep the options open.
Zygmunt Bauman (1996, p. 8)</div>

The aim of this chapter was to underline the multi-faceted impact of legal identity measures on populations. I have demonstrated that as the state began to expand registrations, individuals had to learn how to interact with state officials and circumnavigate state architectures to try and obtain their legal identity documentation. Importantly, I have shown how these practices form part of a *destabilising* process. While overwhelmingly impacting Haitian-descended populations, others have also been

affected. This has included individuals of non-Dominican ancestry as well as, in the miscellaneous case we reviewed, black Dominicans who have found the state has challenged or questioned their citizenship claims.

Despite the importance international organisations are now placing on the need for documentation, the theme of apathy as well as weariness with bureaucratic measures emerged. The informants regularly complained about bureaucracy. They saw it as cumbersome and tiring. Informants often demonstrated a level of confusion and/or irritation with legal identity practices. Informant B from Cluster 4, for example, was unsure about how to obtain her identity card. She openly admitted to falsifying documents, she pretended to be a Haitian migrant, queued in the wrong place and registered as a foreigner. In this case, she was apathetic as to which legal identity she obtained, or how the state would define her. Instead, she saw the whole process as a big nuisance. In addition, many informants did not see documentation a vehicle to access rights simply as something the state demanded and an inconvenience. Many did not understand why decisions were made. Despite the huge impetus to register Dominicans, and the high level of investment in legal identity measures, people still cared very little about documentation. Many expressed an ambivalence towards registrations. Some, particularly in poorer communities, were happy to live without documentation. They did not have a strong affinity to their documentation nor did they see the *cédula* as a badge of their identity. Many had grown tired with the additional layers of bureaucracy. For the poor, these measures are cumbersome particularly when the most basic of administrative tasks encompasses additional costs, such as transport and food. All informants, however, understood the practical value of the *cédula* and recognised the limitations for people who did not have this document. They knew that the card gave them access to different spaces, opportunities and experiences.

Informants noted the concerted efforts to clean up the *tollo* and provide all Dominicans with a birth certificate, identity card and unique identifier number. All informants I spoke to, including persons of Haitian registry, spoke favourably about improvements they had seen to the civil registry. In some cases, this had helped them secure their Dominican documentation and resolve issues they were unable to address in the past. This had led to positive solutions. During the 2014 registration drive many could rectify errors, such as a misspelt name, incorrect date of birth or even the wrong gender, within the system. The man of Haitian descent, who finally managed to change a mistake on his document that had him recorded as a woman, told me he was very happy with this change, for example. Others were also very positive about the registration processes as they finally received their ID card after a number of years. They recognised that the civil registry had improved and were complementary about the new *cédula*, stating it was a very easy process and was free.

As registrations shifted from informal to formal practices, people began to discover that their details were not on the system or that their foreign ancestry was flagged up to state officials. For marginalised and vulnerable populations, the costs involved were high. Informants were regularly sent back and forth to get their documents. They were interviewed and queried on the legitimacy of their Dominican identity. Many nevertheless were thankful about improvements. Staff, they told me, were now better trained to cope in their interactions with persons applying for documentation. As the anthropologist Samuel Martínez observes, the actions of the Dominican state are leading to:

> '…opportunities to escape from poverty [are] being systematically walled off. Not by barbed wire fences or guards toting firearms but by

identity documents, computerised databases and institutional gatekeepers.'[238]

<div align="right">(Martínez, 2015)</div>

The fieldwork also helped me observe the shifting ways in which informants interpret *dominicanidad* particularly in terms of race, social status and positionality. In the last chapter, we saw how Arsénito, a fifth generation person of Haitian lineage, still referred to himself as the son of migrants. In contrast, the white woman born to Argentinean parents in La Romana very much saw herself as a citizen and was indignant that the state could identify her as something other than Dominican. She talked about her battle with the state and how she played the role of a 'smart little good girl' to ensure that she could get her legal identity documents. Not only did she state she was expected to be thankful to the state for resolving her issues, she was also forced to show a form of docility to exist within it.

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[238] See Martínez, S. (2015) *'Anti-Haitian Exclusionism in the Dominican Republic' - YouTube, Center for Religion, Ethics and Culture*. Available at: https://www.youtube.com/watch?v=TLLUztLPJkk (Accessed: 22nd September 2015).

Chapter 7
Concluding Thoughts

Refugiado ciudadano de ningún lado
Libre pero esclavo
Viajero, no importa donde vaya
Siempre seré extranjero
A citizen refugee from nowhere
Free but still a slave
It doesn't matter where I go or travel
I'll always be a foreigner
(Dominican Rock Band Toque Profundo, 1993)

Although everyone enjoys the right to be recognised everywhere as a person
before the law, as birth registration and civil documentation grows in
importance, those who are left without are likely to find it increasingly difficult
to assert their rights merely on the basis of the claim 'I exist'…Neither legal
identity nor nationality is really the end game, it's about what flows from them,
i.e. a greater equality, greater inclusion and greater ability to claim rights.
Laura van Waas (2015) [239]

The Dominican case is a cautionary tale. As this thesis has illustrated, the
expansion of social inclusion practices and the modernisation of measures to provide
citizens with a legal identity resulted in disputes over which populations should have
access to documentation. This led to the 2013 *Sentencia*, with devastating consequences
for migrant-descended individuals told the civil registry had erroneously issued them
with their papers. In contrast to past regimes of oppression and the forcible removal of
black bodies, expressions of discrimination and racism have become covert; wrapped up
within a system that seemingly embraces new technologies and international norms to
facilitate social inclusion.

In this empirical, multidisciplinary thesis, I have offered a critical perspective into
social policy architectures primarily in relation to questions of race, national identity and

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[239] See Van Waas, L. (2015) *The right to a legal identity or the right to a legal ID? European Network on Statelessness*. Available at: https://www.statelessness.eu/blog/right-legal-identity-or-right-legal-id (Accessed: 2nd April 2018).

belonging. Importantly, this is the first study to identify a connection between the universal provision of legal identity in the Dominican Republic with arbitrary measures to restrict access to citizenship paperwork from populations of (largely, but not exclusively) Haitian descent. In doing so, I highlight the current gap in global policy that overlooks the possible alienating effects of social inclusion measures, particularly in countries that discriminate against migrant-descended populations. While other researchers have looked solely at the experiences of Haitian migrants, instead I chose to *dehaitianise* my approach to this study. Rather than assume that anti-Haitian prejudice was a sufficient explanation for the *Sentencia*, I also highlighted the role of international actors such as the World Bank, the UN and the Inter-American Development Bank in pushing the state to provide Dominicans with national identity cards to ensure the universal uptake of social welfare programmes.

These findings are urgent. I have underlined how attempts to introduce a modern, digitised citizenship registration system can result in various forms of inclusion and exclusion. While states like the Dominican Republic are keen to follow the World Bank's lead in promoting a legal identity for all, not least to continue benefiting from external funding and support, they have also balked at pressure to officially recognise the national status of persons of Haitian ancestry. In some cases, this includes individuals who do not fit comfortably within the state's vision of national identity and entitlement. Instead of looking solely at informal, unregistered or stateless populations, I have, in contrast, examined the impact of legal identity measures on *documented* individuals. This is to highlight the experiences of persons the state had, at one point, administratively identified as citizens. This will likely make a major contribution to the literature on social policy and citizenship, noncitizenship and statelessness.

International actors are currently promoting legal identity as a vehicle for inclusion. I have shown how scholarship needs to think more closely about how states are categorising and defining their nationals. In the run-up to the 2030 SDGs, international organisations are encouraging states to improve bureaucratic procedures that mark the income-poor and ensure they are more easily identifiable. Although now a central plank and cross-cutting global theme of the SDGs, scholarship on legal identity remains in its infancy. There is a dearth of empirical scholarship that traces identification practices, or that considers their impact on the lived experiences of populations. Through a focus on (mainly) migrant-descended populations, I have shown how legal identity can unsettle long-established identities and entitlements. In doing so, I have highlighted the perverse effects of these measures. By forcing the question of nationality, legal identity can also impact individuals across different socioeconomic backgrounds, living both domestically and overseas, and far beyond the populations they initially target (i.e. the income poor). As states move towards the demand that all populations (migrant-descended and otherwise) provide legal proof of their state membership[240], disputes over access to documentation are likely to continue[241]. Practitioners therefore need to see legal identity from a position of pragmatism. As van Waas acknowledges: 'Neither legal

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[240] One example of this is post-Brexit EU Settled Status scheme which comes into effect in 2019. The British government is already requesting that EU nationals apply to this scheme to guarantee the right to remain in the UK after it leaves the European Union. It relies on the ability of the applicant to provide evidentiary proof of residence in the country.

[241] Over the past four years, as I have been writing this thesis, several cases around the world have emerged that warrant scholarly attention. One example of this is the recent Windrush scandal in the United Kingdom. The Windrush generation are black, Anglophone Caribbeans invited by the British government to live in the UK between 1948 and 1971. At that time, they were British subjects granted leave to remain (Tonkiss, 2018). Nevertheless, in 2010 the British Home Office took the decision to destroy the landing cards that evidenced their legal and settled status in the country. As the scandal developed, the Windrush generation and their descendants were increasingly asked to provide documentary proof they came to the United Kingdom lawfully. Those who struggled to do this were prevented from accessing welfare and health services. Some lost their jobs, were refused passports or prevented from re-entering the country. Even though the state recognised this group as citizens, they were still treated as non-belongers due to their lack of evidentiary proof of status.

identity nor nationality is really the end game, it's about what flows from them, i.e. a greater equality, greater inclusion and greater ability to claim rights[242].'

In this thesis, I have taken the Dominican case beyond ethnocentric and state lines to instead highlight the growing influence of international actors over questions of identity and belonging. Rather than interpret this as a domestic immigration dispute between the country and its neighbour Haiti, I have instead highlighted the impact of *en masse* identification measures on individual experiences of legal identity. These, I maintain, serve to keep populations in their socioeconomic space, creating perpetual domestic 'foreigners'. As the sociologist Ginetta Candelario reminds us, these actions can facilitate the 'violent bureaucratic disappearing of bodies (re)produced as vulnerable labor born in but not of the nation' (2016, p. 110). By preventing the Haitian-descended from accessing their legal identity documentation, they are forced to remain in the shadows of Dominican society, unable to access the benefits and privileges to which they, as citizens, are entitled.

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[242] See Van Waas, L. (2015) *The right to a legal identity or the right to a legal ID? European Network on Statelessness*. Available at: https://www.statelessness.eu/blog/right-legal-identity-or-right-legal-id (Accessed: 2nd April 2018).

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Appendix 1

List of Stakeholder Interviews for Chapter 5

1. Samuel Carlson, principal economist and social inclusion, education and childhood development specialist responsible for the elaboration and implementation of the World Bank Social Protection Investment Project 2004-2007 [6th September 2016 via SKYPE

2. Miriam Rodríguez de Simó, former director of the Unique System for Beneficiaries (SIUBEN) [10th August 2016 at the Ministry of Economy, Planning and Development, MEPyD, Santo Domingo]

3. Van Elder Espinal Martínez, former director of the Social Subsidies Administration (ADESS) [11th August 2016 in a coffee shop, Piantini, Santo Domingo]

4. Fernando Reyes Castro, former director of Programa Solidaridad [17th August 2016 at the office of former Vice President Rafael Francisco Alburquerque de Castro, Santo Domingo]

5. Enrique Ogando, former director of the Legal Identity Documentation Component, Social Protection Investment Project (CDD-PIPS) [23rd August 2016 at the offices of the Executive Commission for Health Sector Reform, CERSS, in Gazcue, Santo Domingo]

6. Brígida Sabino, civil registry official, former Director of Late Birth Registrations and current Director of the Inspections Department at the Central Electoral Board (JCE) [25th August 2016 at the JCE Inspections Department in Santo Domingo]

7. Odalys Otero Núñez, Director of the National School of Electoral Training and Civil Status (EFEC) [26th August 2016 at EFEC in La Castellana, Santo Domingo]

8. Arsénito Santana, a healthworker at the Centre for Sustainable Development (Centro de Desarrollo Sostenible, CEDESO), a Dominican NGO [7th April 2016 at CEDESO head office in Tamayo, Bahoruco]

9. Yoni Tusen, community project development worker at 180° para la Cooperación y el Desarrollo, a Dominican NGO based in La Romana, [6th May 2016 in Guaymate, La Romana]

10. Midouard Confident, coordinator of *batey* outreach at 180° para la Cooperación y el Desarrollo[243], Dominican NGO based in La Romana, [6th May 2016 in Guaymate, La Romana]

11. Ana María Belique Delba, Founder of Reconoci.do[244] and employee at Centro Bonó[245], Dominican NGO. Ana was in a long-running dispute with the Dominican authorities over access to her Dominican national identity card [20th May 2016 at Centro Bonó, Mejoramiento Social, Santo Domingo]

12. Dr Bridget Wooding, Director of the NGO Caribbean Migrants Observatory (OBMICA)[246], Dominican NGO. OBMICA works with Haitian migrants and their descendants. It also facilitates dialogue between many international organisations and development agencies working on the Dominican case [19th August 2016 at the OBMICA office in Gazcue, Santo Domingo]

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[243] See http://180grados.info [Accessed on 20th May 2018]
[244] See http://reconoci.do [Accessed on 20th May 2018]
[245] See http://bono.org.do [Accessed on 20th May 2018]
[246] See http://www.obmica.org

13. The lawyer Jenny Morón who works with Haitian-descended populations affected by ruling 168-13, at the Movement of Haitian-Dominican Women (El Movimiento de Mujeres Dominico-Haitianas, MUDHA[247]) [25th April 2016 at the MUDHA office in La Balsa de San Luis, East Santo Domingo]

14. María Martínez, caseworker at the Socio-Cultural Movement for Haitian Workers (Movimiento Socio Cultural para los Trabajadores Haitianos, MOSCTHA[248]) [13th April 2016 at the MOSCTHA office in Villa Mella, Santo Domingo][249]

15. Juan Bolívar Díaz, Dominican journalist for Hoy Newspaper[250] and television presenter. Juan has been a prominent critic of recent registration measures [27th August 2016 at newspaper offices Periódico Hoy, Santo Domingo]

16. School Director [ANON] [4th May 2016 at a school in Guaymate, La Romana]

17. Dr Miguel Ceara Hatton, the economist, former Director of the Office of Human Development at the United Nations Development Program (UNDP) and editor of the UNDP Social Policy publications[251] [17th May 2016 at his home in Santo Domingo]

18. Leopoldo Artiles Gil, a sectorial specialist at the Dominican government, [10th August 2016 at the Ministry of Economy, Planning and Development, MEPyD[252], Santo Domingo]

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[247] See http://mudhaong.org
[248] See http://www.mosctha.org
[249] The responses I received from legal specialists 13 and 14 helped me identify Dominican state practices, laws and bureaucratic measures used to block Haitian-descended populations from accessing citizenship documentation. I incorporated this information into Chapter 4 of this thesis.
[250] See http://hoy.com.do
[251] See UNDP 'Política social: capacidades y derechos' http://www.do.undp.org/content/dominican_republic/es/home/library/human_development/politica-social--capacidades-y-derechos--volumen-i-.html
[252] See http://economia.gob.do

19. Dr Antonio Morillo, the economist responsible for the development of all Dominican Poverty Maps since the 1990s [10th August 2016 at the Ministry of Economy, Planning and Development, MEPyD, Santo Domingo][253]

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[253] The input I received from 17, 18 and 19 were extremely useful to build a picture of social policy institutions detailed in Chapter 3. I used their guidance to locate core policy documents cited in Chapter 3. they gave me for this chapter.

Appendix 2:
List of Informant Interviews for Chapter 6

Please note, for the purposes of confidentiality I did not disclose the locations of all the informants or the dates these interviews took place. I carried out my fieldwork in the Dominican Republic from March until September 2016. Two of the examples I have given for Group A candidates were carried out via SKYPE as these informants are now living overseas.

CLUSTER 1: Eight persons of no immediate foreign descent (i.e. both their parents and grandparents were born and raised in the Dominican Republic). For the examples given in Chapter 6, I selected three participants:

Cluster 1, Informant A, San José de las Matas

Cluster 1, Informant B, Samaná Bay

Cluster 1, Informant C, Tamayo, Bahoruco

CLUSTER 2: A total of 16 registered persons of foreign descent (i.e. with one or both parents and/or one or more grandparents born in another country before migrating to the Dominican Republic). This included six persons of Haitian descent, seven persons of '*cocolo*' descent and three persons of Chinese, Swiss and Belgian descent respectively. For the examples given in Chapter 6, I selected six participants:

Cluster 2, Informant A (Haitian descent), *batey* near Bahoruco

Cluster 2, Informant B (Haitian descent), *batey* near Guaymate

Cluster 2, Informant C (Haitian descent), location not divulged

Cluster 2, Informants D and E (Anglophone Caribbean cocolo descent), La Romana

Cluster 2, Informant F (Swiss descent), Baní

CLUSTER 3: A total of 14 people divided into Group A and Group B. Group A: nine persons of immediate foreign descent (i.e. both parents were born in another country and migrated to the Dominican Republic). This included six persons of Haitian descent, two persons of Argentinean descent and one of Japanese descent). Group A was divided by Law 169-14. I identified each informant in Group A using the list of names published in a local newspaper Group B consisted in five native-born, non-registered persons with no formal registration (all Haitian descent). For the examples given in Chapter 6, I selected the following participants:

Group A: Documented Persons of Immediate Foreign Descent

Cluster 3, Group A, Informant A, born to Haitian parents, location not divulged

Cluster 3, Group A, Informant B, born to Haitian parents, now living overseas [interview via SKYPE]

Cluster 3, Group A, Informant C, born to Argentinean parents now living in Argentina interview via SKYPE]

Cluster 3, Group A, Informant D, born to Japanese parents, now living in Santo Domingo

Group B: Native-Born, Non-Registered Persons with No Formal Registration

Cluster 3, Group B, Informant A, Sabana Grande de Boyá

Cluster 3, Group B, Informant B, Sabana Grande de Boyá

CLUSTER 4: Two miscellaneous cases that do not fit into any of aforementioned cluster groups.

Cluster 4, Miscellaneous, Informant A, born in La Romana, now living in Haiti

Cluster 4, Miscellaneous, Informant B, *batey* near Guaymate

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CONSENTIMIENTO

Impacto de los procedimientos de registro de nuevos ciudadanos en la percepción de la identidad nacional y de la dominicanidad.
Coloque su <u>inicial</u> dentro de cada bloque:

☐ Confirmo que soy **FUNCIONARIO PÚBLICO/ RESPONSABLE DE POLÍTICAS PÚBLICAS/REPRESENTANTE DE UNA ORGANIZACIÓN NACIONAL/INTERNACIONAL** [táchese lo que no proceda]

☐ Entiendo que mi participación en este proyecto consistirá en una breve entrevista de 45 a 60 minutos que puede ser grabada. Si no deseo ser grabado(a), debería informar a la investigadora antes del inicio de la entrevista.

☐ Entiendo que mi posición y mi nombre serán incluidos en el estudio y que debo informar a la investigadora si deseo que mis datos sean anónimos.

☐ Entiendo que la participación en este estudio es totalmente voluntaria y que puedo retirarme de la investigación antes de la fecha límite sin dar una razón.

☐ Entiendo que tengo la libertad de hacer preguntas en cualquier momento, durante o después de la entrevista, y que éstas serán respondidas por la investigadora en su debido momento.

☐ Entiendo que la información se mantendrá en una computadora protegida con contraseña y se almacenará en un lugar seguro.

☐ He tenido la oportunidad de discutir con la investigadora cualquier pregunta o preocupación que tenga durante esta etapa del estudio.

Teniendo en cuenta los puntos anteriores, **CONSIENTO / NO CONSIENTO** (táchese lo que no proceda) a que mi documentación sea objeto de revisión por parte de la investigadora.
De acuerdo con los criterios de este Formulario de Consentimiento y la Hoja Informativa suministrada, estoy de acuerdo en participar en este estudio llevado a cabo por la candidata doctoral Eve Hayes de Kalaf del Departamento de Estudios Hispánicos de la Universidad de Aberdeen, bajo la supervisión del Dr. Trevor Stack, Director de CISRUL.

Nombre (Letra de Molde):   Firma: Fecha:

Investigadora: Eve Hayes de Kalaf   Firma: Fecha:

Appendix 4:
Information Sheet for Stakeholders

Hoja informativa para representantes gubernamentales/organizacionales

Nombre del proyecto: Impacto de los procedimientos de registro de nuevos ciudadanos en la percepción de la identidad nacional y de la dominicanidad

Investigadora: Eve Hayes de Kalaf

Usted ha sido invitado(a) a participar en una entrevista semi-estructurada como parte de un estudio de investigación. Usted ha sido(a) elegido como participante porque es funcionario público, responsable de la política oficial del Estado o representante de una organización nacional o internacional. Antes de decidir si participar o no, es importante entender por qué la investigación se está llevando a cabo y en qué consistirá. Por favor tómese su tiempo para leer cuidadosamente la siguiente información.

¿Cuál es el propósito del estudio?

Esta investigación se llevará a cabo en dos fases. La Fase I consiste en entrevistas a 45-50 participantes. El estudio examina la documentación que se les dio para confirmar su estatus nacional. Nuestra intención es documentar las experiencias que las personas han tenido al registrarse como ciudadanos, y analizar el impacto de estos procesos en la percepción de la identidad nacional. La Fase II (esta entrevista) consiste en conversaciones con las autoridades estatales, responsables políticos y representantes de organizaciones nacionales e internacionales que participaron en iniciativas de protección social para aprender más acerca de cómo se realizaron estos procesos.

Las entrevistas serán relativamente informales y durarán de 45 a 60 minutos. Éstas pueden ser grabadas, pero usted puede solicitar que su entrevista no sea grabada, si así lo desea. Se le harán preguntas generales sobre su papel dentro de estos procesos. Tenga en cuenta que la investigadora puede ponerse en contacto con usted en una fecha posterior para reunirse de nuevo. Usted no tiene ninguna obligación de hacerlo.

¿Debo participar?

Su participación es voluntaria y toda la información se registrará en la más estricta confidencialidad. Si usted decide participar se le dará esta hoja informativa para guardar y se le pedirá que firme el formulario (Fase II) de consentimiento adjunto. Usted puede retirarse del estudio, pero debe informarnos de esta decisión a más tardar el **1 de noviembre del 2016.**

¿Cuáles datos o información debo mostrar?

Le invitamos a compartir documentos, informes y datos pertinentes con la investigadora para ser utilizados en este estudio. Tenga en cuenta que como responsable de la política estatal, funcionario público o representante de una organización nacional o internacional, su nombre completo y su ocupación se registrarán como parte de la investigación. Por favor, informe a la investigadora si desea que esta información sea confidencial para no incluir su nombre en el estudio. Sírvase también de informar a la investigadora si desea que su nombre y / o posición sea registrada de manera anónima. Los datos serán guardados en una computadora protegida con contraseña y almacenados en un lugar seguro. Todos los datos generados por el estudio serán retenidos de conformidad con el Marco de Gestión de Investigaciones de la Universidad de Aberdeen.

¿Qué pasará con los resultados del estudio?

Los datos recogidos durante este proyecto de investigación podrían ser usados en mi tesis doctoral. Los datos también podrían ser utilizados en futuras publicaciones, tales como libros, artículos de revistas, actas de congresos, entre otros.

¿Qué pasa si cambio de parecer sobre mi participación?

Usted no tiene ninguna obligación de participar en este estudio y puede retirarse cuando quiera. Si decide hacer esto, por favor, póngase en contacto conmigo directamente a más tardar el **1 de noviembre del 2016**, para que la información que nos ha proporcionado pueda ser retirada de la investigación. Después de esta fecha, no podrá retirarse de este estudio.

¿Quién organiza y financia este estudio?

Estoy llevando a cabo la investigación como estudiante de doctorado proveniente del Departamento de Estudios Hispánicos de la Universidad de Aberdeen. La investigación está financiada por el Centro para la Ciudadanía, La Sociedad Civil y el Estado de Derecho (Centre for Citizenship, Civil Society & Rule of Law), el

Principal's Excellence Fund, la Sociedad de Estudios Latinoamericanos y el David Nicholls Memorial Trust

¿Quién evalúa este estudio?

Este estudio ha sido aprobado por el Comité de Ética de la Escuela de Arte e Investigación Social de la Universidad de Aberdeen.

Contacto

Si usted tiene alguna pregunta, requiere más información sobre el estudio o si desea retirar su consentimiento para participar, por favor, póngase en contacto con la investigadora principal.

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Si usted tiene alguna inquietud acerca la forma en que se ha llevado a cabo el estudio, puede ponerse en contacto con mi supervisor el Dr Trevor Stack de la Universidad de Aberdeen: t.stack@abdn.ac.uk

Muchas gracias por su tiempo.

Appendix 5:
Consent Form for Informant Interview

CONSENTIMIENTO

**Nombre del proyecto: Impacto de los
procedimientos de registro de nuevos ciudadanos en la percepción de la identidad
nacional y de la dominicanidad**
Coloque su <u>inicial</u> dentro de cada bloque:

☐ Confirmo que soy mayor de 18 años, que nací en la República Dominicana y que en algún momento mis datos fueron registrados en el Registro Civil.

☐ Entiendo que mi participación en este proyecto consistirá en una breve entrevista de 60-90 minutos que puede ser grabada. Si no deseo ser grabado(a), debo informar a la investigadora antes del inicio de la entrevista.

☐ Entiendo que la participación en este estudio es totalmente voluntaria y que puedo retirarme de la investigación antes de la fecha límite sin dar una razón.

☐ Entiendo que tengo la libertad de hacer preguntas en cualquier momento, durante o después de la entrevista, y que éstas serán respondidas por la investigadora en su debido momento.

☐ Entiendo que como la información suministrada será anónima es altamente improbable que me relacionen con ella. La información se mantendrá en un equipo protegido con contraseña y se almacenará en un lugar seguro.

☐ Entiendo que doy mi consentimiento para que el proyecto analice algunos de mis documentos personales (como mi certificado de nacimiento, cédula o pasaporte) y que todos los datos suministrados por mí, incluyendo mi nombre, serán anónimos como se detalla en la hoja de información adjunta.

☐ He tenido la oportunidad de discutir con la investigadora cualquier pregunta o preocupación que tenga durante esta etapa del estudio

Teniendo en cuenta los puntos anteriores, **CONSIENTO / NO CONSIENTO** (táchese lo que no proceda) a que mi documentación sea objeto de revisión por parte de la investigadora.

De acuerdo con los criterios de este Formulario de Consentimiento y la Hoja Informativa suministrada, estoy de acuerdo en participar en este estudio llevado a cabo por la candidata doctoral Eve Hayes de Kalaf del Departamento de Estudios Hispánicos de la Universidad de Aberdeen, bajo la supervisión del Dr. Trevor Stack, Director del Centro para la Ciudadanía, la Sociedad Civil y el Estado de Derecho (CISRUL).

Nombre (Letra de Molde):   Firma: Fecha:

Investigadora: Eve Hayes de Kalaf   Firma: Fecha:

Hoja informativa para entrevistados

Nombre del proyecto: Impacto de los procedimientos de registro de nuevos ciudadanos en la percepción de la identidad nacional y de la dominicanidad

Investigadora: Eve Hayes de Kalaf

Usted ha sido invitado(a) a participar en una entrevista semi-estructurada como parte de un estudio de investigación. Por favor, tómese su tiempo para leer cuidadosamente la siguiente información. Usted ha sido elegido(a) como participante porque tiene más de 18 años, nació en el país y en algún momento se inscribió en el registro civil como ciudadano(a) dominicano(a). Antes de decidir si participar o no, es importante que entienda el por qué la investigación se está llevando a cabo y lo que implicará. Por favor, comunique al investigador si usted no se ajusta a los criterios anteriormente mencionados, ya que en caso contrario no será elegible para participar.

¿Cuál es el propósito de esta investigación?

Esta investigación se llevará a cabo en dos fases. La Fase I (esta entrevista) contiene conversaciones con 45-50 participantes, semejantes a usted, que crecieron como ciudadanos dominicanos. Esta es una oportunidad para que comparta sus puntos de vista sobre la dominicanidad y lo que significa para usted. El estudio examinará la documentación que se le dio para confirmar su estatus nacional. La razón de esto es documentar la forma en que se registró esa información, los documentos que utilizó y su experiencia en estos procesos. La Fase II incluirá entrevistas con funcionarios del Estado, responsables políticos y representantes de organizaciones nacionales e internacionales que participan en los procesos de registro de ciudadanía.

Las entrevistas serán relativamente informales y deben durar entre 60 y 90 minutos. Estas pueden ser grabadas, aunque usted puede solicitar que su entrevista no sea grabada, si así lo desea. Se le harán preguntas generales sobre la forma en que registró su información para obtener la ciudadanía dominicana, los documentos que entregó y cómo se siente acerca de su actual estado de ciudadanía. Tenga en cuenta

que la investigadora puede ponerse en contacto con usted en una fecha posterior para reunirse de nuevo. Usted no tiene ninguna obligación de hacerlo.

¿Debo participar?

Su participación es voluntaria y toda la información se registrará en la más estricta confidencialidad. Si usted decide participar se le dará esta hoja informativa para guardar y se le pedirá que firme el formulario (Fase I) de consentimiento adjunto. Usted puede retirarse del estudio, pero debe informarnos de esta decisión a más tardar el 1 de noviembre del 2016.

¿Cuáles datos o información debo mostrar?

Si desea compartir los documentos que haya recibido confirmando su nacionalidad dominicana, puede hacerlo. Esto podría incluir un certificado de nacimiento, cédula o pasaporte. No se preocupe si usted no cuenta con estos documentos. Usted no tiene que compartir esta información con la investigadora si no desea. Tenga en cuenta que toda la documentación proporcionada se mantendrá en el anonimato, y datos tales como su foto, nombre o apellido, número de registro, fecha de nacimiento y el tipo de sangre, no se compartirá con nadie ni va a ser utilizado como datos para este o cualquier otro proyecto de investigación.

Los datos que pueden ser usados y cotejados para este estudio incluyen el lugar de nacimiento, el sexo, el estado civil, la ocupación, la clasificación racial y la fecha de caducidad del documento. Todos los datos (incluyendo su nombre) serán anónimos en la recogida, almacenamiento y publicación de materiales de investigación, salvo consentimiento explícito de su parte de que se puedan utilizar. Los datos serán guardados en una computadora protegida con contraseña y almacenados en un lugar seguro. Todos los datos generados por el estudio serán retenidos de conformidad con el Marco de Gestión de Investigaciones de la Universidad de Aberdeen.

¿Qué pasará con los resultados de esta investigación?

Los datos recogidos durante este proyecto de investigación podrían ser usados en mi tesis doctoral. Los datos también podrían ser utilizados en futuras publicaciones, tales como libros, artículos de revistas, actas de congresos, entre otros.

¿Qué pasa si cambio de parecer sobre mi participación?

Usted no tiene ninguna obligación de participar en este estudio y puede retirarse cuando quiera. Si decide hacer esto, por favor, póngase en contacto conmigo directamente a más tardar el 1 de noviembre del 2016, para que la información que

nos ha proporcionado pueda ser retirada de la investigación. Después de esta fecha, no podrá retirarse de este estudio.

¿Quién organiza y financia esta investigación?
Estoy llevando a cabo la investigación como estudiante de doctorado proveniente del Departamento de Estudios Hispánicos de la Universidad de Aberdeen. La investigación está financiada por el Centro para la Ciudadanía, la Sociedad Civil y el Estado de Derecho (Centre for Citizenship, Civil Society & Rule of Law), el Principal's Excellence Fund y la Sociedad de Estudios Latinoamericanos.

¿Quién evalúa este estudio?
Este estudio ha sido aprobado por el Comité de Ética de la Escuela de Arte e Investigación Social de la Universidad de Aberdeen.

Contacto
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