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Dominican Republic Government Launches Legalization Plan

by Crosby Girón

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Interior Minister José Ramón Fadul announced that the Dominican Republic government had launched a plan to regularize the migratory status of "illegal aliens." Fadul added that the Dominican Republic-Haiti border will be closely patrolled.

The decree was unanimously approved by all 26 senators, and it seeks to resolve the predicament of many children whose parents are undocumented and who were born in the Dominican Republic between June 16, 1929, and April 18, 2007.

Fadul, who also presides the Comisión Nacional de Migración, said that the Junta Central Electoral (JCE) will provide logistic and technical support for the initiative and that during the year in which it will be implemented there will be no repatriations. This is a measure announced by President Danilo Medina in November 2013, which is required as part of the terms and conditions of the aforementioned plan.

The local media reports that between 500,000 and 700,000 people will benefit from this measure, most of whom are Haitian. Some criteria for the legalization of undocumented persons depend on how long they have stayed in the country, their ties to Dominican society, and other aspects related to their employment and socioeconomic status in the Dominican Republic.

For example, having children who were born in the country, having studied, and having the ability to read and write in Spanish are some of the criteria that can be used to demonstrate a link with Dominican society. Other criteria include having a fixed address, living with Dominican people, and not having a criminal record.

Persons who wish to be considered for this legalization program should apply within 18 months after the decree goes into effect, which means from June 2014 onward. Those who cannot apply can be repatriated with assistance from the government and the migration authorities; otherwise, they risk deportation.

This is how President Medina justified the decree in May of this year: "The initiative is based on the sovereign exercise of our state's democratic institutions, on national interest, and on the rulings issued by our Tribunal Constitucional as well as the Dominican judicial system."

The president has said that, for those who were never registered in the Civil Registry, a special process will be created whereby they will be able to seek legalization and obtain a residence permit and within a two-year period after that they will be able to apply for citizenship.

The controversy began when the Tribunal Constitucional (TC) issued a ruling in late 2013 that annulled the nationality of all of those born in the country since 1929 whose parent were foreigners and did not have a residence permit ([NotiCen, Nov. 21, 2013](#)).

This is what happens to the children of Haitian immigrants who were brought to the Dominican Republic during the 20th century by groups of landowning families who came to work in the sugar plantations, raised families, and failed to return to their country of origin.

One of the risks foreseen by the government if this law was not approved was that almost 210,000 children of Haitian immigrants would lose their nationality as would the children of 35,000 immigrants from other countries. The Civil Registry has insisted that only 24,000 people would be affected by this plan, of whom 13,000 are Haitian immigrants.

The Dominican Republic's Oficina Nacional de Estadística (ONE) says there are 524,000 immigrants in the country, including 458,000 people born in Haiti, which means 87.3% of all immigrants are Haitians. The ONE says immigrants and their children total 768,000 people, which is 7.9% of the country's total population.

A long-standing problem

Offices of the local authorities of 11 provinces, the Ministerio de Interior y Policía, and the police have been filled with hundreds of people lining up to begin the application process and request information on the requirements to apply for Dominican citizenship.

Although some still have doubts about the process, most people consider that the legalization plan launched by the government puts an end to the controversy caused by the TC ruling that the children of illegal immigrants born in the Dominican Republic were not Dominican, even if their names appeared in the Civil Registry.

The plan is supported by the government and by some immigrant rights activists. During an official press conference, Antonio Paul-Emil, a Dominican of Haitian origin, said that there are "many things to be improved along the way." Cy Winter, a representative of the International Organization for Migration, was present during the press conference.

During the conference, Fadul said, "We want churches, civil society, and other organizations to support this, so that they are guaranteed that when they go places they won't get repatriated." Especially for Haitians, it is known that many of them are undocumented, but Fadul said Haiti received a US\$40 million donation from Venezuela to solve this problem.

Migration director José Ricardo Taveras said that the aim is to regularize migration in the country and establish "who can remain and who cannot."

However, the plan is opposed by hundreds of people who believe that they are losing one status for another as they believe they are entitled to Dominican nationality purely because they were born on Dominican soil.

Some protestors asked President Medina to pass a law recognizing that the children of foreigners who already have Dominican nationality have the right to lawfully remain in the country. In April, the Inter-American Commission on Human Rights (IACHR) criticized the verdict of the TC, and the UN High Commissioner for Refugees (UNHCR) asked the government to "give back their nationality" to those who had been affected by the decree ([NotiCen, April 10, 2014](#)).

For now, the local press has reported that illegal Haitian immigrants as well as Haitian and Dominican human rights organizations are planning to ask the Dominican government not to demand that applicants provide ID papers and birth certificates in order to be considered eligible

for the legalization plan. These groups fear that demanding these documents could lead to a wave of repatriations.

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