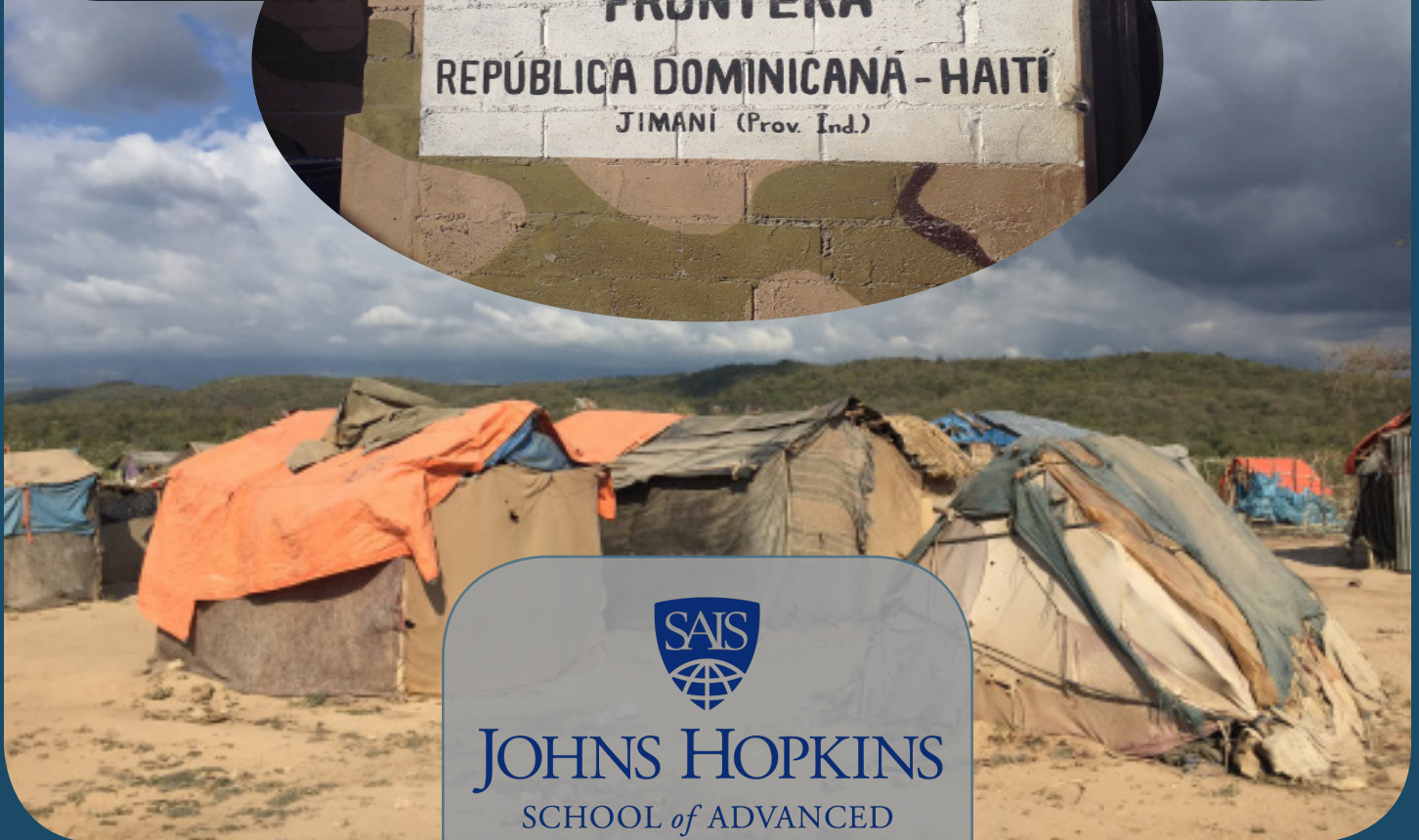
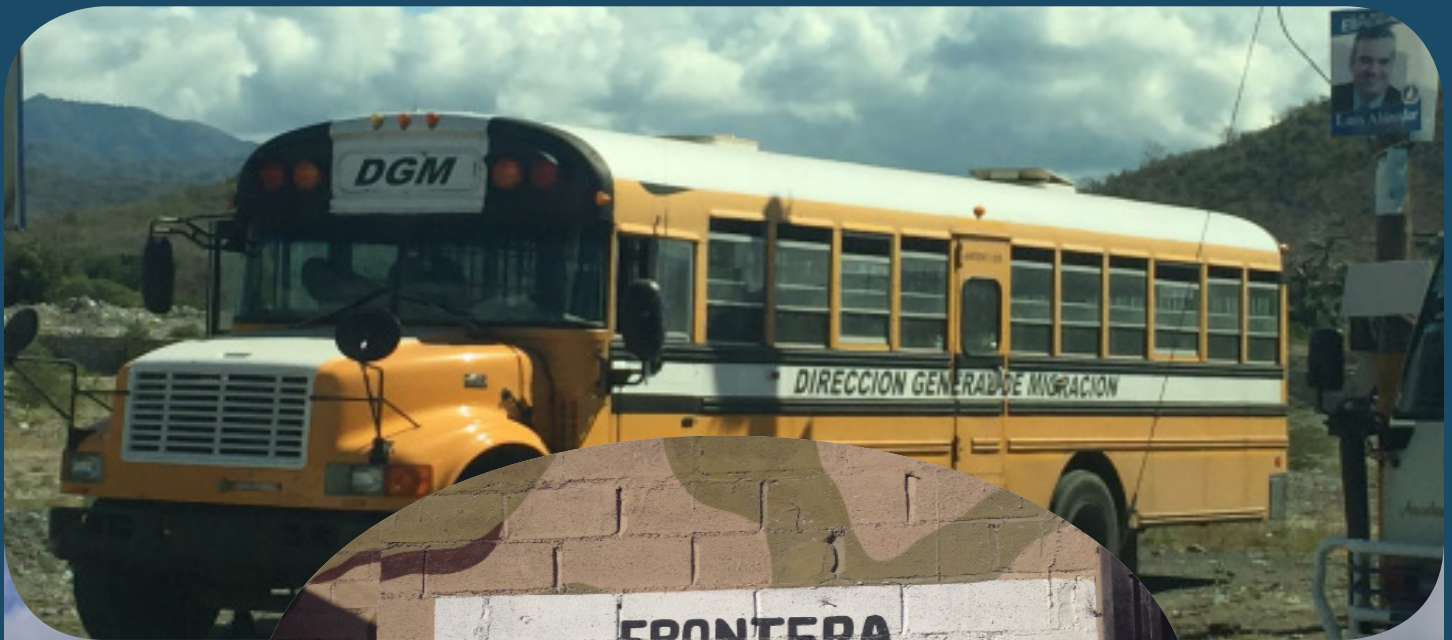


TORN AT THE SEAM

Migration, Deportations, and Humanitarian
Concerns on the Island of Hispaniola



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In that spirit, we would like to especially thank the individuals living in the Parc Cadeau 1 and 2 camps in Anse-à-Pitres, Haiti for speaking with us. We hope that their voices and concerns will be heard and that there will be a sustainable humanitarian solution to their current living conditions and to the conditions of others similarly situated.

We commend all the individuals and organizations who tirelessly work to promote and protect the rights of Haitian migrants and Dominicans of Haitian descent in the Dominican Republic and Haiti, as well as those addressing humanitarian concerns for those coming from the Dominican Republic to Haiti.

EXECUTIVE SUMMARY

In 2013, the Dominican Republic's Constitutional Tribunal rendered Sentence 168-13, which infamously made many Dominicans of Haitian descent effectively stateless. This Sentence also called for a national regularization plan. These actions were the culmination of decades of problems related to migration flows between Haiti and the Dominican Republic.

In June 2015, the International Law and Organizations Program's International Human Rights Clinic at Johns Hopkins School of Advanced International Studies (SAIS) analyzed the legislation that followed Sentence 168-13 through a report entitled *Justice Derailed: The Uncertain Fate of Haitian Migrants and Dominicans of Haitian Descent in the Dominican Republic (Justice Derailed)*. The report primarily analyzed: 1) the National Plan for the Regularization of Foreigners (PNRE or Regularization Plan), a plan intended to regularize the status of undocumented migrants; and 2) Law 169-14 (Naturalization Law), a law intended to provide a pathway to naturalization for those effectively left stateless by Sentence 168-13. The report concluded that the implementation of these laws suffered from several deficiencies, including insufficient capacity, inadequate timeframes, and limited efforts to educate the public. The deadline to apply under the Naturalization Law expired on February 1, 2015 and the deadline to apply under the Regularization Plan expired on June 17, 2015.

For the 2015-2016 academic year, the SAIS International Human Rights Clinic decided to create a follow-up report to *Justice Derailed*, broadening the research focus to fully understand the outstanding nationality and migration issues

in a post-June 2015 Hispaniola. While the report's primary focus is the aftermath of the Naturalization Law and Regularization Plan, as well as the resumption of deportations from the Dominican Republic, it also analyzes the historical and current factors impacting migratory flows.

Part A of the report surveys the push and pull factors that influence migration flows between Haiti and the Dominican Republic. Most interview partners attributed these patterns to economic drivers. Generally, the Dominican Republic offers higher wages than Haiti, which has led to the informal employment of Haitians in agriculture, construction, manufacturing, and tourism. But our research found that migration is influenced by far more than pure economics. Politically, institutional instability and electoral uncertainty, especially in Haiti, have worsened interstate relations between the two neighboring countries and prevented coherent development strategies. Meanwhile, social factors like poor healthcare and education have prompted Haitians to move to the Dominican Republic. Finally, geographic factors like environmental degradation and natural disasters have destroyed Haitian infrastructure and reduced the viability of agriculture. The resulting migration flows are further complicated by distinct languages, separated family units, and differing senses of culture and identity.

Parts B and C of the report review the legal gaps that remain for the affected population and discuss the voluntary departures and deportations that have occurred since June 2015. The Dominican government attempted to address informal Haitian migrants and Dominicans of Haitian descent

effectively stripped of their citizenship through the PNRE (Regularization Plan) and Law 169-14, respectively. However, for various reasons, including lack of access to proper documentation, major gaps remain in terms of who was able to take advantage of the laws. Law 169-14 created two distinct groups of people: Group A and Group B. Outside of Law 169-14, there is another group that we refer to as “Group C.” Those unable to apply to Law 169-14, or those without proper documentation, remain at risk for statelessness and expulsion. Moreover, applicants to the Dominican Republic’s Regularization Plan remain at risk for deportation or expulsion if they do not possess the requisite documentation. Although there were no official “mass deportations” as feared following the end of the Regularization Plan, the scale and reported reasons of voluntary departures from the Dominican Republic to Haiti are concerning and consequential. There are clearly gaps in both the legal framework and law enforcement that must be addressed to ensure that the human rights and due process of the affected population are respected.

Part D explores the humanitarian crisis that arose along the Haitian-Dominican border from the movement of the affected population. Our field research, including visits to border communities in Malpasse and Anse-à-Pitres, Haiti, impressed upon us the need to appreciate the complicated family dynamics that may exist for “returnees,” including no family ties to return to, or families that may include Haitian and Dominican nationals, or Stateless individuals. These factors have prompted the affected population to create informal settlements along the border that go unrecognized by national governments and international organizations alike. While there are local organizations and individuals providing services and aid in the camps, this support is scarce and uncoordinated, leaving the affected

population without access to food, water, shelter, and basic services. Still, this basic aid is a pull factor for individuals from surrounding communities in Haiti to move to the camps and a source of great tension and violence in the region, highlighting the lack of economic opportunity throughout Haiti. Notably, relocation efforts are currently underway, but there is still no effort to support much-needed, long-term economic growth.

Finally, Part E notes the responses of the international community to the ongoing issues of nationality and migration in Hispaniola. This includes the engagement of international organizations that have followed the crisis—including UNHCR, IOM, and OAS—and the recommendations they have made for its resolution. These organizations play a vital role in providing humanitarian assistance, but they are limited in terms of their ability to influence the policies of the two governments. This pressure should be augmented by states that have strong sociocultural or economic ties with the Dominican Republic or Haiti such as the United States, the European Union, and states in the Caribbean Community and Common Market (CARICOM). While the US and the EU chiefly advocate for collaborative efforts by all relevant actors to resolve the crisis, CARICOM has criticized the legal decisions of the Dominican Republic. Notably, the media plays an instrumental role in generating awareness about the legal crisis and the situation in the camps, but different outlets have taken different approaches to the crisis. This is especially true of national media sources. Overall, international actors possess greater power to pressure national government action than is being exercised currently.

After examining these dimensions, we offer recommendations that address important but solvable gaps in current efforts to solve the crisis.

In Haiti, we recommend:

- Increasing Haitian government revenue through better border enforcement, as well as tariff and tax reform; and
- Alleviating push factors for Haitian migration into the Dominican Republic through targeted, low-cost development projects:

In the Dominican Republic, we recommend:

- Improving deportation practices through conditional funding of CESFRONT, external monitoring of non-admittances, and increased pay for security forces; and
- Enacting active labor market programs in the Dominican Republic to facilitate labor absorption and job creation in higher-value added sectors.

Finally, we recommend that both states work towards:

- Taking steps to close the protection gap for stateless individuals, such as ratifying the 1954 and 1961 Conventions on Statelessness; and
- Enhancing the relocation process and creating long-term opportunities along the border.

METHODOLOGY

This Report is the product of an academic yearlong experiential learning course on international human rights at Johns Hopkins University – The Paul H. Nitze School of Advanced International Studies (SAIS). The research team consisted of ten graduate student researchers and one professorial lecturer.

During the Fall 2015 semester, the research team began studying the recent history of nationality and immigration changes in the Dominican Republic,

along with the resumption of deportations, and the establishment of informal settlements along the border in Haiti. This background research included attending the October 2015 Inter-American Commission hearing on “The Right to Nationality in the Dominican Republic,” conducting background interviews with experts, reviewing existing literature on the topic, and participating in extensive class discussion. The team developed a terms of reference and questionnaire to help frame the research project. Moreover, the team launched a website on the project to provide ongoing updates of their work and to secure additional funding. Finally, they identified and contacted relevant experts and stakeholders to schedule interviews.

Initially, the research was more narrowly focused on the fallout of the Dominican Republic’s changing immigration and nationality policies on Haiti. With that research interest in mind, our team set out to conduct a fact-finding mission exclusively from Port-au-Prince. But due to the uncertainties surrounding the Haitian presidential elections and the inherent logistical and security concerns this uncertainty engendered, our team changed course at the last minute. Instead, our fact-finding mission was based in Santo Domingo and Barahona, Dominican Republic. This circumstantial decision turned out to be very helpful for our research objectives, as Barahona allowed for easy access to the Malpasse and Anse-à-Pitres border crossings, two vital focal points for understanding life along the border. Moreover, conducting fact-finding in the Dominican Republic and Haiti also allowed us to better understand of the current nationality and migration challenges that the two countries face.

During the course of a weeklong fact-finding mission in January 2016, the team conducted interviews with a number of organizations and

individuals, including the International Organization for Migration (IOM) Dominican Republic, IOM Haiti, Embassy of the United States in Santo Domingo, Office of the Organization of American States (OAS) in the Dominican Republic, Movimiento Social-Cultural de los Trabajadores Haitianos (MOSCTHA), Batey Relief Alliance, UN Office for the Coordination of Humanitarian Assistance (OCHA) Haiti, Ministry of Foreign Affairs of the Dominican Republic – Department of Relations with Haiti, Centro de Desarrollo Sostenible (CEDES), Service Jesuite aux Migrants (SJM), (Le Groupe d'Appui aux Rapatriés et Réfugiés (GARR), and Institut du Bien Etre Social et de Recherches (IBESR). Moreover, the team had the opportunity to speak with individuals living in Parc Cadeau 1 and 2 in Anse-à-Pitres, Haiti.

Upon returning to Washington, DC, the team analyzed the information collected during the fact-finding mission and continued to conduct research, including follow-up research and additional interviews. Moreover, researchers updated the website with their reflections, including a multimedia presentation and several blog posts.

The research team drafted this Report over the course of the Spring 2016 semester. The team met weekly to further analyze issues, strategize, and to discuss the logistics of the Report. On May 10, 2016, the research team released this Report and presented its findings at an event held at Johns Hopkins University – SAIS in Washington, DC.

This study received approval for human subjects research from the Johns Hopkins University Homewood Institutional Review Board (HIRB). Oral consent was obtained from our interview partners. When permitted, the research team uses the interviewees' names and/or affiliations in this Report. With respect to the interviews conducted in Parc Cadeau 1 and 2 in Anse-à-Pitres, Haiti, all of

those interviews were conducted anonymously to protect the identity of the individuals.

Research Limitations

While the research team attempted to be as comprehensive as possible, it faced several limitations throughout the process. Although the research team had fluent Spanish and French speakers, it did not have a proficient Haitian Creole speaker. As such, the team had to rely on translators when interviewing Haitian Creole speakers in the field. Moreover, the team could not review any written materials only available in Haitian Creole.

The research team also had time and geographic limitations. First, they could only meet with experts in the field who were available during the fact-finding mission. Second, the team was limited in both time and geographically when visiting border areas. The team was able to visit Malpasse and Anse-à-Pitres, Haiti. But it would have been beneficial to also visit Ouanaminthe, Haiti, given the more economically developed North. Moreover, given time limitations, the team was only able to visit camps Parc Cadeau 1 and 2 in Anse-à-Pitres, Haiti. It would have been helpful to speak with individuals in other camps along the border.

Finally, the political uncertainty in Haiti is limiting. As discussed above, the team did not visit Port-au-Prince, Haiti out of security and logistical concerns, which further compromised our capacity to connect with Haitian government officials.

BACKGROUND

The Rise and the Fall of Sugarcane: Migrant Labor in Hispaniola

The problematic relationship between Haiti and the Dominican Republic has deep historical roots. Sharing the island of Hispaniola, the two countries have periodically clashed with dramatic repercussions that are felt even today. France colonized the western part of the island in 1655, while the eastern area remained under Spanish control.¹ This initial divide had lasting consequences over the language, culture and social organization of the two colonies. France introduced vast coffee, cotton and sugar plantations in its portion of the island (modern day Haiti). To supply these activities with the necessary manpower, the colonists acquired up to 40,000 African slaves per year.² In 1804, under the leadership of Toussaint L'Ouverture, a former slave turned general, Haiti became the first free black republic and the second independent nation in the Americas.³ At the time of its independence, Haiti had a population of approximately 500,000, greatly outnumbering the 100,000 inhabitants of the eastern portion of Hispaniola, called Dominica. Numerous colonial powers isolated Haiti, considering the newborn nation a threat to the

institution of slavery. In order to settle its dispute with France and to be recognized as an independent nation, Haiti agreed to pay 150 million francs as reparation for the rebellion's damages, a significant burden on the country's finances for years to follow.

Under President Jean-Pierre Boyer, Haiti occupied Santo Domingo in 1822, reunifying the island. The occupation lasted until 1844, followed by 19 years of intermittent wars between the two former colonies. This conflict left deep, unhealed wounds between Haiti and the Dominican Republic. Although Haiti supported the Dominicans' rebellion against Spain during the Dominican Restoration War, which led to a newly independent Dominican Republic in 1865, the mutual distrust continued.⁴ To this day, the Dominican Republic celebrates Independence Day from Haiti, not from Spain.⁵

During World War I, the US occupied the Dominican Republic and Haiti for two decades beginning in 1915, fearing the possibility that Germans would establish a base in the Caribbean.⁶ Numerous US companies introduced vast sugarcane plantations in the Dominican Republic, and thousands of Haitian workers were subsequently transferred there.⁷ The US was able to keep production costs low by offering migrant workers low wages. Over the course of the next century, Haitians were recruited through both legal and

1 Blanca Antonini, "NOREF Report: Relations between Haiti and the Dominican Republic," Norwegian Peace Building Resource Center, (February 2012), 2, accessed April 1, 2016, http://www.peacebuilding.no/var/ezflow_site/storage/original/application/26f1be85a4d2270c401bd6dce69afec3.pdf.

2 Ibid.

3 Ibid.

4 Ibid.

5 John Kerry, "Press Statement - Dominican Republic Independence Day," (speech, Washington DC, February 27, 2016), US Department of State, accessed April 1, 2016, <http://www.state.gov/secretary/remarks/2016/02/253755.htm>.

6 Antonini, "NOREF Report," 2.

7 Ibid.

illegal processes to work in sugarcane plantations.⁸

Dominican dictator Rafael Trujillo institutionalized this practice in his effort to support the growing Dominican sugar industry. When sugar prices collapsed during the Great Depression, Trujillo began deporting thousands of Haitian migrants, sparking anti-Haitian sentiments.⁹ These actions peaked during the 1937 Parsley Massacre, when Trujillo's orders prompted the killing of between 9,000 and 20,000 ethnic Haitians in the Dominican Republic.¹⁰

Weak or dictatorial Haitian governments failed to respond to these abuses. In certain instances, the government in Port-au-Prince even benefitted from the sale of its own citizens as quasi-slaves. From 1957 to 1986, under the dictatorships of Francois "Papa Doc" Duvalier and his son Jean-Claude "Baby Doc" Duvalier, the Haitian government created numerous agreements to steadily supply Haitian migrant workers to Dominican plantations.¹¹ Migrant work in the Dominican Republic was legalized through agreements that the State Sugar Council (CEA) and the Dominican government concluded with Haiti between 1972 and 1986. However, other migrant workers entered the Dominican Republic irregularly, brought in by "buscones" (street agents) to work in the sugar industry.¹²

The 1980s fall of sugar prices and the consequential diversification of the Dominican economy reduced the demand for migrant labor

for the sugarcane plantations. Indeed, urbanization and economic diversification prompted these laborers to move to cities in the Dominican Republic and enter construction, tourism, and other labor-intensive industries.¹³ Today, less than 20 percent of Haitian migrants work in sugarcane, while an estimated 61 percent of undocumented Haitians are filling informal jobs in sales, construction, bus driving, and custodial and technical work.¹⁴

Changes to Immigration and Nationality Laws in the Dominican Republic

The 1929 Dominican Constitution stated that "Dominicans are: All persons born in the territory of the Republic, with the exception of the legitimate children of foreigners resident in the country in diplomatic representation or those who are in transit [emphasis added]."¹⁵ Authoritative legal interpretation defined the term "in transit" to

¹³ Dustin Volz, "Illegal Haitian Workers in Demand," *Walter Cronkite School of Journalism and Mass Communication*, accessed March 30, 2016, <http://cronkite.asu.edu/buffett/dr/labor.html>.

¹⁴ Samantha Garcia, "La Presencia de Inmigrantes Haitianos en República Dominicana," *Observatorio Politico Dominicano*, September 11, 2013, accessed March 23, 2016, translated from Spanish, http://web.archive.org/web/20140514081005/http://www.opd.org.do/index.php?option=com_content&view=article&id=1303:la-presencia-de-inmigrantes-haitianos-en-republica-dominicana&catid=112:analisis-pp.

¹⁵ Dominican Republic's Constitution of 2002, article 11(1), (Georgetown Edmund A. Walsh School of Foreign Service), July 25, 2002, accessed April 19, 2016, translated from Spanish, <http://pdba.georgetown.edu/Constitutions/DomRep/domrep02.html> (emphasis added) ("Son dominicanos: Todas las personas que nacieren en el territorio de la República, con excepción de los hijos legítimos de los extranjeros residentes en el país en representación diplomática o los que están de tránsito en él.")

⁸ Rose-Marie Belle Antoine et al., "Situation of Human Rights in the Dominican Republic," *Inter-American Commission on Human Rights*, (December 31, 2015), 56, <http://www.oas.org/en/iachr/reports/pdfs/DominicanRepublic-2015.pdf>.

⁹ Antonini, "NOREF Report," 2.

¹⁰ Nick Davis, "The Massacre that Market Haiti-Dominican Republic Ties," *BBC News*, October 13, 2012, accessed April 1, 2016 <http://www.bbc.com/news/world-latin-america-19880967>.

¹¹ Antonini, "NOREF Report," 2.

¹² Belle Antoine et al., "Situation of Human Rights in the Dominican Republic," 57.

signify a period of less than ten days. According to this recognized definition, Dominican born children of migrant workers who stayed in the Dominican Republic for more than 10 days had a constitutional right to Dominican nationality.¹⁶ However, the constitutional reform of January 26, 2010 changed the right to nationality in the Dominican Republic. The revised 2010 Constitution restricted this right under Article 18(3), excluding the children of illegal residents.¹⁷

The right to nationality is de facto unrecognized without an official birth certificate, national identity card (cédula de identidad y electoral), or passport. The Central Electoral Board (Junta Central Electoral or “JCE”) is the state civil registry agency responsible for issuing these documents. Originally, if a child’s parents were able to obtain a birth certificate and provide a document demonstrating their own identity, the child would be recognized as a Dominican citizen. Since the 1990s, these bureaucratic requirements have become increasingly stringent. In fact, some local civil registry offices turned away properly documented individuals on the basis that they were “Haitians,” under the assumption that all Haitians were “in transit.”¹⁸ As a result, numerous Dominicans of Haitian descent grew up without proof of their

Dominican citizenship and were denied access to education, employment, political participation and protection from legal abuses.¹⁹

Sentence 168-13

Juliana Deguis Pierre experienced the aforementioned difficulties. Born in 1984 in Los Jovillos, a Dominican city 72 miles from Santo Domingo, she was the daughter of two undocumented Haitian immigrants and had received a birth certificate recognizing her Dominican nationality.²⁰ Ms. Deguis went to a JCE to request a voter card. Instead, the officers confiscated her birth certificate due to her Haitian last name. She appealed the decision to the Constitutional Tribunal of the Dominican Republic, but on September 23, 2013, the Tribunal’s Sentence 168-13 rejected her claim.²¹ The Tribunal ruled that children of undocumented residents of the Dominican Republic do not have a right to Dominican citizenship, as their parents are considered “in transit” and are thus outside of the jus soli principle under Article 11 of the Constitution.²² The Constitutional Tribunal also ordered the JCE to review and register as foreigners all previously recognized Dominican citizens in the same situation as Deguis. Given the historical difficulties Dominicans of Haitian descent faced in accessing the required documentation, numerous Dominican citizens effectively lost their nationality.²³ According to UNHCR, 133,770 people were left stateless by the Constitutional Tribunal’s decision.²⁴ This decision

16 Open Society Justice Initiative, “Dominicans of Haitian Descent and the Compromised Right to Nationality,” *Report Presented to the Inter-American Commission on Human Rights on the Occasion of its 140th Session*, (October 2010): 3, accessed May 2, 2016, https://www.crin.org/en/docs/DR%20Compromised%20Right%20to%20Nationality%20_IACHR%20report_.pdf.

17 Dominican Republic’s Constitution of 2010, article 18(3), *Constitute Project*, accessed April 1, 2016, https://www.constituteproject.org/constitution/Dominican_Republic_2010.pdf (“The persons born in the national territory, with the exception of the sons and daughters of foreign members of diplomatic and consular delegations, and of foreigners in transit or residing illegally in the Dominican territory. Any foreigner [masculine] or foreigner [feminine] defined as such in the Dominican laws is considered a person in transit.”).

18 Open Society Justice Initiative, “Dominicans of Haitian Descent and the Compromised Right to Nationality,” 3.

19 *Ibid.*, 6.

20 Santiago Canton and Wade H. McMullen Jr., “The Dominican Republic and Haiti: Shame,” *Americas Quarterly: Higher Education and Competitiveness*, (Summer 2014), accessed April 1, 2016, <http://bit.ly/1EiKlQz>.

21 *Ibid.*

22 *Ibid.*

23 *Ibid.*

24 United Nations High Commissioner Refugee, *UNHCR Mid-Year Trends 2015*, 14, accessed May 2, 2016, <http://www.unhcr.org/56701b969.html>.

triggered an international outcry, with members of the Caribbean Community calling for sanctions against the Dominican Republic.²⁵

Regularization Plan and Naturalization Law

On December 15, 2013, Dominican President Danilo Medina issued Presidential Decree 327-13 establishing the PNRE, which provided a pathway for regularization for individuals who (a) entered the country irregularly; (b) overstayed their residence permit; or (c) violated the conditions that allowed him to enter regularly.²⁶ The PNRE required individuals to register with the Ministry of Interior and Police within 18 months. After a short extension, the program expired on June 17, 2015.^{27, 28}

But the PNRE was designed to address irregular migration, not the status of Dominican-born nationals of Haitian descent. To provide a more streamlined path to naturalization for people rendered stateless by Sentence 168-13, the Dominican Republic approved Law 169-14 (Naturalization Law) on May 23, 2014. The law mandated the reissuance of documents to individuals born between June 16, 1929 and April 18, 2007 to non-resident foreign parents who had been registered in the Dominican Civil Registry (Group

A).²⁹ This automatic re-nationalization provision left out all those Dominican-born individuals of foreign parentage whose births were never registered (Group B).³⁰ Law 169-14 encouraged Group B members to register as “foreigners,” and subsequently apply for naturalization.³¹ Law 169-14 gave individuals in Group B ninety days to register themselves as foreigners, after which the Ministry of Interior and Police would have thirty days to confirm their registration with the JCE.³² Once the individual registered as a foreigner, he/she would have sixty days to apply under the Regularization Plan.³³ Group B individuals properly registered under the Regularization Plan are eligible to apply for naturalization after two years.³⁴

Notably, Law 169-14 left out a third group of individuals, which we classify as “Group C,” which includes several individuals who fall outside Groups A and B, and remain at risk of statelessness, deportation, or expulsion.³⁵ Furthermore, there are lingering questions surrounding the implementation of the PNRE that could impact a documented Haitian migrant or even a Dominican of Haitian descent’s risk for deportation or expulsion respectively.

25 Natalia Cote-Muñoz and Veronica Alma Rosario, “Human Rights Under Threat: Denationalization and Dominicans of Haitian Ancestry,” *Council on Hemispheric Affairs*, February 25, 2015, accessed April 19, 2016, <http://www.coha.org/human-rights-under-threat-denationalization-and-dominicans-of-haitian-ancestry/>.

26 República Dominicana - Decreto No. 327-13 que instituye el Plan Nacional de Regularización de extranjeros en situación migratoria irregular en la República Dominicana (Dominican Republic, December 15, 2013), article 8, accessed April 19, 2016, <http://bit.ly/1QVj6Ow> [in English: Decree No. 327-13 that institutes the National Plan of Regularization of foreigners in irregular migratory situation in the Dominican Republic, “PNRE”].

27 PNRE, article 3.

28 Roque Planas and Julia Craven, “Thousands Woke Up at Risk of Deportation in the Dominican Republic. Almost All of Them Are Black,” *Huffington Post*, June 18, 2015, accessed April 19, 2016, http://www.huffingtonpost.com/2015/06/18/dominican-republic-deportations_n_7608886.html.

29 República Dominicana: Ley No. 169-14 de 2014 que establece un régimen especial para personas nacidas en el territorio nacional inscritas irregularmente en el Registro Civil dominicano y sobre naturalización [Dominican Republic], May 2014, articles 1-2, *available at* <http://www.refworld.org/docid/53882dea4.html>. [in English: Law No. 169-14 of 2014 which establishes a special regime for people born on national territory registered irregularly in the Dominican Civil Registry].

30 *Ibid.*, article 1.

31 *Ibid.*, article 6.

32 *Ibid.*, article 6.

33 *Ibid.*, article 7.

34 *Ibid.*, article 8.

35 Amnesty International, “‘Without Papers, I Am No One’ – Stateless People in the Dominican Republic,” (2015): 7, accessed May 2, 2016, <http://bit.ly/1WS2DSb>.

Bateyes and Access to Rights

A bateye is a term used to refer to rural settlements on sugarcane plantations, and has served as both a residence and a barrier to rights for Haitian migrants. The bateyes were initially developed in the 1920s to house the many migrants brought to work in the sugarcane plantations. These residential patterns have continued to present day, as the proximity of bateyes to the sugarcane plantations makes them a natural place to live. Historically, the bateyes have been one of the only places where migrants were safe from deportation during the harvest season. Currently, bateyes have turned into pockets of poverty, where underpaid workers without documents fight every day to provide for their families.³⁶

The Inter-American Commission on Human Rights (IACHR) notes several factors that compromise the rights of those living in the bateyes, who are primarily Haitian migrants and their descendants born in the Dominican Republic.³⁷ First, residents are frequently restricted from leaving the bateyes, as many are monitored by armed guards.³⁸ Additionally, during the rainy season, flooding of the sand roads leading to the bateyes disrupts access to major roads.³⁹ Consequently, many inhabitants are excluded from traveling to other parts of the country and have difficulty traveling to access medical care. In its visit to several bateyes, the IACHR

observed precarious conditions such as a lack of drinking water, sufficient latrines, and wastewater evacuation systems that could breed illnesses such as malaria, tuberculosis, and diarrhea.⁴⁰

These mobility challenges also inhibit access to government offices. Indeed, during the implementation of the Regularization Plan and Naturalization Law, accessibility to registration offices was one of the main barriers the affected population faced. With only 25 offices statewide to process applications, the Dominican government has been criticized for its under-preparedness in implementing this process.⁴¹ While people ultimately may have known about the processes in time to register, the barriers to mobility for those Haitian migrants and Dominicans of Haitian descent living in the bateyes may have prevented many from applying.⁴² Dating back to the 1920's, relegation of Haitian migrants and Dominicans of Haitian descent in bateyes has severely limited their access to legal recourse and basic human rights.

36 John J. Powers, "Life in a Dominican Batey," *Huffington Post*, May 25, 2015, accessed April 26, 2016, http://www.huffingtonpost.com/john-j-powers/dominican-bateyes_b_1547082.html.

37 Belle Antoine et al., "Situation of Human Rights in the Dominican Republic," par. 307.

38 *Ibid.*, par. 308.

39 *Ibid.*, par. 312.

40 Belle Antoine et al., "Situation of Human Rights in the Dominican Republic," par. 307-310.

41 Liz Agase, et al., *Justice Derailed: The Uncertain Fate of Haitian Migrants and Dominicans of Haitian Descent in the Dominican Republic*, Johns Hopkins University – SAIS – International Law and Organizations Program, report of the SAIS International Human Rights Clinic (Tiffany Basciano ed., June 2015): 42-43, <http://bit.ly/1VOyVyw>.

42 Jorge Baca Vaughan, Chief of Mission, Dominican Republic, International Organization for Migration (IOM), interview by Johns Hopkins University-SAIS International Human Rights Clinic, Santo Domingo, Dominican Republic, January 18, 2016.

Voluntary Departures, Resumption of Deportations, and the Rise of Settlement Camps

As June 17, 2015 marked the end of the registration process for the Regularization Plan, Haitian migrants and Dominicans of Haitian descent who did not apply, or lacked proof of their regularized migratory or citizenship status, would be at risk for deportation or expulsion.⁴³ Prior to the deadline, the Dominican government prepared for deportations by readying buses and processing centers.⁴⁴ These actions prompted fears of an impending and immediate “mass deportation.”⁴⁵ But as Jonathan Katz noted for *The New York Times Magazine*, when “the clock struck midnight [...] nothing happened.”⁴⁶ In fact, the Dominican government waited until August 14, 2015 to officially lift the deportation moratorium.^{47,48}

Despite the lack of official deportations immediately following the end of the Regularization Plan, there was still significant movement. The affected population engaged in voluntary

departures to Haiti for a variety of reasons, including fear of deportation or violent expulsion due to lack of documentation; xenophobic pressures and incited violence from employers, neighbors, and the community; a willingness to leave; or a combination of these factors.^{49,50,51}

From August 2015 to January 2016, the Dominican government reported approximately 15,863 repatriations of foreign nationals who were not registered in the Regularization Law nor had the proper migratory documentation required under Migration Law 285-04. Of this group, 15,754 were Haitian. The Directorate General of Migration (DGM) also reported a series of voluntary departures of Haitian nationals to Haiti totaling 113,320 prior to the official resumption of deportations, some with the transportation and food assistance of the DGM.⁵² An estimated 7,817 people were refused entry into the Dominican Republic during this same time period due to a lack of required documentation.⁵³ By contrast, in its April 21, 2016 report, the IOM reported more than 89,538 individuals returning to Haiti, 54,627 of which returned voluntarily since the expiration of the Regularization Plan deadline.⁵⁴

To add further tension to the situation between Haiti and the Dominican Republic, there

43 Matt Chandler, “Haitian migrants allege deportation, but DR disputes claims,” *Aljazeera America*, July 24, 2015, accessed April 27, 2016, <http://bit.ly/23yqnLq>.

44 Daniel Rivero, “The Dominican Republic is about to create a serious refugee crisis,” June 16, 2015, accessed May 4, 2016, <http://fusion.net/story/151603/the-dominican-republic-is-about-to-create-a-serious-refugee-crisis/>.

45 Sibylla Brodzinsky, “Dominicans of Haitian descent fear mass deportation as deadline looms,” *The Guardian*, June 16, 2015, accessed May 4, 2016, <http://bit.ly/1GLhhmS>.

46 Jonathan M. Katz, “The Dominican Time Bomb,” *New York Times Magazine*, July 2, 2015, accessed May 4, 2016, http://www.nytimes.com/2015/07/02/magazine/the-dominican-time-bomb.html?_r=0.

47 US Department of State, Bureau of Democracy, Human Rights and Labor, *Dominican Republic 2015 Human Rights Report*, 15, accessed April 24, 2016, <http://www.state.gov/documents/organization/253221.pdf>.

48 “Policía dominicana inicia deportación de haitianos,” *El Especial*, June 19, 2015, <http://bit.ly/1Twe7W3>.

49 John Marion, “Dominican Republic Deportations Increase Tensions with Haiti,” *International Committee of the Fourth International (ICFI): World Socialist Website*, August 29, 2015, accessed April 25, 2016, <https://www.wsws.org/en/articles/2015/08/29/hait-a29.html>.

50 Michele Wucker, “The Dominican Republic’s Shameful Deportation Legacy,” *Foreign Policy*, October 8, 2015, <http://atfp.co/1P4H2TO>.

51 Eric Fernandez and Chris Gregory, “In Photos: Life at the Largest Border Crossing Between Haiti and the Dominican Republic,” *Vice News Website*, June 21, 2015, accessed May 1 2016, <http://bit.ly/1Iatx1a>.

52 Yodeny Muñoz, *Migración destaca, retorno voluntario de extranjeros en situación irregular sobrepasan repatriaciones en el país*, *Dirección General de Migración República Dominicana*, January 13, 2016, accessed May 3, 2016, <http://bit.ly/1TwRVeM>.

53 Ibid.

54 “IOM Haiti: Border Monitoring Situation Report,” April 21, 2016, accessed May 3, 2016. http://www.redhum.org/documento_detail/18228.

were reports that Dominican government affiliates in the Specialized Border Security Corps (CESFRONT) were carrying out unlawful deportations prior to the lift on the moratorium.⁵⁵ Although the Dominican government has denied these allegations, it has acknowledged the isolated cases of individuals being stopped, searched, and taken to the border before the end of the moratorium.⁵⁶ Deported individuals were at times hosted in detention centers, with little to no belongings of their own or without the opportunity to inform family members of their deportation, and transported by bus across the border.⁵⁷

At the same time, the Haitian Government promised to build centers to receive returning migrants with “dignity.” Unfortunately, these centers were never built.⁵⁸ Former President Martelly openly stated that the voluntary departures and deportations have created a “crisis,” and that the government would have major problems in welcoming these individuals.⁵⁹ With nowhere to go, many individuals began setting up spontaneous camps across the border. Nearly 2,400 people lived in Anse-à-Pitres alone, spread across six camps lacking

the most basic services.⁶⁰ The Haitian government has been largely absent in providing adequate assistance to the sprouting settlements. Instead, several multilaterals, non-profit organizations, and individuals have provided needed assistance and humanitarian aid. To address this issue, the Haitian authorities have begun relocating residents from the six temporary sites at Anse-à-Pitres, with the support and guidance of IOM, Delegation of the Southeast Department, OCHA and the broader community.^{61,62}

Still, neither the Dominican Republic nor Haiti has taken enough responsibility for the humanitarian and human rights situation resulting from the changes in nationality and immigration policies in the Dominican Republic that have rendered the affected population vulnerable to statelessness. The ability for Haiti and the Dominican Republic to come together through mediation and joint efforts, will determine the future of the crisis and the people at the center of it.

55 “IOM Monitors Dominican Republic – Haiti Border,” *International Organization for Migration*, July 14, 2015, accessed April, 24, 2016, <http://www.iom.int/news/iom-monitors-dominican-republic-haiti-border>.

56 Sam Jones, “Dominican Republic Denies Arbitrary Deporting Citizens with Haitian Roots,” *The Guardian*, August 6, 2015, accessed April 23, 2016, <http://bit.ly/1gNvypO>.

57 Prosperity Raymond, “Eyewitness: dread and despair for deportees on Haiti-Dominican border,” *The Guardian*, October 12, 2015, accessed May 4, 2016, <http://bit.ly/1OC50V3>.

58 Matt Chandler, “‘Life without Dignity’ for Stateless on Haiti Border,” *Aljazeera*, December 30, 2015, <http://bit.ly/1SCsJqt>.

59 “Dominican Deportations Reach Crisis Levels, Haitian President Says” Interview with President Michel Martelly by Robert Siegel, Peter Granitz, NPR transcript: All things Considered, June 29, 2015, accessed May 1, 2016, <http://n.pr/1JuF8Kb>.

60 David McFadden, “Haiti Migrants No Longer Stranded on Desolate Border,” *Associated Press*, March 30, 2016, accessed May 3, 2016, <http://apne.ws/1UIGA0i>.

61 Ibid.

62 Haiti Humanitarian bulletin - Issue 59, March 2016, UN Office for the Coordination of Humanitarian Affairs, March 31, 2016, accessed May 4, 2015, <http://bit.ly/1s4aAsz>.

Part A

Migratory Flows between Haiti and the Dominican Republic



Overview of Migration

As the poorest country in the Western Hemisphere,⁶³ Haiti has a significant diaspora population, with individuals choosing to leave impoverished situations in order to find better economic opportunities abroad. In 2015, there were 1,195,240 Haitian migrants around the world. For many, this decision to migrate takes them to their neighbor on the other half of the island of Hispaniola: The Dominican Republic. For others, this decision takes them much further, to countries with even greater economic opportunities, such as the United States or Canada. The following table shows the top ten countries with Haitian migrants in 2015:⁶⁴

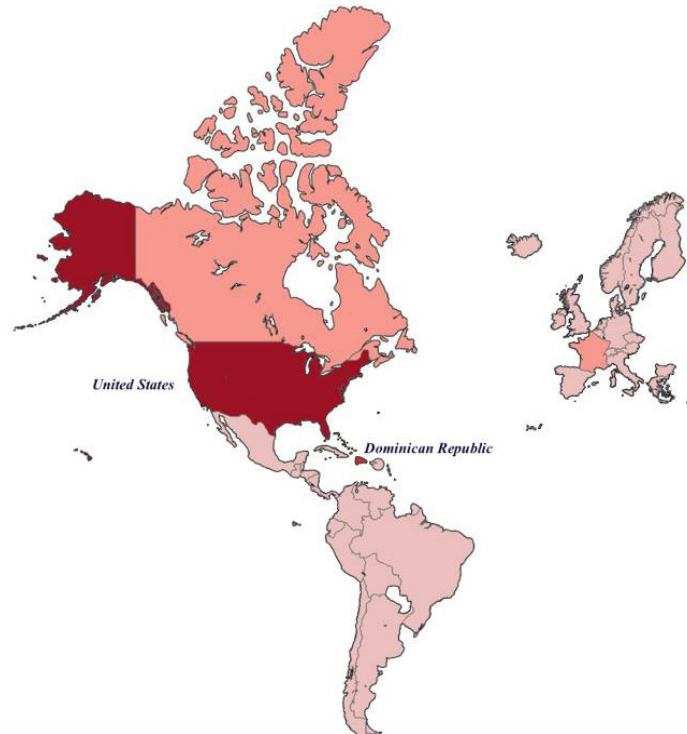
⁶³ *Per capita* GDP in 2014 was \$765.

⁶⁴ Note that this number includes all Haitian migrants in that country, and does not distinguish between those that have just arrived and those that have been around for decades.

2015 Migrant Stock



Source:
Data from UN Department
of Economic and Social
Affairs, Population Division,
International Migrant Stock
2015.



Country	2015 Migrant Stock
United States of America	604004
Dominican Republic	329281
Canada	93443
France	74337
Bahamas	27591
French Guiana	19005
Guadeloupe	15284
Turks and Caicos Islands	7374
Sin Maarten (Dutch part)	2746
Curacao	1968

This table reveals two insights of interest: three destination countries are in the developed world, with the United States topping the list for the most Haitian migrants in 2015. The other seven

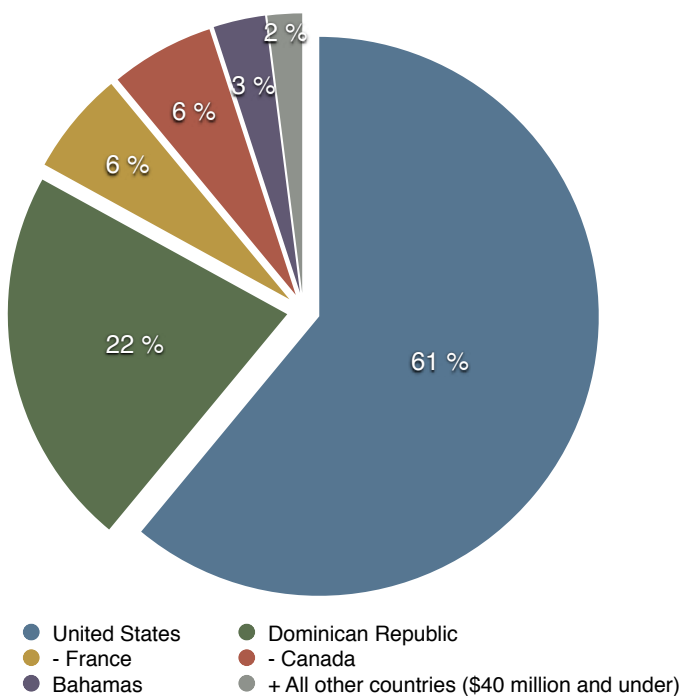
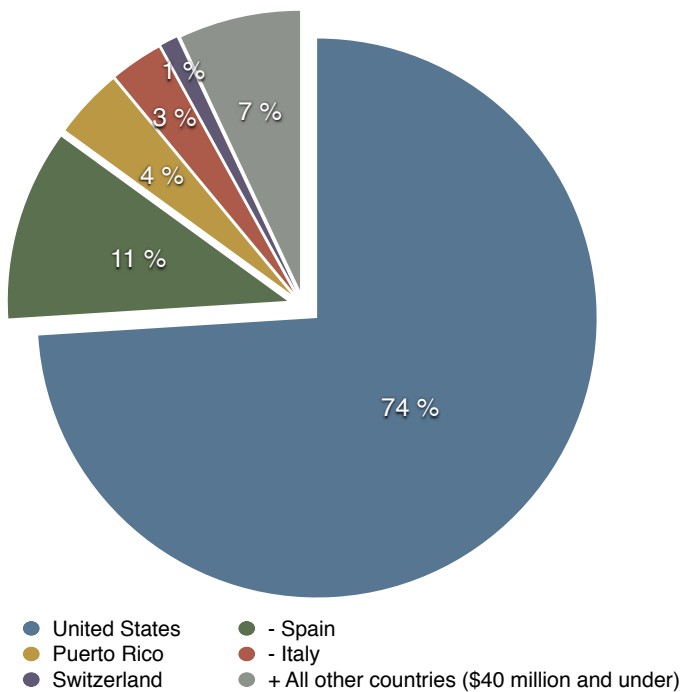
destination countries are in the Caribbean, with the exception of French Guiana, which is at the northern tip of South America.

In fact, of the 56 destination countries that had Haitian migrants in 2015, sixteen of these countries were in the Caribbean. This shows that Haitian migrant patterns are characterized both by migration within the Caribbean as well as destinations outside the Caribbean.

However, it should be noted that over the past 40 years, intra-Caribbean migration has been only ten percent of overall migration, or 500,000 people, a small number in comparison with international migration to the United States and Europe.⁶⁵

According to the World Bank's 2016 Migration and Remittances Factbook, the number of international migrants is expected to surpass an all-time high of 250 million migrants this year.

⁶⁵ James Ferguson, "Migration in the Caribbean: Haiti, the Dominican Republic and Beyond," *Minority Rights Group International*, (July 2003): 7, accessed April 2, 2016, <http://www.oas.org/atip/Regional%20Reports/MigrationintheCaribbean.pdf>.

Top Five Remittance Senders to Haiti 2015**Top Five Remittance Senders to Dominican Republic 2015**

Source: Migration and Remittances Factbook 2016, The World Bank

This increase in migration around the world has enhanced the role remittances play in the development of the country of origin.⁶⁶ These migrants are expected to send \$601 billion back to their home countries, \$441 billion of which will go to developing countries – more than three times the size of development aid to these countries.⁶⁷ In 2014, the top ten remittance recipients as a percentage of GDP included Haiti (22.7 percent) at number nine.⁶⁸ By comparison, the Dominican Republic (7.5 percent) ranked at number 42.⁶⁹ This demonstrates the large role remittances play as a contribution to GDP in Caribbean economies. The graphs on the left show the top five remittance senders to Haiti and the Dominican Republic and each country's remittance trends since 2001.

Haiti's top five remittance senders match up with the countries that have the most Haitian migrants, an unsurprising yet important insight in understanding the dynamics between diaspora populations and their home countries.

In the Caribbean, there are three general types of migration: 1) long-stay residence for work, study or as accompanying persons; 2) short-stay including contract labor and guest worker schemes; and 3) return migration. These migrants, whether staying for long or short periods of time, continue to develop transnational sets of personal interactions, cultural linkages, and capital assets carried across

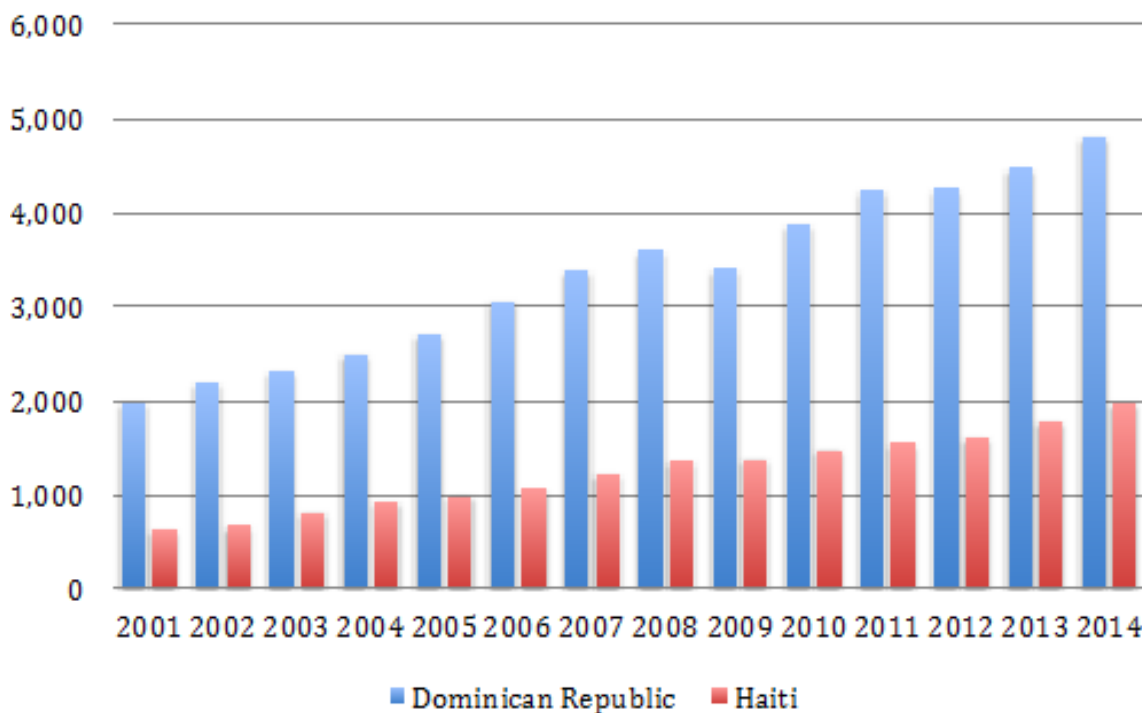
66 Iván González Alvarado, Human and Trade Union Rights Programme Coordinator, ICFTU/ORIT and Hilda Sánchez, External consultant for the ICFTU/ORIT Migration, "Latin America and the Caribbean: A view from the ICFTU/ORIT," *Trends in the Region*, accessed April 3, 2016, <http://library.fes.de/pdf-files/gurn/00084.pdf>.

67 Dilip Ratha, "Migration and Remittances Factbook 2016 Third Edition," *World Bank Group*, accessed April 3, 2016, <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/4549025-1450455807487/Factbookpart1.pdf>.

68 Ibid.

69 Ibid.

Migrant Remittance Inflows (US\$ million)



Source: World Bank staff calculation based on data from IMF Balance of Payments Statistics database and data releases from central banks, national statistical agencies, and World Bank country desks.

borders. This helps international migrants to develop global networks and communities of socio-economic support, which are drivers for economic security, as well as their collective ties to their country of origin.⁷⁰

Migrants in the Caribbean are often undocumented, low skilled, and considered “cheap labor.”⁷¹ Consequently, these individuals often face the burdens of unemployment, live in precarious conditions with weak health and sanitation services, and are ostracized from society.⁷² Migrant workers from the Caribbean are set to become the new poor in the receiving countries, and as the largest source of migrant workers in the Caribbean, Haitians are

especially at risk.⁷³ Haitian migrants have a history of mistreatment not just in the Dominican Republic, but in other destination countries as well. For example, the Bahamas has recently enforced stricter immigration laws that have disproportionately affected Haitian migrants.⁷⁴ Additionally, there have been reports of racism affecting Haitian’s access to rights in Brazil, with many Haitian migrants experiencing problems obtaining legal work permits.⁷⁵ As demonstrated, Haitian migrant populations are extremely vulnerable in destination countries.

The Dominican Republic is the largest

70 Dr. Elizabeth Thomas-Hope, Senior Professor, The James Moss-Solomon Environmental Management University of West Indies, Kingston Jamaica, “Trends and Patterson of migration to and from Caribbean Countries,” accessed April 10, 2016, www.cepal.org/celade/proyected/migracion/thomashope.doc.

71 United Nations, “Globalization and Development,” Twenty-Ninth Session Economic Commission for Latin America (Report released, May 6-10, 2002, Brasilia, Brazil), accessed April 10, 2016, http://repositorio.cepal.org/bitstream/handle/11362/2726/S2002903_en.pdf?sequence=2

72 Baca Vaughan, interview.

73 United Nations, “Migration in the Caribbean, What do we know: An overview of data, policies and programs at the international and regional levels to address critical issues” (Report released, November 30- December 2, 2005, Mexico City, Mexico), UN/POP/EGM-MIG/2005/09, accessed April 10, 2016, [http://www.un.org/esa/population/meetings/IttMigLAC/P09_ECLAC\(Port%20of%20Spain\).pdf](http://www.un.org/esa/population/meetings/IttMigLAC/P09_ECLAC(Port%20of%20Spain).pdf).

74 Robles, Frances, “Haitians are swept up as Bahamas tightens immigration rules,” *The New York Times*, January 30, 2015, accessed April 29, 2016, <http://nyti.ms/1yYP8ER>.

75 Gabriela Bazzo, “Haitian migrants pouring in to Brazil don’t find a warm welcome,” *The Huffington Post*, February 8, 2016, accessed April 29, 2016, <http://huff.to/1T93rRZ>.

receiver of migrants in the Caribbean, primarily due to its shared border with Haiti – the largest sender of migrants in this region. About one-fourth of Haiti’s migrant population moves to the Dominican Republic, the second most common destination for Haitian migrants after the United States. Additionally, one half of Dominican immigrants are Haitian (although it is difficult to ascertain that this population consists only of immigrants from Haiti and does not include Dominicans of Haitian descent).⁷⁶ This movement is a two-way process, involving voluntary and involuntary migration patterns, long and short-term residence in the Dominican Republic, legal and illegal entry, smuggling, expulsions and a long history of human rights abuses.⁷⁷ It is evident that outflows of Haitian migrants will continue throughout LAC, particularly to the Dominican Republic. This continued migration between the neighboring countries will present many challenges and opportunities for growth along the porous border and on the island.

The Border: Porous, Unregulated and Now Exclusive?

The porous nature of the 236-mile border between the Dominican Republic and Haiti facilitates back and forth migration. The border ranges from near Monte Cristi in the north to Pedernales in the southwest - from 2000-mile high mountains to the sea - and crosses a variety of climates and

ecosystems.⁷⁸ The border divides the island not only into two sovereign countries, but into two separate, unequal worlds. Indeed, the stark contrast, the inequality, and the complex relationship between the two countries are most visible along this border.

Language, culture, law and daily life vary from one side of the island to the other. The border region is the poorest part of both countries, and bilateral development in the area is insufficient due to the troubled history of Dominican-Haitian relations.⁷⁹ In fact, the border has been relatively porous and unregulated for decades, with both governments neglecting to develop a migration policy adequate for the regulation of the stream of migrants.^{80,81} Today, four official border crossings exist between the two countries (south to north): Anse-à-Pitres – Pedernales, Malpasse – Jimaní, Belladere-Comendador - Elías Piña and Ouahaminthe – Dajabón.⁸²

For Haitians, many crossings are characterized by the same goals: access to health care and education, among other services. They are dependent on cross-border commerce and employment opportunities as their Haitian towns are much poorer than their Dominican counterparts.⁸³ Crossing the border was fairly easy in previous decades, facilitating the cross-country trade and

⁷⁸ United Nations Environment Programme, *Haiti-Dominican Republic Environmental Challenges in the Border Zone*, Nairobi: UNEP, 2013.

⁷⁹ Rural Poverty Portal, “*Rural poverty in the Dominican Republic*,” accessed April 21, 2016, http://www.ruralpovertyportal.org/country/home/tags/dominican_republic.

⁸⁰ “Eyewitness: Dread and Despair for Deportees on Haiti-Dominican Border,” *The Guardian*, October 12, 2015, accessed April 1, 2016, <http://www.theguardian.com/global-development/2015/oct/12/eyewitness-dread-despair-deportees-haiti-dominican-republic-border>.

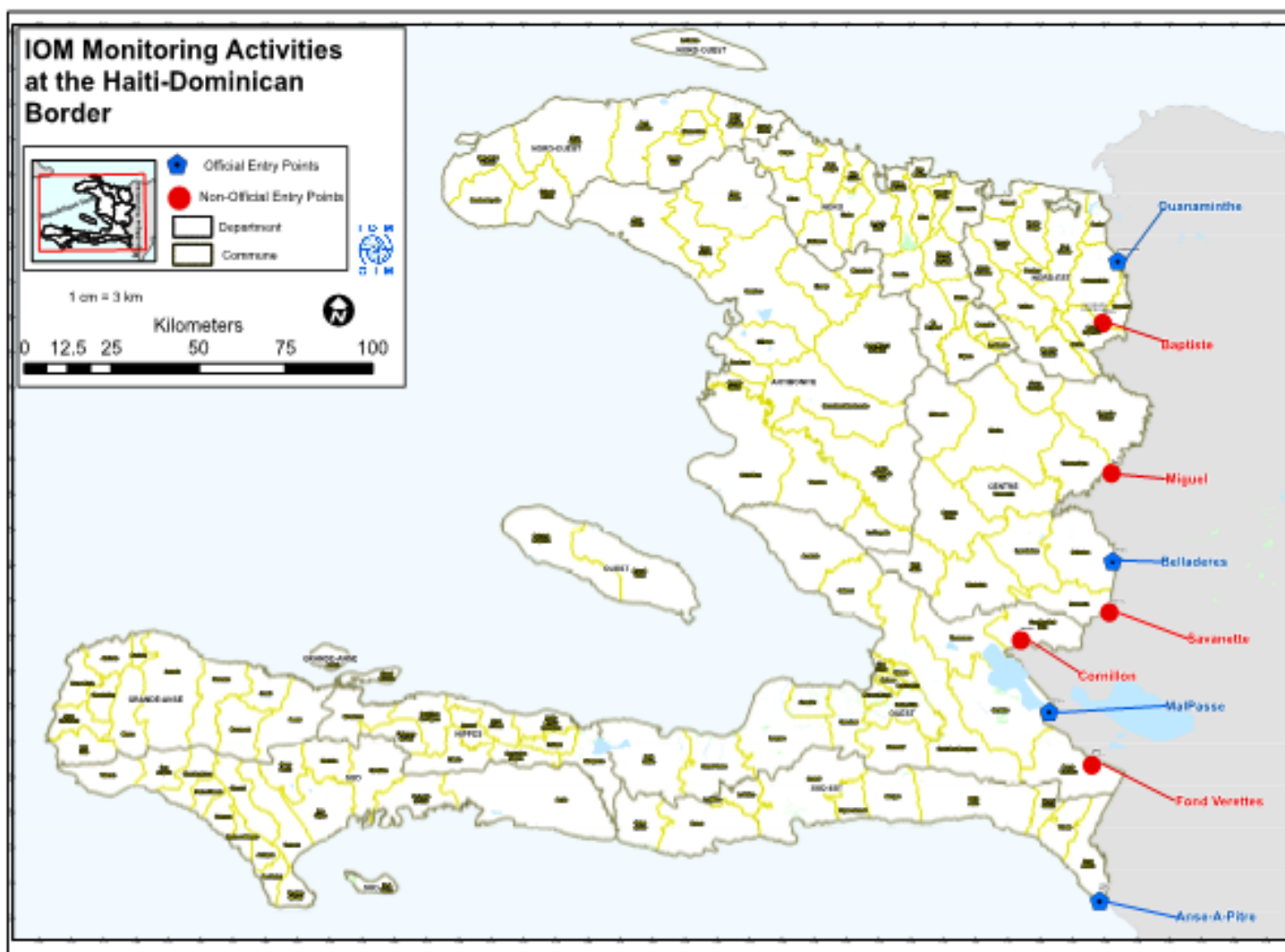
⁸¹ United Nations Environment Programme, *Haiti-Dominican Republic Environmental Challenges in the Border Zone*.

⁸² Ibid.

⁸³ Erin Taylor, “A living fence: How objects and relationships construct national borders,” *Erin B. Taylor Blog*, December 11, 2012, <http://erinbtaylor.com/a-living-fence-how-objects-and-relationships-construct-national-borders/>.

⁷⁶ “Migration flows across the world” Peplemovin software. <http://peplemov.in/#!>

⁷⁷ Ferguson, “Migration in the Caribbean: Haiti, the Dominican Republic and Beyond.”



the employment of Haitians on the Dominican side of the border. But migration across the border has changed along with the Dominican Republic's recent naturalization and regularization programs.

One commentator has accurately captured the situation of living in the border region as a "living fence," a border that is "at once porous and closed, inclusive and exclusive."⁸⁴ Likewise, during our field visit, the border was described as "more of a mental border, than a physical border."⁸⁵ Because these laws affect the lives of Haitian migrants and Dominicans of Haitian descent, they will also change the border

region of Hispaniola, giving it a different face on both sides.

Economic Factors of Migration

The migration conundrum between Haiti and the Dominican Republic stems, in part, from the dynamics of the economic relationship between the two neighbors. According to the IACHR, the main driving force behind Haitian movement across the border and throughout the world is poverty.⁸⁶

⁸⁴ Ibid.

⁸⁵ Dieu Donne Bien-Aime, *le Service jésuite aux Migrants Haïti* (SJM-Haïti), interview by Johns Hopkins University-SAIS International Human Rights Clinic, Fonds-Parisien, Haïti, January 20, 2016.

⁸⁶ Ferguson, "Migration in the Caribbean: Haiti, the Dominican Republic and Beyond."

Likewise, according to Ambassador Alberto Despradel, the head of the Department of Relations with Haiti for the Dominican Ministry of Foreign Affairs, an estimated 80-90 percent of Haitian immigrants in the Dominican Republic migrate due to economic reasons.⁸⁷

What appears to be a modern binational migration crisis is in fact a long-standing conflict shaped by the economic development trajectories within Hispaniola. Thus, to understand the causes and consequences of the underlying issues, it is necessary to understand the economic environment conditioning many of the observed outcomes in migration flows. This section will discuss the macro- and microeconomic factors that may influence the decision of Haitians to migrate to the Dominican Republic.

Macroeconomic Overview

First, analyzing the macroeconomic phenomena of the Haitian economy relative to the Dominican Republic shows why these disparities push Haitians to migrate. Relevant inferences will be made as to what extent the interaction and diversions of macroeconomic factors between the two countries might have exacerbated the migration challenge.

Gross Domestic Product

The difference in development processes between Haiti and the Dominican Republic over the past 50 years or so has been overwhelming. While both countries had about the same level of per capita GDP in the 1960s, today the Dominican Republic has a per capita GDP level five times higher

than Haiti's.⁸⁸ Haiti has been held back by greater political and macroeconomic instability, in addition to much lower investment in infrastructure and human capital.

More specifically, a complex political environment and the devastating 2010 earthquake provide the context for recent economic developments from the Haitian perspective. One of the main policy changes involved absorbing large aid flows without compromising economic sustainability. Due to reconstruction spending, per capita GDP growth has been positive since 2011, but aid flows are expected to decrease to more moderate levels in the coming years,⁸⁹ mainly as a result of pending issues regarding aid transparency and accountability in Haiti.⁹⁰ GDP growth in 2014 (2.7 percent) decreased relative to its previous levels mainly due to a drought that hindered agricultural production.

Not accounting for the volatile agricultural sector, growth in Haiti has been steady at about four percent since 2011, supported by growth in the construction, industry,⁹¹ and services sectors. Additionally, while Haiti has made significant progress in meeting its Millennium Development Goals (MDGs), per capita output growth has not had a significant impact in reducing poverty or inequality levels.⁹² This reflects interrelated factors,

⁸⁸ World Bank LAC, *Haiti, República Dominicana: Más que la suma de las partes*, <http://www.worldbank.org/content/dam/Worldbank/document/HAITI-RD.pdf>.

⁸⁹ International Monetary Fund, Haiti Article IV Staff Report, (June 2015), IMF Country Report No. 15/157, <https://www.imf.org/external/pubs/ft/scr/2015/cr15157.pdf>.

⁹⁰ Vijaya Ramachandran and Julie Walz, "Haiti: Where Has All the Money Gone?" *Center for Global Development*, Policy Paper, (May 2012), http://www.cgdev.org/files/1426185_file_Ramachandran_Walz_haiti_FINAL.pdf

⁹¹ The World Bank defines "industry" as everything that is not included in services or agriculture, and includes mining and quarrying, manufacturing, construction, and public utilities (electricity, gas, and water).

⁹² International Monetary Fund Haiti Ex-Post Assessment, Country Report No.15: December 4, 2014.

⁸⁷ Ambassador Alberto E. Despradel, Dominican Ministry of Foreign Affairs, e-mail message to Patsorn Udomritthiruj, Johns Hopkins University - SAIS from Glen Apolinar, Dominican Ministry of Foreign Affairs, April 27, 2016.

including weak institutions and governance, lack of competition and predatory business practices, inadequate policy frameworks, weak donor coordination, vulnerability to natural disasters, inadequate infrastructure, and still-low labor productivity.

Trade

Haiti relies significantly on its trade relationship with the Dominican Republic. Table 1 reveals that the Dominican Republic is Haiti's number one source of imports, at \$1,727.94 million in 2014. The Dominican Republic is Haiti's twelfth largest export market, resulting in an overall trade deficit of \$1,724.5 million for Haiti with the Dominican Republic. This is Haiti's largest trade deficit with any country, accounting for 41 percent of Haiti's overall trade balance.⁹³ This can serve as a push factor for Haitian migrants who perceive the exporting country as one with greater economic opportunity. Conversely, Table 2 shows the Dominican Republic's top import and export markets, revealing that Haiti is the Dominican Republic's second largest export market, but is not one of its largest sources of inputs. The Dominican Republic also has its largest trade surplus with Haiti. This shows Haiti's reliance on the Dominican Republic for goods and services that its economy cannot produce. This can serve as a push factor for Haitian migrants who perceive the exporting country as one with greater economic opportunity.

Trade between Haiti and the Dominican Republic often occurs at the porous border where the lack of regulation has caused Haiti to lose approximately \$400 million in tariffs on Dominican imports. These missed revenues are equal to approximately 22

percent of Haiti's total current government revenue, which amounted to \$1.8 billion in 2014.^{94,95} Imports are only levied an average of three percent, much lower than in other Caribbean and Central American countries.⁹⁶ Dominican exporters have benefitted from this outcome, as they often successfully avoid tariffs on their products, incentivizing the Dominican government to resist the formalization of the border.⁹⁷

This lack of regulation has prevented Haiti from using import taxes to fund government programs and thus has likely exacerbated Haiti's reliance on other countries for imports.

Interestingly, under the leadership of Michel Martelly, Haiti has expanded its international trade and reduced its reliance on the Dominican Republic. For example, Haiti's preferential trade agreements with the U.S. have allowed it to progressively reduce its imports of Dominican food products.⁹⁸ Haiti benefits from numerous regional and bilateral trade agreements, such as the Caribbean Basin Trade Partnership Act, the 2008 Haitian Hemispheric Opportunity through Partnership Encouragement (HOPE II) and the 2010 Haiti Economic Lift Program (HELP legislation). The HOPE and HELP Acts have fostered the development of the apparel industry, which accounts for 90 percent of export earnings and has created approximately 30,000 jobs.⁹⁹

94 Central Intelligence Agency, "World Factbook – Field Listing: Budget," accessed April 15, 2016, <http://1.usa.gov/1NDwc1S>.

95 Anton Edmunds, "Opinion: as Haiti's Financial Pressure Mounts – Practical Solutions Exist," *Caribbean360*, April 16, 2014, accessed April 15, 2016, <http://bit.ly/1T5ZpYS>.

96 "Haiti Selected Issues," International Monetary Fund, March 2013, accessed April 15, 2016, <http://bit.ly/20Ca401>.

97 Ulrick Gaillard, CEO, Batey Relief Alliance (BRA), interview by Johns Hopkins University-SAIS International Human Rights Clinic, Santo Domingo, Dominican Republic, January 18, 2016.

98 Ibid.

99 "U.S. Relation with Haiti," *U.S. Department of State*, March 15, 2016, accessed April 14, 2016, <http://www.state.gov/r/pa/ei/bgn/1982.htm>.

93 -\$4,210,946,154.86 in 2014.

Table 1

Rank	Country	Imports	Country	Exports	Country	Trade Deficit
1	Dominican Republic	1727.94	United States	825.56	Dominican Republic	-1724.50
2	United States	1404.32	Canada	36.47	United States	-578.76
3	Netherlands Antilles	462.55	Mexico	22.04	Netherlands Antilles	-462.52
4	China, P.R.: Mainland	430.52	China, P.R.: Mainland	13.95	China, P.R.: Mainland	-416.57
5	Indonesia	93.86	Libya	10.71	Indonesia	-93.76
6	India	80.66	United Kingdom	9.70	Peru	-79.47
7	Peru	79.54	France	9.61	India	-79.33
8	Mexico	73.61	Belgium	9.17	France	-60.06
9	France	69.67	Thailand	7.97	Colombia	-54.05
10	Colombia	54.22	Algeria	5.85	Mexico	-51.56
11	Japan	50.99	Spain	4.10	Guatemala	-50.03
12	Guatemala	50.39	Dominican Republic	3.44	Japan	-48.77
13	Canada	47.87	Taiwan Province of China	3.42	Netherlands	-42.67
14	Netherlands	43.75	Switzerland	3.40	Korea, Republic of	-40.63
15	Korea, Republic of	43.02	Italy	2.67	Brazil	-40.01
16	Brazil	41.28	Korea, Republic of	2.38	Spain	-27.38
17	Spain	31.48	Japan	2.22	Trinidad and Tobago	-26.68
18	Germany	27.86	China, P.R.: Hong Kong	1.92	Malaysia	-26.49
19	Trinidad and Tobago	27.44	Cambodia	1.58	Germany	-26.44
20	Taiwan Province of China	27.01	Germany	1.42	Cuba	-25.44

Haiti's imports, exports, and trade balance in millions of U.S. dollars in 2014

Source: International Monetary Fund <http://data.imf.org>

Table 2

Rank	Country	Imports	Country	Exports	Country	Trade Surplus
1	United States	8,714.36	United States	4108.80	Haiti	1567.073341
2	China	1,401.03	Haiti	1570.85	Canada	1294.184469
3	Mexico	972.83	Canada	1488.80	Belgium	79.96255
4	Venezuela	972.60	China, P.R.: Mainland	254.88	Netherlands	65.42058273
5	Trinidad and Tobago	791.60	Netherlands	215.29	United Kingdom	64.48933727
6	Spain	402.09	United Kingdom	206.22	Jamaica	40.4760108
7	Brazil	394.17	Mexico	161.53	Nigeria	29.58884626
8	Bahamas, The	390.33	Belgium	160.20	Suriname	21.18596718
9	Netherlands Antilles	367.89	Korea, Republic of	116.91	Singapore	21.16297919
10	Colombia	310.52	Germany	113.54	Australia	18.73704389
11	Costa Rica	293.89	Venezuela	113.49	Panama	14.50084422
12	Italy	251.40	Spain	95.32	Guyana	13.55527247
13	Korea, Republic of	242.94	India	77.32	South Africa	12.54918101
14	Germany	240.78	Colombia	48.03	Aruba	7.799521646
15	Canada	194.61	Costa Rica	44.97	Switzerland	7.473287075
16	Guatemala	156.47	Jamaica	44.56	Bangladesh	6.61028667
17	India	153.18	Cuba	42.84	Portugal	4.709649091
18	Netherlands	149.87	France	40.86	Sweden	4.639165455
19	France	148.61	Italy	39.84	Barbados	4.225339501
20	United Kingdom	141.73	Guatemala	37.79	St. Vincent and the Grenadines	3.827212101

Dominican Republic's imports, exports, and trade balance in millions of U.S. dollars in 2014

Source: International Monetary Fund <http://data.imf.org>

This reduced trade volume threatens the Dominican export sector, as enhanced quality controls have allowed less than ten percent of the Dominican products to enter the U.S. under the Dominican Republic-Central America Free Trade Agreement (hereinafter, CAFTA-DR).^{100,101} This reduced economic activity comes after the Dominican Republic invested in enhancing the quality of its export products, thus making Haiti's decisions even more controversial.¹⁰² Together, these choices have worsened, rather than improved, bilateral relations between the two states, resulting in the creation of antagonistic trade policies that will be discussed further below.

Microeconomic Analysis Overview

Wage imbalances between Haiti and the Dominican Republic have further influenced migration flows. As discussed in the Background section, migrant labor has shifted from sugarcane production to other industries, including construction and tourism. It is estimated that Haitian laborers now contribute more than five percent of the Dominican Republic's GDP.^{103,104} Figures below show that while the majority of Haitians work in agriculture in the Dominican Republic (36.1 percent), agriculture consists of less than five percent in terms of value added compared to other sectors of

the Dominican economy. Since most Haitians are employed in the agriculture sector, which has been shrinking in terms of value added to the Dominican economy, this growing demand for more skilled labor will reduce the competitiveness of Haitian migrants in the Dominican labor market unless they receive the necessary vocational training.

Notably, the employment of Haitian migrants is usually illegal and contrary to official Dominican regulations. For example, the Dominican Labor Code requires that all Dominican companies have a workforce that is 80 percent Dominican and allows up to 20 percent of workers to be legal foreign residents.¹⁰⁵ However, in a 2004 interview with Arizona State University, prominent Dominican economist and historian Bernardo Vega explained that many construction companies in major Dominican cities have a workforce composed 80-90 percent of Haitians, both legal and illegal, and 10-20 percent of Dominican nationals.¹⁰⁶ The Dominican Republic's 2012 immigration census estimates that 29 percent of construction workers and 18 percent of agricultural workers are Haitian.¹⁰⁷ Access to vocational schooling and training would be a good strategy for the Dominican Republic to absorb documented Haitian migrants into the parts of its economy that demand greater skills.¹⁰⁸

Agriculture

Agriculture is the primary source of employment for Haitian migrants in the Dominican Republic.¹⁰⁹ Working conditions are sub-optimal.

¹⁰⁰ Gaillard, interview.

¹⁰¹ "Dominican Republic-Central America Free Trade Agreement" ("CAFTR-DR"), *Office of the United States Trade Representative*, accessed April 14, 2016, <https://ustr.gov/trade-agreements/free-trade-agreements/cafta-dr-dominican-republic-central-america-fta>.

¹⁰² Ibid.

¹⁰³ "Haiti and the Dominican Republic Spar Over Trade and Migration," *Stratfor*, November 5, 2015, accessed March 29, 2016, <https://www.stratfor.com/analysis/haiti-and-dominican-republic-spar-over-trade-and-migration>.

¹⁰⁴ Michele Wucker, "Interview: Deportations in the Dominican Republic," *Council on Foreign Relations*, August 13, 2015, accessed March 26, 2016, <http://www.cfr.org/dominican-republic/deportations-dominican-republic/p366895>.

¹⁰⁵ Volz, "Illegal Haitian Workers in Demand."

¹⁰⁶ Ibid.

¹⁰⁷ "Haiti and the Dominican Republic Spar Over Trade and Migration."

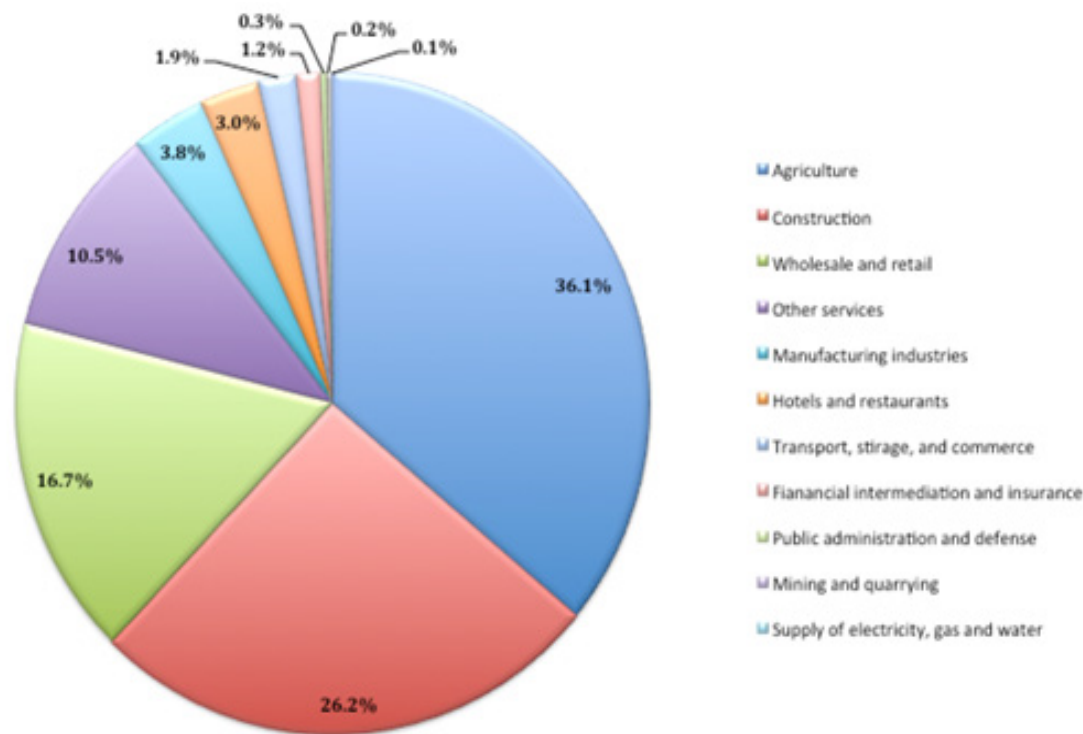
¹⁰⁸ Garcia, "La Presencia de Inmigrantes Haitianos en República Dominicana."

¹⁰⁹ Allison J. Petrozziello, "Haitian Construction Workers in the Dominican Republic," *ICF International*, September 2012, accessed April 2, 2016, <http://www.dol.gov/ilab/reports/pdf/2012constructiondr.pdf>.

Wages for migrant workers are estimated to be 2.50 USD or less per day, and are based on the weight of harvested crops rather than the number of hours worked.¹¹⁰ Moreover, multiple international groups allege that sugarcane companies employ both child and forced labor.^{111,112}

Distribution of Haitian labor by sector in the Dominican Republic in 2013

Source: Primera Encuesta Nacional de Inmigrantes en la República Dominicana (ONE, 2013)



Despite these conditions, about 83 percent of sugarcane workers in the Dominican Republic are believed to be Haitian or of Haitian descent.¹¹³ This could be because laborers are not mobile or independent, and instead over time have become tied to the land and their working communities.¹¹⁴ One factor contributing to this immobility is the fact that many migrants are waiting to receive pension funds. While many workers paid into the state's pension system, the government asks that recipients bring official documentation – including employment contracts and proof of regularized migratory status – in order to collect their pensions.¹¹⁵ This has stalled the payments of many migrants, leaving them unable to retire or move.¹¹⁶

110 Minority Rights Group International. "World Directory of Minorities and Indigenous Peoples - Dominican Republic: Haitians," (2008), accessed March 28, 2016, <http://www.refworld.org/docid/49749d2e21.html>.

111 Ibid.

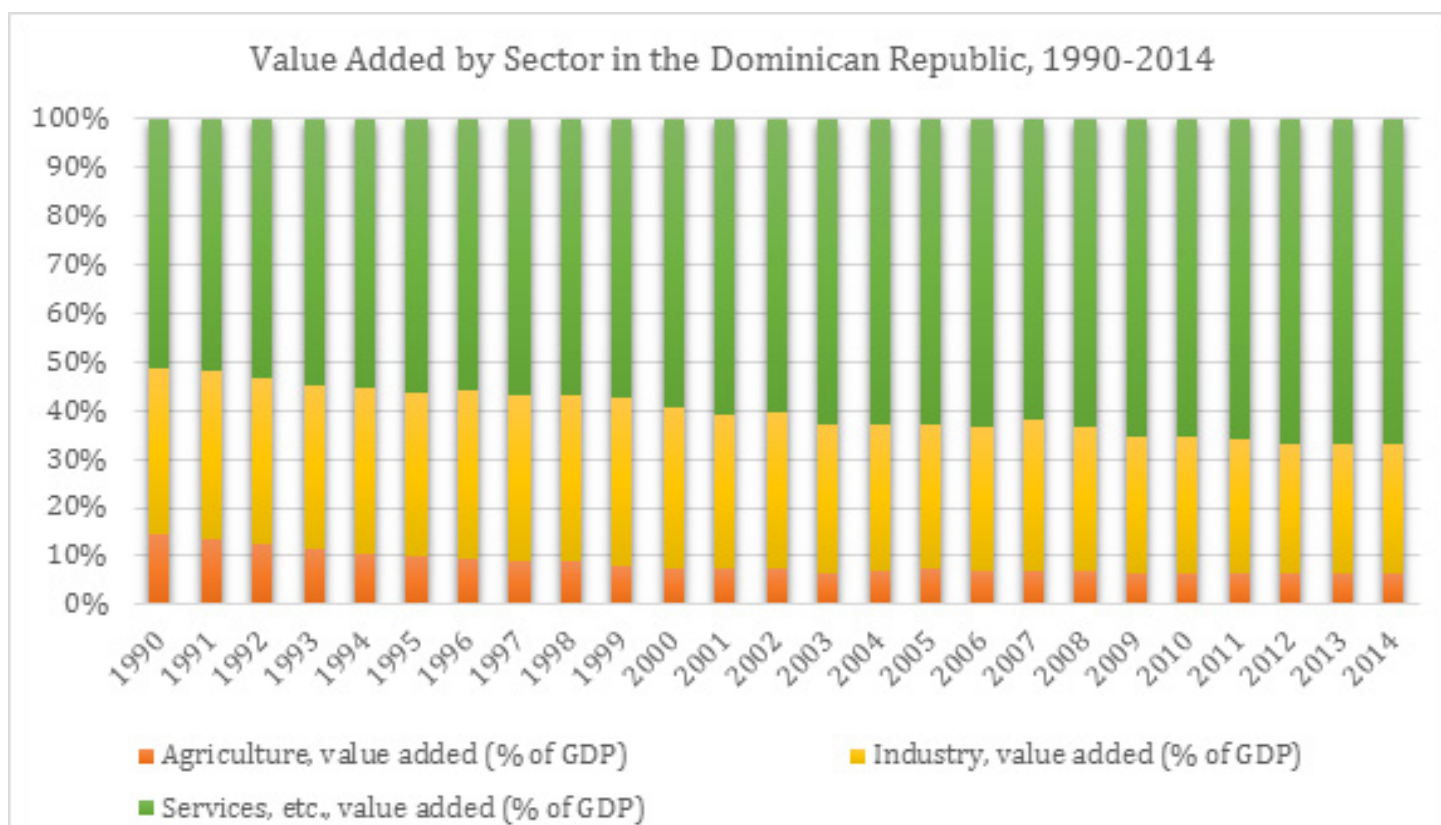
112 Petrozziello, "Haitian Construction Workers in the Dominican Republic."

113 Minority Rights Group International. "World Directory of Minorities and Indigenous Peoples - Dominican Republic: Haitians."

114 Petrozziello, "Haitian Construction Workers in the Dominican Republic."

115 "Twenty-Four-Month Review of Implementation of Recommendations in the U.S. Department of Labor's Public Report of Review of Submission 2011-03 (Dominican Republic)," *United States Department of Labor*, <http://www.dol.gov/ilab/reports/pdf/Dominican%20Republic%2024-month%20review%20statement.pdf>.

116 Amy Bracken, "Blood, Sweat, and Sugar: Trade Deal Fails Haitian Workers on DR Plantations," *Al-Jazeera America*, July 16, 2015, accessed March 30, 2016, <http://america.aljazeera.com/multimedia/2015/7/blood-sweat-and-sugar-trade-deal-fails-haitian-workers-in-dr.html>.



Construction

The second largest industry for Haitian labor is construction. Contractors prefer to employ Haitian laborers because their informal status makes them cheaper, more flexible, and more willing to accept suboptimal conditions.¹¹⁷ The construction industry is known for more dangerous work, longer working hours, pay far below minimum wage, and seven-day workweeks.^{118,119} Still, construction workers are paid better than agricultural workers, thus attracting younger Haitian migrants. These workers are relatively mobile and are employed through subcontracting arrangements as well as informal routes. Together, these factors make it hard to track laborers

or ensure that employers respect the rights of workers.¹²⁰

Ironically, the use of Haitian labor in construction occurs openly without much government resistance. In fact, the Dominican government is a large employer of Haitian labor for public works projects.¹²¹ For example, while the technicians of the subway systems in Santo Domingo were European and Dominican, Haitian laborers provided most of the manual labor for the subway construction.¹²² This highlights the tendency of Haitian migrants filling low-skilled jobs, versus Dominicans engaging in higher-skilled, less labor intensive activities.

¹¹⁷ Petrozziello, "Haitian Construction Workers in the Dominican Republic."

¹¹⁸ Ibid.

¹¹⁹ "Discrimination and Denationalization in the Dominican Republic," American Federation of Labor and Congress of Industrial Organizations (AFO-CLO), (July 2015), accessed March 28, 2016, http://www.aflcio.org/content/download/121461/3386231/March2014_DominicanRepublicReport_nb.pdf.

¹²⁰ Petrozziello, "Haitian Construction Workers in the Dominican Republic."

¹²¹ Volz, "Illegal Haitian Workers in Demand."

¹²² Ibid.

Manufacturing and Tourism

Migrants are reported to work increasingly in the manufacturing and tourism industries in the Dominican Republic because they offer higher wages than similar work in Haiti and because the work is low-skill. Tourism is one of the largest industries in the Dominican Republic. With nearly five million visitors each year, the Dominican Republic is the most visited country in the Caribbean.¹²³ Because of this prevalence, tourism is an increasingly large employer of Haitian migrants. Haitians and Dominicans of Haitian descent comprise 81.1 percent of the population in the popular tourist destination of Punta Cana. Most of this population is employed by the hotels and resorts in the area.¹²⁴

The tourism sector of the Dominican Republic is particularly interesting, as it was a vehicle for significant public activism from abroad. The massive and unexpected “voluntary” departures that resulted from the Regularization Law’s expiration in June 2015 led hundreds of people to boycott travel to the Dominican Republic on Twitter and Facebook, and to 3,000 people signing a petition on change.org.¹²⁵ A group called “End International Apartheid in the Dominican Republic” even created a website boycotting Dominican Tourism.¹²⁶ While their intent

is admirable, these boycotters did not consider that their actions could hurt the very populations they were advocating for – less tourism meant lower income for employees of that industry. Clearly, the media and international community have an important role in creating pressure for change, but they must be cautious. Attempted solutions like the boycott could further aggravate the precarious situation of the affected population.

Political Factors of Migration

Political factors in both Haiti and the Dominican Republic have further prompted Haitian migratory influxes. Both countries are going through periods of political transition, with general elections to be held in the Dominican Republic on May 15, 2016 and an interim government in Haiti with presidential elections postponed indefinitely. These transitions represent both an obstacle and a window of opportunity for the two governments to implement policies that will address the binational migration issue. The following sections will discuss why politics in Haiti and the Dominican Republic have largely worsened the situation and exacerbated the push and pull of migrants.

Bureaucratic and Inefficient Institutions in Haiti

Although the Dominican Republic has its own responsibilities in dealing with migration issues, it has also found an often-absent partner in the government of Haiti.¹²⁷ Often relying on the international community’s support, Haiti has contributed to the anti-Dominican rhetoric by

¹²³ Led Black, “Prevent Humanitarian Tragedy in Dominican Republic,” *CNN*, June 23, 2015, accessed March 24, 2016, <http://www.cnn.com/2015/06/23/opinions/black-deportation-dominican-republic-haitians/>.

¹²⁴ “Peligrosos Enclaves Haitianos en El Este,” *Listin Diario*, November 30, 2013, accessed March 25, 2016, <http://www.listindiario.com/editorial/2013/11/30/301571/Peligrosos-enclaves-haitianos-en-el-Este>.

¹²⁵ Yamiche Alcindor, “Dominican Republic fears tourism boycott over citizenship ruling,” *USA Today*, <http://www.usatoday.com/story/news/world/2015/07/30/dominican-republic-tourists-haiti-citizenship-immigration-boycott/30384635/>.

¹²⁶ “Say NO to Apartheid in the DR,” International Campaign to End Apartheid in the Dominican Republic, accessed April 11, 2016, <https://endapartheidinthedr.wordpress.com/>.

¹²⁷ Alcindor, “Dominican Republic fears tourism boycott over citizenship ruling.”

largely failing to resolve the issue of the camps that sprouted along the border following the end of the Regularization Plan. Instead, Haiti blamed the Dominican Republic to divert attention from its own failure to address this humanitarian emergency.^{128,129} According to Beneco Enecia, Director of CEDES, the Haitian government has tried to de-incentivize the creation of camps along the border.¹³⁰

One of the factors undermining the Haitian government's efforts is the lack of coordination between its different legislative bodies, which tend to act in silos.¹³¹ Reducing this major institutional gap would greatly enhance Haiti's capability to efficiently direct international aid to the most vulnerable populations.¹³² High bureaucratic costs associated with the issuance of Haitian passports have also left numerous Haitian migrants undocumented.^{133,134}

Moreover, the lack of coordination between the two countries significantly increased the difficulties for applicants under the Dominican Regularization Law, as they were often forced to return to Haiti to obtain birth certificates. The Program of Identification and Documentation of Haitian Immigrants (PIDIH) provided an outlet for

Haitians to obtain a birth certificate, a national identification card and a passport, which would have allowed them to participate in the Dominican Regularization Plan.¹³⁵ However, Haitian consulates in the Dominican Republic often lack the necessary papers to execute these processes.^{136,137} The difficulty Haitians have in obtaining documents in their own country, as a result of bureaucratic political processes, may serve as a push factor for them to leave.

Mutual Mistrust on the Island

Hostilities between Haiti and the Dominican Republic surrounding issues such as migration have often materialized in specific retaliatory actions that have deteriorated the bilateral relations between the neighbors. Two recent events highlighting the tense atmosphere on the island include: 1) the suspension of flights between Haiti and the Dominican Republic; and 2) Haiti's ground import ban on 23 Dominican products. While these retaliations are economic in nature, they are politically motivated.

Flight Suspensions

On March 1, 2016 Aerolíneas MAS and Sunrise Airways – a Dominican Republic-based and Haiti-based airline, respectively – suspended direct commercial flights between the Dominican Republic and Haiti. From what could be inferred from public statements, the suspension was for “commercial reasons.” However, the exact reason

128 Gaillard, interview.

129 “Haiti PM Warns of ‘Humanitarian Crisis’ Caused by Dominican Deportation Policy,” *The Guardian*, June 26, 2015, accessed April 14, 2016, <http://www.theguardian.com/world/2015/jun/26/dominican-republic-deportations-humanitarian-crisis-haiti-pm>.

130 Beneco Enecia, Director, *Centro de Desarrollo Sostenible* (CEDES) interview by Johns Hopkins University-SAIS International Human Rights Clinic, Barahona, Dominican Republic, January 20, 2016.

131 Enzo di Taranto, Head of Office. Haiti, United Nations Office for the Coordination of Humanitarian Affairs (OCHA), interview by Johns Hopkins University-SAIS International Human Rights Clinic, Santo Domingo, Dominican Republic, January 18, 2016.

132 Ibid.

133 Sabrina Martín, “Haiti Blocks Thousands Set to Be Deported from Dominican Republic: Double Rejection Leaves Newly Stateless in Legal Limbo,” *PanAmPost*, August 25, 2015, <https://panampost.com/sabrina-martin/2015/08/25/haiti-blocks-thousands-deported-from-the-dominican-republic/>.

134 Chandler, “Haitian Migrants Allege Deportation, but DR Disputes Claims.”

135 “Haiti - Social: PIDIH, 6,000 Registered in the Dominican Republic on 300,000...” *Haiti Libre*, August 22, 2014, accessed April 29, 2016, <http://www.haitilibre.com/en/news-11877-haiti-social-pidih-6-000-registered-in-the-dominican-republic-on-300-000.html>.

136 “We Are Dominican – Arbitrary Deprivation of Nationality in the Dominican Republic,” *Human Rights Watch*, July 1, 2015, accessed April 14, 2016, <https://www.hrw.org/report/2015/07/01/we-are-dominican/arbitrary-deprivation-nationality-dominican-republic>.

137 Chandler, “Haitian Migrants Allege Deportation, but DR Disputes Claims.”

for this measure has not been officially announced, and reports suggest that charter flights remain operational. Haiti Libre declared, “this action was taken without notice of any kind from the Junta de Aviacion Civil (JAC) of the Dominican Republic and is completely unfounded.”¹³⁸ After the enforcement of this unexpected measure, commercial services were expected to resume within one week.

Following the JAC decision, Sunrise Airways apologized to its customers, and accused the Dominican Republic institution of “obvious bad faith.” The airline further stated that they have been the victim of abuse by the Dominican authorities: “Sunrise Airways asks its loyal customers to accept its apologies for the inconvenience caused by the regrettable decision of the Dominican ‘Junta de Aviacion Civil’ to halt its flights to and from Santo Domingo [...] in an unfairly manner, cavalier, not to say indecent, without prior warning, demonstrating an obvious bad faith.”¹³⁹ However, what is most important is the signal and implied message that such actions send. While presented as a temporary measure, mainly implemented due to bureaucratic reasons (licensing renewal among other things), such action can be perceived as yet another passive aggression to the future of the bilateral relationship between the two countries.

Haiti’s Ban on 23 Dominican Products

On September 29, 2015, the Dominican Republic filed a complaint against Haiti to the World Trade Organization (WTO) for what it calls

“a violation of understanding” between the two countries.¹⁴⁰ Dominican Foreign Affairs Minister Andres Navarro and Industry and Commerce Minister Jose del Castillo said the complaint was submitted to the Access to Market Committee of the WTO.¹⁴¹ The Dominican Republic asserted that the banned ground entry of 23 Dominican products is a violation. Officials on the Dominican side declared that the ban hindered overland commerce between the two countries and that Panama, Ecuador, Mexico, Guatemala, El Salvador, and Colombia were backing the Dominican Republic’s complaint.¹⁴² The goods covered by the ban represent about \$500 million in annual sales and make up six percent of all Dominican exports.¹⁴³

The real reason behind this unexpected measure remains unknown. However, according to the Haitian government the measure was necessary to improve tax collection. This claim is in direct contradiction with the assessment of trade experts. For instance, European Union (EU) officials warned that the ban, if not lifted soon, will eventually drive up prices in Haiti. Alberto Navarro – head of the EU delegation in the Dominican Republic, added that wheat, corn, bread and other affected goods could become up to 40 percent more expensive

138 “Haiti - FLASH : DR Temporarily Suspends Flights of Sunrise Airways,” *Haiti Libre*, March 3, 2016, accessed April 29, 2016, <http://www.haitilibre.com/en/news-16766-haiti-flash-dr-temporarily-suspends-flights-of-sunrise-airways.html>.

139 “Haiti - Economy : Sunrise Airways Victim of Abuse by the Dominican Authorities,” *Haiti Libre*, March 4, 2016, accessed April 29, 2016, <http://www.haitilibre.com/en/news-16777-haiti-economy-sunrise-airways-victim-of-abuse-by-the-dominican-authorities.html>.

140 Sentinel Staff, “Dominican Republic Submits Complaint to WTO on Haiti,” *Haiti Sentinel*, October 7, 2015, accessed April 22, 2016, <http://sentinel.ht/2015/10/07/dominican-republic-submits-complaint-to-wto-on-haiti/>.

141 Ibid.

142 “Haiti Ban on Dominican Products Violates Pact, Officials Say,” *Dominican Today*, October 5, 2015, accessed April 29, 2016, <http://www.dominicantoday.com/dr/economy/2015/10/5/56700/Haiti-ban-on-Dominican-products-violates-pact-officials-say>.

143 “EU Official: Haitian Ban on Dominican Goods Will Be Costly,” *The Big Story*, September 22, 2015, accessed April 29, 2016, <http://bigstory.ap.org/article/d39144237ca34395b4fec8656016ba4f/eu-official-haitian-ban-dominican-goods-will-be-costly>.

in Haiti.¹⁴⁴ The rise in prices of essential goods is a harsh consequence, particularly given the extreme poverty and food insecurity in Haiti.

Negative reactions to the ban have led to local violence, including Haitians burning down the Anse-à-Pitres customs house as Haitian officials confiscated goods that were purchased ‘illegally’ from the Dominican Republic.^{145,146} Despite the potential of further economic deterioration and the exacerbation of the food security situation on the ground in Haiti, Haitian business leaders have praised the measure saying that it will help support the local economy.

However, reports from individuals living along the border indicate otherwise. Haiti’s trade boycott has particular relevance for those trying to bring essential humanitarian relief to the camps in the border region, as many of the products these organizations would bring over from Dominican towns such as Pedernales and Barahona have been banned. These include food staples such as drinking water, wheat flour, pasta, edible oil, and butter and also basic building materials such as PVC pipe, iron for construction, and heavy construction equipment.¹⁴⁷ This shows how the ban has prevented aid organizations from bringing potentially life-saving food supplies across the border. Arian Terrill, an independent human rights monitor working in the camps in Anse-à-Pitres, has firsthand accounts

of how far this ban has been taken. According to him:

“I myself was forced to bluff and bribe my way across the Anse-à-Pitres border crossing on multiple occasions because the Haitian customs officials kept trying to tell me that I couldn’t bring in a fortified food product that contained rice flour as a trace ingredient. The only Haiti-based alternative would have been to procure and transport the supplies in Jacmel or even Port-au-Prince, a prospect that would have roughly tripled program costs and delivery timeframes.”¹⁴⁸

On the ground, then, this trade ban translates what would otherwise be a straightforward, fast, and localized relief effort into an expensive, lengthy operation that could threaten the ability of aid organizations to bring humanitarian relief into Haiti. Another source of tension is the porous nature of the border. To address the issue of revenue loss at the border, Haiti has begun to build a wall in the community of Carrizal, Elías Piña, in the central portion of the island. Haiti has also contracted the Israeli company HLSI to control the border for \$50 million.^{149,150,151} This company will create the infrastructure as well as a system of control before handing it over to the Haitian government.¹⁵²

144 “Haiti - FLASH : The Dominican Republic Recalls Its Ambassador for Consultation,” *Haiti Libre*, September 17, 2015, accessed April 29, 2016, <http://www.haitilibre.com/en/news-15168-haiti-flash-the-dominican-republic-recalls-its-ambassador-for-consultation.html>.

145 “EU Official: Haitian Ban on Dominican Goods Will Be Costly.”

146 Arian Terrill, independent human rights monitor, phone interview by Johns Hopkins University-SAIS International Human Rights Clinic, Washington, DC, USA, April 12, 2016.

147 “Haiti bans ground import of 23 Dominican products,” *Haiti Sentinel*, September 15, 2015, accessed May 2, 2016, <http://sentinel.ht/2015/09/16/haiti-bans-ground-import-23-dominican-products/>.

148 Arian Terrill, independent human rights monitor, e-mail message to Tiffany Basciano, Johns Hopkins University – SAIS, May 1, 2016.

149 Gaillard, interview.

150 “Dominican Republic Lawmakers Welcome Haiti’s Wall at Border,” *Dominican Today*, October 15, 2013, accessed April 15, 2016, <http://www.dominicantoday.com/dr/local/2013/10/15/49286/Dominican-Republic-lawmakers-welcome-Haitis-wall-at-border>.

151 “Haiti – Economy: The Monitoring of Our Borders Assigned to an Israeli Firm,” *Haiti News 509*, October 27, 2015, accessed April 15, 2016, <http://www.haitinews509.net/en/2015/10/haiti-economy-the-monitoring-of-our-borders-assigned-to-an-israeli-firm/>.

152 Gaillard, interview.

Ultimately, a better administration of the border would provide Haiti significantly higher government returns that should be invested in providing better support for Haitians, including the recent returnees currently living in informal settlements. However, building a wall has also proven to be a source of tension, exacerbating strained relations between Haiti and the Dominican Republic.

Domestic Electoral Instability in Haiti

For Haiti, poor rule of law, violence, poverty, widespread corruption, and low levels of education are only a few of the maladies that affect the political system.¹⁵³ Haiti's political gaps have been deepened by the instability of the recent presidential elections. Public opposition to the election results has primarily stemmed from public fear of potentially fraudulent results, consistent with a legacy of corruption and elections tampering.¹⁵⁴ These concerns have prompted widespread clashes and violence that could have long lasting repercussions for migratory patterns. Specifically, this instability could prompt new Haitian migrants to cross the border and escape the dangers and instability of domestic affairs.

To date, Haiti's Presidential election has been accompanied by a fair amount of civil unrest and violence, with the "highest number of political demonstrations since 2010."¹⁵⁵ While on one end these political demonstrations represent a democratic process in action, the extent to which they turn violent and threaten the lives of Haitian

citizens will determine whether they serve as a push factor for Haitians to the Dominican Republic. Currently, the presidential elections are indefinitely postponed.¹⁵⁶ Once a voting date is set, the presence of external observers such as the Organization of American States and the United Nations should enhance the legitimacy of the vote, and reduce the risk of violent outcomes post-elections.¹⁵⁷

Notably, candidates have largely ignored the ongoing issues with the Dominican Republic on the campaign trail. Although this can be worrisome from the perspective of the humanitarian concerns, it could also indicate a Haitian willingness to re-approach the Dominican Republic, reducing the current binational tensions.¹⁵⁸

All of these factors exacerbate the political tensions between the two countries, and often times push Haitian migrants to the Dominican Republic. However, Dominican political actions have also deterred Haitian migrants and Dominicans of Haitian descent from staying in the Dominican Republic – thereby pushing them into Haiti.

Politics in the Dominican Republic

While there is no data to demonstrate that Haitians move to the Dominican Republic for political reasons, qualitative research suggests that the greater political stability in the Dominican Republic has historically attracted Haitians who have often experienced political unrest disrupting their everyday life. At the same time, a growing Anti-Haitian sentiment in the Dominican Republic has led many Haitian migrants and Dominicans of Haitian descent to migrate from the Dominican Republic

¹⁵³ Central Intelligence Agency, "CIA World Factbook – Haiti," accessed April 14, 2016, <https://www.cia.gov/library/publications/the-world-factbook/geos/ha.html>

¹⁵⁴ Gaillard, interview.

¹⁵⁵ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "Haiti Humanitarian Response Plan 2016," *United Nations Office for the Coordination of Humanitarian Affairs*, (2016): 15, accessed April 10, 2016, http://reliefweb.int/sites/reliefweb.int/files/resources/hti_hrp_060416_final_0.pdf.

¹⁵⁶ "UN 'deeply Concerned' as Election Date Not Met in Haiti," *Jamaica Observer*, April 26, 2016, accessed April 29, 2016, <http://www.jamaicaobserver.com/latestnews/UN--deeply-concerned--as-election-date-not-met-in-Haiti>.

¹⁵⁷ Gaillard, interview.

¹⁵⁸ Ibid.

into Haiti, fearing for their own personal safety.¹⁵⁹

Anti-Haitian rhetoric often grows strongest during the months leading up to Dominican elections, as political leaders look for scapegoats for national problems.¹⁶⁰ Public fears that Haitians reduce the available employment opportunities in the Dominican Republic are common and are based in racialized sentiments. Politicians and media outlets are the most common proponents of this anti-Haitianism.¹⁶¹ Given that the next Dominican Republic general elections are scheduled for mid-May, at the zenith of the current migratory crisis, it is likely that more Haitian migrants will “voluntarily” leave the Dominican Republic.¹⁶² Notably, Dominican politicians usually do not talk about Haiti extensively after elections are over, although ultranationalist Dominican politicians have historically exerted undue pressure on their more moderate colleagues.^{163,164} These patterns demonstrate the important role that elections play in migratory patterns, and the timeliness of the current elections in determining the outcome of the current migration crisis and related issues.

The implementation of the Regularization

Plan and Naturalization Law in the Dominican Republic has garnered wide support from the Dominican public and politicians as a way to address the international concern raised by Sentence 168-13. For example, former Dominican President Leonel Fernández wrote an op-ed dismissing the negative response to the Dominican Republic’s deportations from the U.S. and Europe, calling it “an effort to degrade and smear us before the international community, something that we as a generous and caring people do not deserve.”^{165,166} Additionally, the Dominican government initiated lobbying efforts after Sentence 168-13, enlisting the services of American law firm Steptoe and Johnson LLP to reform their international public image.¹⁶⁷ These efforts show that the Dominican Republic is working hard towards a better international public image.

Social Factors of Migration

Various social factors also contribute to the movement of Haitian migrants. This section identifies the following social factors that influence this dynamic: 1) culture and identity; 2) healthcare; 3) family and gender; and 4) education.

159 Roque Planas, “Haitian Man Lynched Amid Dominican Republic Immigration Controversy,” *Huffpost Latino Voices*, November 2, 2015, accessed April 29, 2016, http://www.huffingtonpost.com/2015/02/11/haitian-lynched-dominican_n_6664276.html.

160 Ana S.Q. Liberato, “Dominican Mob Violence against Haitians,” *Racism Review*, May 18, 2015, accessed April 29, 2016, <http://www.racismreview.com/blog/2015/05/18/dominican-mob-violence-against-haitians/>.

161 Carrie Gibson, “The Dominican Republic and Haiti: One Island Riven by an Unresolved Past,” *The Guardian*, October 7, 2013, accessed April 29, 2016, <http://www.theguardian.com/commentisfree/2013/oct/07/dominican-republic-haiti-long-history-conflict>.

162 Daniel Zovatto, “Latin America 2016: Another Difficult Year,” *Brookings*, January 11, 2016, accessed April 29, 2016, <http://www.brookings.edu/research/opinions/2016/01/08-latin-america-2016-zovatto>.

163 Gaillard, interview.

164 Jonathan DiMaio, “Does Focusing on Race in the Dominican Republic Impede Positive Change?” *Huffpost Latino Voices*, December 2, 2016, accessed April 29, 2016, http://www.huffingtonpost.com/jonathan-dimaio/-focusing-on-race-in-the-dominican-republic_b_9189414.html.

165 Dan-el Padilla Peralta, “The Worst of US Immigration Policy Is Reflected in the Dominican Republic,” *The Guardian*, July 24, 2015, accessed April 29, 2016, <http://www.theguardian.com/commentisfree/2015/jul/24/worst-us-immigration-policy-dominican-republic-haiti>.

166 Leonel Fernández, “Los Mitos Sobre El Plan De Regularización,” *Listin Diario*, June 29, 2015, accessed April 29, 2016, <http://www.listindiario.com/la-republica/2015/06/29/378245/los-mitos-sobre-el-plan-de-regularizacion>.

167 Padilla Peralta, “The Worst of US Immigration Policy Is Reflected in the Dominican Republic.”

Culture and Identity

Identity in the Dominican Republic and Haiti is strongly engrained and reinforced along national lines, emerging from divergent Spanish and French colonial pasts and separate economic and political trajectories thereafter, with the Dominican Republic developing as a stronger economic nation. The power dynamic herein extended beyond national identity, onto immutable markers such as skin color, and therefore race. These cleavages were significantly entrenched during the rule of Dominican President Rafael Trujillo. Over the course of his dictatorship, Trujillo racialized identity by limiting the options to identify on a national identity card to white or indigenous, thus eliminating black,¹⁶⁸ and by carrying out the Parsley Massacre of 1937 which targeted individuals assumed to be Haitian based on skin color.¹⁶⁹ The subliminal effects of Trujillo's policy of emphasizing the country's European heritage while obscuring its African heritage, and institutionalizing anti-Haitianism, have persisted. Even today, while Dominicans self-identify by using words such as *moreno*, *trigueño*, and *blanco-oscuro* – which all refer to being dark skinned or mixed race – black is seldom used, which might be more freely used to describe their Haitian neighbors.¹⁷⁰

Haitians have also traditionally been viewed as migrants that serve as inexpensive labor. While

this has been perpetuated by the Dominican government's desire for cheap labor to enhance its economic growth, socially this has created a distinct employment hierarchy, as occupation came to be aligned along ethno-nationalist lines. Public perceptions of class and stature, as they are related to economic background and occupation, are thus also related to race in this instance.

This dominant understanding of anti-Haitianism excludes the crucial population of Dominicans of Haitian descent who were born in the Dominican Republic and who are different from the migrant population in terms of identity, experience, assimilation and legal status. These populations may experience race similarly, but the divergence in national identity problematizes the official policy of the Dominican government towards them. As Carlos Morales, Foreign Relations minister of the Dominican Republic said, "Our border with Haiti has its problems, is our reality, and must be understood. It is important not to confuse national sovereignty with indifference, and not to confuse security with xenophobia."¹⁷¹ However, race and national identity have become inextricably linked such that they cannot be isolated in the pursuance of immigration and citizenship policy.

The Dominican government has institutionalized these complex social cleavages through its political discourse. This includes: the limiting redefinition of citizenship laid out in Sentence 168-13; and the executive handling of these issues that followed, until now. While there was an attempt to distinguish migrant individuals that could have applied for regularization and

168 Roque Planas, "'My Mother Told Me Never To Marry A Black Woman': How Race Works In The Dominican Republic," *The Huffington Post*, July 7, 2015, accessed April 15, 2016, http://www.huffingtonpost.com/2015/07/07/dominican-republic-racism_n_7716596.html.

169 Wilhelmina Agyapong, "Troubled Haitian-Dominican Bilateral Relations Await Progress," *Council on Hemispheric Affairs*, February 27, 2014, accessed April 15, 2016, <http://www.coha.org/troubled-haitian-dominican-bilateral-relations-await-progress/>.

170 Christopher Woolf, "There's a long story behind 'anti-Haitianismo' in the Dominican Republic," *Public Radio International*, November 14, 2013, accessed April 15, 2016, <http://www.pri.org/stories/2013-11-14/theres-long-story-behind-anti-haitianismo-dominican-republic>.

171 "Dominican Government says the UN report on racism, a 'prefabricated stage,'" *Dominican Today*, October 30, 2007, accessed April 15, 2016, <http://www.dominicantoday.com/dr/local/2007/10/30/25910/Dominican-Government-says-the-UN-report-on-racism-a-prefabricated-stage>.

Dominicans of Haitian descent who could have applied for naturalization, these developments have produced an atmosphere of persecution based on Haitian identity of either, or any, kind. This is because policies implemented by the state are similarly followed by non-state institutions as well as regular citizens, as will be outlined in the sections on violence and “voluntary” departures.

Language

The dominant language in the Dominican Republic is Spanish, whereas Haitian Creole and French are spoken in Haiti. In order to establish the national identity of individuals in the processes of immigration and deportations, language has long been used in conjunction with race. For instance, historically, Trujillo’s government used the Spanish word for parsley, or “perejil,” to test the pronunciation of Haitians as a test of national origin.¹⁷² Currently, this language divide determines integration and discrimination, access to employment, education, and other services in the Dominican Republic.

It also plays a role in the deportation especially of those with inadequate documentation, although as will be discussed later, deportation screenings should involve objective criteria, and the nuances of language present both historical and practical problems. Nonetheless, all of the above factors act to the detriment of Haitian populations trying to remain in the Dominican Republic. Conversely, Dominicans of Haitian descent are increasingly at risk of being expelled from their place of birth to Haiti, where in addition to other factors, language is a barrier.

¹⁷² Abby Phillip, “The bloody origins of the Dominican Republic’s ethnic ‘cleansing’ of Haitians,” *The Washington Post*, June 17, 2015, accessed April 15, 2016, <https://www.washingtonpost.com/news/worldviews/wp/2015/06/16/the-bloody-origins-of-the-dominican-republics-ethnic-cleansing-of-haitians/>.

Violence

State and non-state violence based on anti-Haitianism, has been reported increasingly since the instatement of the Naturalization Law and Regularization Plan. Despite clearly stated regulations that aim to protect the human rights of the affected population such as a ban on deporting those that have registered,¹⁷³ violence has plagued the process, spreading to threats to journalists covering these issues.¹⁷⁴ While deportation is an institutional state-led process by itself, it has wider societal repercussions that extend beyond the deported individuals. Non-state actors such as employers of affected populations are subliminally drawn into the violence and violation of human rights, especially since the affected population is legally vulnerable and unable to turn to the state for protection. For instance, there are reports of Haitian migrants in the construction sector facing long hours, poor conditions and physical abuse by employers who use the threat of immigration authorities to continue subjugation.¹⁷⁵ Thus, a culture of violence is perpetuated.

As will be discussed in more detail in Part C, in January 2015, the Dominican government began Operación Escudo (Operation Shield), a mass deployment of security forces in the border areas

¹⁷³ Embassy of the Dominican Republic to the United States, “Dominican Republic Immigration and Documentation Policies Key Points and FAQ,” accessed April 15, 2016, <http://www.domrep.org/immigrationplan.html>.

¹⁷⁴ Roque Planas, “Dominican Journalists Claim Death Threats for Covering Citizenship Debate,” *The Huffington Post*, February 12, 2015, accessed April 22, 2016, http://www.huffingtonpost.com/2015/02/12/dominican-journalists-death-threats_n_6674160.html.

¹⁷⁵ “Haitian construction workers in Dominican Republic denounce exploitation,” *lo-de-alla.org*, February 6, 2016, accessed April 22, 2016.

aiming to halt entry of unauthorized individuals.¹⁷⁶ Although Operación Escudo was mandated to stop migratory inflows in an area within six miles of the border, there have been reports of activity beyond these limits, such as in Barahona and the bateyes.¹⁷⁷ Moreover, there have been reports of people taken to the border without being given the chance to show their documents;¹⁷⁸ this suggests that the process of deportations is inherently based on race, as there is a great reliance on perceived markers such as appearance, which are immutable. Therefore, violence committed by the Dominican military, Cuerpo Especializado de Seguridad Fronteriza Terrestre (CESFRONT) and other state actors are constantly reported.¹⁷⁹

Thus, racial tensions continue to underline social relationships, status and perceptions of power due to these historical underpinnings, as well as the discourse continually promoted by the media and political actors. Additionally, as there is a history and culture of migration to the Dominican Republic, the pull factor of social and kinship networks has emerged as crucial.¹⁸⁰ This refers to the propensity of migrants to encourage and assist in facilitating their friends, family and others to migrate as well. Therefore, racial bonds function on various levels. Moreover, race, as it is intrinsically connected to economic and employment constraints, also

determines class and other social markers. This determines the experiences of Haitian migrants and Dominicans of Haitian descent and affects migration trends. As these factors have often caused negative experiences within the Dominican Republic, they are weighted against positive factors such as better socio-economic opportunities. Especially for Haitian migrants, national and race identity, language, and the racially-charged violence they often experience represent definitive push factors away from the Dominican Republic. For instance, some individuals in the camps in Anse-à-Pitres, Haiti reported that they had no desire to reenter the Dominican Republic, citing reasons related to racial and cultural discrimination.¹⁸¹

Healthcare

Migration, in either direction, is driven by perceptions of superior socio-economic conditions. Especially following the 2010 earthquake, Haiti's healthcare system has worsened dramatically, due to the government's weak scope and capacity. Therefore, despite an adverse political environment, and repeated deportations, migration from Haiti to the Dominican Republic has persisted. In order to create conditions that promote retention of individuals in Haiti, and to discourage outward migration, these shortcomings in the government welfare need to be addressed. A significant portion of the daily, often short-term migration at the border areas occurs due to the lack of hospitals and other basic services in Haiti.

Maternal Health

In examining various statistics on childbirth in each country, it becomes clear that giving birth in

¹⁷⁶ "UA 20/15 Dominican Republic - Mass Deportation In The Dominican Republic," *Amnesty International*, January 28, 2015, accessed April 15, 2016, <http://www.amnesty.se/engagera-dig/agera/aktuella-blixtaktioner/ua-2015-dominican-republic-mass-deportation-in-the-dominican-republic/>

¹⁷⁷ Enecia, interview.

¹⁷⁸ Ibid.

¹⁷⁹ Roberto Lovato, "The Slow March of Mass Haitian Deportation: Is Dominican Immigration Policy Being Obamafied?" *New America Media*, July 2, 2015, accessed April 15, 2016, <http://newamericamedia.org/2015/07/the-slow-march-of-mass-haitian-deportation-is-dominican-immigration-policy-being-obamafied.php>.

¹⁸⁰ Ferguson, "Migration in the Caribbean: Haiti, the Dominican Republic and Beyond."

¹⁸¹ Anonymous individuals, field interview by Johns Hopkins University-SAIS International Human Rights Clinic, Parc Cadeau 1 and 2, Anse-à-Pitres, Haiti, January 21, 2016.

Haiti is much more dangerous than giving birth in the Dominican Republic. For example, the maternal mortality rate is 359 deaths per 100,000 live births in Haiti compared to 92 deaths per 100,000 live births in the Dominican Republic. Moreover, infant mortality rates are more than two times higher in Haiti¹⁸² than they are in the Dominican Republic.¹⁸³ In fact, Haiti has been cited as the most dangerous country in the Western Hemisphere to give birth.¹⁸⁴ Haitian mothers occupy 70 percent of the beds in the maternity wards in the Dominican Republic due to the dismal maternal care in Haiti.¹⁸⁵

The experience of the Nuestra Señora de Altagracia maternity hospital in Santo Domingo gives an idea of the situation for Haitian mothers traveling to the Dominican Republic to give birth. As the best-equipped maternity hospital in the Dominican Republic, the Nuestra Señora de Altagracia hospital receives referrals of mothers at risk from all regional hospitals, including many in the border areas of Elias Pina, Bani, and Barahona. According to Dr. Veronica de la Rosa, the assistant director of the hospital, Haitian mothers occupy one third of the beds.¹⁸⁶ Many come directly from Haiti to access the better health services in the Dominican Republic, where healthcare is provided free of charge whether the individual has documentation

or not.¹⁸⁷

Varying accounts of Haitian mothers giving birth in the Dominican Republic demonstrate that the practice of giving birth there is carried out both by women who plan to stay permanently as well as those who plan to return to Haiti. For example, Camila Pedrozo, the founder of a health clinic in Jimani – a town on the Dominican side of the Dominican-Haitian border – described situations in which Haitian women crossed the border on motorbikes while in labor in order to give birth in the Dominican Republic.¹⁸⁸ Another story belongs to Rosalba Jean, a domestic worker born in the Nuestra Señora de Altagracia Hospital to an undocumented, Haitian mother and a Dominican father.¹⁸⁹ Raised by her parents in the Dominican Republic, Rosalba's account shows how her mother – a Haitian migrant – may make use of the childbirth services in the Dominican Republic as an individual that plans to permanently stay in the country. This shows that while a primary motivating factor for Haitian women migrating to the Dominican Republic is to access improved healthcare, other reasons may compel the migrants to stay for longer.

Health amidst Earthquake and Cholera

In the aftermath of the 2010 earthquake, a large number of Haitians – nearly 70,000, according to the UN¹⁹⁰ – moved into camps with detrimental sanitary conditions. The health infrastructure was severely damaged, with the healthcare delivery

182 In Haiti, 47.98 children die for every 1,000 live births versus 18.84 in the DR.

183 Central Intelligence Agency, "CIA World Factbook – Haiti."

184 "Why Haiti?" *Midwives for Haiti*, accessed April 29, 2016, <https://midwivesforhaiti.org/>.

185 Vinicio A. Castillo Semán, "El Canciller Debe Renunciar," *Listin Diario*, September 7, 2015, accessed April 29, 2016, <http://www.listindiario.com/puntos-de-vista/2015/09/07/387156/el-canciller-debe-renunciar>.

186 Elizabeth Roebing, "Haitian Mothers Find Care in the Dominican Republic, but Future is Bleak," October 29, 2010, accessed April 29, 2016, <http://www.ipsnews.net/2010/10/haitian-mothers-find-care-in-dominican-republic-but-future-is-bleak/>.

187 Lauren Gilger, "Women Leaving Haiti to Give Birth," *The Washington Post*, August 23, 2011, accessed April 29, 2016, https://www.washingtonpost.com/world/americas/women-leaving-haiti-to-give-birth/2011/08/12/gIQAN9YyXJ_story.html.

188 *Ibid.*

189 "Discrimination and Denationalization in the Dominican Republic."

190 "Haiti: UN concerned at forcible evictions of quake survivors from camps," *UN News Centre*, September 13, 2011, accessed April 15, 2016, <http://www.un.org/apps/news/story.asp?NewsID=395>

26#.Vwlr9Etc78E.

mechanisms in terms of transport, electricity, and sanitation systems virtually destroyed.

What has also been devastating is the cholera outbreak, which continues until today. The outbreak has resulted in 8,500 deaths and has further infected at least 700,000 people as of 2014.¹⁹¹ Since the Dominican Republic is relatively underexposed to the disease, and citizens can rely on stronger healthcare institutions, additional Haitian migrants have crossed over to access these services. The inadequate sanitation and water access in Haiti has intensified the spread of cholera, with only 26 percent of the population having access to adequate sanitation.¹⁹² Efforts on the Haitian side to improve sanitation and the battle against cholera include the current National Plan of Action for the Elimination of Cholera in Haiti 2013-2022 published by The National Directorate of Water Supply and Sanitation (DINEPA) and the Ministry of Public Health (MSPP). This plan includes improvements in sanitation infrastructure and access to care.¹⁹³ There is also a strong focus on better coordination between different Water, Sanitation, and Hygiene (WASH) groups in Haiti with governmental and non-governmental institutions having the joint goal of providing full access to health care to people in rural areas.¹⁹⁴

Additionally, Haiti's healthcare depends greatly on international aid and civil society intervention. With the withdrawal of post-

earthquake relief and diversion of international attention to other crises, among other factors, aid to Haiti has significantly decreased. Such aid has also worked to the detriment of strengthening state healthcare institutions.¹⁹⁵ Persistent drought and weak agricultural networks have also led to a food security crisis with lasting nutrition and health implications. Twenty-two percent of children under five in Haiti have chronic malnutrition, and OCHA estimates that 3.6 million people are food insecure.¹⁹⁶

All of these issues function as push factors toward the Dominican Republic, with varying degrees of urgency. The Constitution mandates the government to provide healthcare to all individuals. However, this rarely occurs due to operational biases. Studies by Yale University also show that Haitians in the Dominican Republic report receiving lower quality care, and they are also less likely to seek healthcare at all.¹⁹⁷

Family and Gender

Family ties in the Dominican Republic also influence outward migration from Haiti. Families that migrate face additional vulnerabilities compared to individual migrants; they may be separated during the migratory process as a result of bureaucratic or physical barriers, most notably perilous migratory routes that prevent the whole family from traveling together. Due to the shared island, it is difficult to

191 "Clean Water, Improved Sanitation, Better Health," *World Bank Group*, October 9, 2014, accessed April 15, 2016, https://www.worldbank.org/content/dam/Worldbank/document/book_haiti_6oct_print.pdf.

192 "Haiti: 5 things you need to know," *UNOCHA*, January 12, 2015, accessed April 15, 2016, <http://www.unocha.org/top-stories/all-stories/haiti-5-things-you-need-know>.

193 Katherine E. Bliss and Matt Fisher, "Water and Sanitation in the Time of Cholera," September, 2013, accessed April 15, 2016, http://csis.org/files/publication/130905_Bliss_WaterSanitationCholera_WEB.pdf.

Ibid.

194 Ibid.

195 Maude Montani, "Reconstruction of the health sector in Haiti: a missed opportunity?" July 13, 2015, accessed April 15, 2016, <http://odihpn.org/blog/reconstruction-of-the-health-sector-in-haiti-a-missed-opportunity/>.

196 "Haiti: Food Security Snapshot," *UNOCHA*, March 2016, accessed April 15, 2016, https://www.humanitarianresponse.info/en/system/files/documents/files/drought_snapshot_march_2016_english.pdf.

197 "Healthcare in the Dominican Republic," *Global Health at Yale* (2014), accessed April 15, 2016, <http://globalhealth.yale.edu/healthcare-dominican-republic>.

analyze the dynamics of the family unit in each country separately. Indeed, as will be discussed, families are fairly intermingled on the island of Hispaniola. This dynamic contributes to the push and pull of migrants from Haiti to the Dominican Republic.

While blossoming Haitian families may be inclined to leave Haiti for the Dominican Republic to secure a better life, there is also evidence that the composition of families in the Dominican Republic is mixed, and has been for generations.¹⁹⁸ The porous border has made it so that many people habitually cross it as part of their daily lives. Thus, families are not necessarily split into Haitian or Dominican, but are often mixed. While there are no official statistics on the ethnic composition of Dominican families, anecdotal evidence indicates that there are many families where one spouse is Dominican and the other is Haitian.

Furthermore, for many families in the Dominican Republic, the marital relationship is such that the man is usually Dominican and the woman is usually Haitian.¹⁹⁹ This is backed by historical research that ties the Dominican-male Haitian-female relationship back to ranching practices in the 1930s. During that time, it was common practice for Dominican men working in cattle-ranching areas to have multiple spouses, with one primary Dominican wife and multiple Haitian co-wives that would maintain a plot of land and keep their husband company when he worked in the fields.²⁰⁰ Anecdotal accounts reveal that this dynamic has persisted to present day, and this has been problematic as a

result of Sentence 168-13.

Rosalba Jean's story detailed above is one such piece of evidence that shows the male-female racial dichotomy, as her father is Dominican and her mother is an undocumented Haitian migrant.²⁰¹ In interviews The New York Times conducted with residents from Barrio Cementerio – a neighborhood in Sabaneta, Dominican Republic that is evenly divided between Dominicans and Haitians – this dynamic is reinforced. An example from the interviews is a Dominican man, Roberto, whose wife is of Haitian descent, and fears that she and his two children – who have no documents – will be sent to Haiti as a result of Sentence 168-13.²⁰²

These unique family dynamics reveal how difficult it is to view Haitian and Dominican family units as separate, and how this process has a disproportionate impact on women. As women are often the primary caretakers, it is much easier to tie a child's lineage to a woman; thus, when a woman is undocumented her children face the risk of statelessness.²⁰³ One possible solution is through marriage; however the Dominican Republic requires birth certificates in order to get married, which many people do not possess.²⁰⁴ Lilian Dolis, a representative of El Movimiento de Mujeres Dominicano-Haitiana (MUDHA), explains this by saying, "when a son or a daughter is denied their Dominican identity, the mothers are directly responsible for

198 Belle Antoine et al., "Situation of Human Rights in the Dominican Republic," par. 107.

199 Enecia, interview.

200 Lauren Derby, "Haitians, Magic, and Money: Raza and Society in the Haitian-Dominican Borderlands, 1900 to 1937," *Comparative Studies in Society and History* 36, No. 3 (Jul 1994): 515.

201 "Discrimination and Denationalisation in the Dominican Republic," The American Federation of Labor and Congress of Industrial Organizations, July 2015, accessed May 1, 2016, http://www.aflcio.org/content/download/121461/3386231/July2015_DominicanRepublicReport_nb.pdf.

202 Azam Ahmed and Sandra E. Garcia, "Dominican Plan to Expel Haitians Tests Close Ties," *New York Times*, July 4, 2015, accessed May 1, 2016, http://www.nytimes.com/2015/07/05/world/americas/dominican-plan-to-expel-haitians-tests-close-ties.html?_r=0.

203 Ibid.

204 Enecia, interview.

failing to legalize their status.”²⁰⁵ Additionally, undocumented Haitian mothers have a harder time obtaining active participation by the father in raising the child. One mother informed a delegation visiting the Dominican Republic from the IACHR that neither she, nor her son had documents verifying they were born in the Dominican Republic, so she was unable to sue the father for child support.²⁰⁶ The IACHR’s report on the human rights situation in the Dominican Republic highlights this: “[i]n particular, the IACHR notes with concern the special situation of vulnerability of women of African descent, who have suffered a triple historical discrimination based on their sex, extreme poverty, and race.”²⁰⁷

As discussed previously, up until the 2010 constitutional change, children of migrants born in the Dominican Republic were granted citizenship unless the parents were “in transit” when the child was born. However, Sentence 168-13 made it so that if the parents were undocumented, then their children could not be registered. In other words, the children of irregular migrants inherited their parents’ status. These actions have separated many families. According to the IOM, 56,626 individuals that have crossed the border into Haitian territory – since the registration component of the Regularization Law expired on June 17, 2015 – have said that they still have family members remaining in the Dominican Republic.²⁰⁸ Of the 19,759 individuals that were officially deported, 45 percent indicated that they have relatives remaining in the Dominican Republic, 6.2 percent have children remaining in

the Dominican Republic, and 4.8 percent have their spouse still in the Dominican Republic.²⁰⁹ The IOM also cites that of the 1,308 cases of presumed unaccompanied minors that have entered Haiti, 18 are still awaiting family reunification.²¹⁰

Interviews with the affected populations reveal how painful these family separations are, and why the family acts as a pull factor back to the Dominican Republic. Our interview with a man living in the settlement camps outside Anse-à-Pitres revealed that he had four family members that were able to stay in the Dominican Republic because they were regularized through the process created by the Regularization Plan while he was deported.²¹¹ Other interviews conducted by The Guardian reveal the anguish many men felt when separated from their children and wives as a result of Sentence 168-13. One man left his three children behind, aged four, eight, and sixteen. Another was frantic about what would happen to his wife as he was stuck in Haiti trying to find a way back.²¹²

The Dominican Republic’s General Directorate of Migration (DGM) has somewhat recognized the fragility of families in this situation by deciding to not deport women and children. This decision is reflected in the numbers reported by IOM, which cites that of the 19,759 individuals officially deported, 94 percent were male, six percent were female, and 6.4 percent were under 18.²¹³ Nonetheless, this reveals how detrimental the Dominican Republic’s actions have been to mixed families, and how these family separations will

205 Ivet González, “Women of Haitian Descent Bear the Brunt of Dominican Migration Policy,” *Inter Press Service News Agency*, February 5, 2016, accessed May 1, 2016, <http://www.ipsnews.net/2016/02/women-of-haitian-descent-bear-the-brunt-of-dominican-migration-policy/>.

206 Belle Antoine, et al., “Situation of Human Rights in the Dominican Republic,” par. 411.

207 Ibid., par. 372.

208 “IOM Haiti: Border Monitoring Situation Report.”

209 Ibid.

210 Ibid.

211 Anonymous individual, field interview.

212 Prosperity Raymond, “Eyewitness: Dread and Despair for Deportees on Haiti-Dominican Border,” *The Guardian*, October 12, 2015, accessed May 1, 2016, <http://www.theguardian.com/global-development/2015/oct/12/eyewitness-dread-despair-deportees-haiti-dominican-republic-border>.

213 “IOM Haiti: Border Monitoring Situation Report.”

serve as a further pull factor back to the Dominican Republic. In light of the complicated family dynamics in Haiti and the Dominican Republic, it is necessary that the two countries work together to formulate a detailed family reunification procedure.

Education

Outward migration from Haiti to the Dominican Republic also stems from inequities in education between the two countries. Notably, both states struggle with providing adequate education to their citizens. In fact, both countries have education systems that rank among the worst in the Western Hemisphere.²¹⁴ Haiti and the Dominican Republic have some of the lowest literacy rates in Latin America with 60 percent and 85 percent, respectively, compared to an average of 92 percent in Latin America.^{215,216} This primarily stems from poor funding for education, lack of education materials, and most importantly, ill-prepared teachers. For example, the United States Agency for International Development (USAID) estimates that only half the public school teachers in Haiti have basic qualifications to teach.²¹⁷ Meanwhile, a study conducted by education experts in the Dominican Republic revealed math teachers only understood 42 percent of their assigned teaching material.²¹⁸ Together, these factors have posed major impediments to economic growth in both

states.

Despite these factors, educational opportunities are relatively better in the Dominican Republic than in Haiti, leading to higher demand for Dominican residence. While both states face challenges, Haiti's situation is particularly bad. Haiti's literacy rate is approximately 25 percent lower than that of the Dominican Republic. Furthermore, according to the United Nations Development Programme (UNDP) surveys, only 29 percent of Haitians aged 25 and older attended secondary school.²¹⁹ These trends could stem from the low level of governmental support for education and the high costs associated with schooling. Haiti's *Ministre de l'Éducation Nationale et de la Formation Professionnelle* (MENFP) is responsible for funding the education sector, although it is endowed with a small budget—3.4 percent of GDP, or less than \$300 million, in 2013.^{220,221}

Accordingly, the private sector has filled the role of the government, with 90 percent of primary schools being non-public and managed by community groups, religious organizations, or NGOs.²²² Because of the private sector's role, schools can be very expensive for Haitian families. Education Minister Nesmy Manigat estimated that some families spend as much as 40 percent of their income on their children's education expenses.²²³ These problems were exacerbated by the 2010 earthquake, which destroyed more than 4,200 schools and displaced tens of thousands of

214 Katie Manning, "Dominican Republic Revamps Failing Education System," *DW*, December 5, 2014, accessed March 20, 2016, <http://www.dw.com/en/dominican-republic-revamps-failing-education-system/a-17625149>.

215 Central Intelligence Agency, "The World Factbook - Haiti."

216 "Education System in the Dominican Republic," *Classbase*, 2012, accessed March 22, 2016, <http://www.classbase.com/countries/Dominican-Republic/Education-System>.

217 "Haiti: Education," USAID, February 25, 2016, accessed March 26, 2016, <https://www.usaid.gov/haiti/education>.

218 Manning, "Dominican Republic Revamps Failing Education System."

219 "Haiti: Education."

220 Anne S. Olsen, "Haiti: Transitioning from Private to Public Education," *Inter-American Development Bank*, September 10, 2015, accessed April 15, 2016, <http://blogs.iadb.org/education/2015/09/10/haiti-transitioning-from-private-to-public-education/>

221 "Haiti: Education."

222 *Ibid.*

223 "Nesmy Manigat," *EU Dev Days*, 2015, accessed March 27, 2016, <https://eudevdays.eu/content/nesmy-manigat-0>.

students.²²⁴ As such, there is a great need to build the capacity of public education in Haiti.

The Dominican Republic offers relatively better educational services. In fact, the Dominican Republic recently became the first Caribbean state to overhaul its primary education system.²²⁵ In 2012, the Dominican public pressured all presidential candidates into committing to double the national education budget, raising it to four percent of GDP, but the government has fallen short.²²⁶

Ultimately, these imbalances may influence the migration decisions of Haitians. For example, 48,000 children without identification documents are enrolled in Dominican primary schools, according to Ministry of Education estimates from 2011-2012.²²⁷ However, these children will be unable to matriculate from primary or secondary school, as the examinations necessary to graduate require identification to take them. Thus, migrant children – specifically the children of undocumented Haitian migrants – have difficulty getting access to education beyond eighth grade, which is when the examinations occur.²²⁸ This shows that while superior educational services in the Dominican Republic may pull migrants to the country, migrant children face additional difficulties in getting access to education.

224 Kendra Helmer, “USAID Supports Ministry of Education in Haiti,” *USAID*, February 25, 2011, accessed March 25, 2016, <https://blog.usaid.gov/2011/02/usaids-supports-ministry-of-education-in-haiti/>.

225 Manning, “Dominican Republic Revamps Failing Education System.”

226 Ibid.

227 Associated Press, “Children of Haitian Descent in Dominican Republic Being Barred from School, Forced into Labor: Report,” *Daily News*, April 12, 2014, accessed March 27, 2016, <http://www.nydailynews.com/news/world/children-haitian-descent-dominican-republic-barred-school-article-1.1754213>.

228 Belle Antoine et al., “Situation of Human Rights in the Dominican Republic,” par. 575.

Geographic Factors of Migration

Because Haiti and the Dominican Republic share an island, they have the same geographic makeup. Thus, one would assume that they face the same risks. However, in comparing each country’s response to environmental degradation and natural disasters, it becomes clear that it is Haiti’s lack of preparedness has made it much more vulnerable to environmental impacts than the Dominican Republic.

Environmental Degradation

Both Haiti and the Dominican Republic suffer from environmental degradation on the border, mainly due to soil erosion, deforestation and a degraded marine environment.²²⁹ The weak governance along the border exacerbates these problems as people take advantage of the limited resources without corresponding sanctions. The economic and resource inequalities between the two countries contribute to the transboundary problems, a large part of which is illegal trade in charcoal.²³⁰ The disparity between the Haitian and Dominican border is evident in satellite images showing a clear line separating a brown void that is Haiti and a greener and luscious Dominican Republic.

However, the bare land seen on the Haitian side is slowly seeping across to the Dominican side,

229 United Nations Environment Programme, *Haiti-Dominican Republic Environmental Challenges in the Border Zone*.

230 Nathaniel Gronewold, “Environmental Destruction, Chaos Bleeding Across Haitian Border,” *New York Times*, December 14, 2009, accessed May 1, 2016, <http://www.nytimes.com/gwire/2009/12/14/14greenwire-environmental-destruction-chaos-bleeding-across-35779.html?pagewanted=all>.



Courtesy: Google Maps

as Dominican land owners are taking advantage of Haitian's cheap labor, allowing them to continue their production techniques in a country that has managed to maintain its forest cover due to its early shift to an industry economy.²³¹

The border area is the most affected by drought and deforestation, which have deprived the land of minerals needed for agriculture. This is causing growing desertification across the region, which has drastically affected the Dominican economy as land becomes infertile. Additionally, Haitians have historically used coal as their main source of energy, mostly from land that has been deforested. Due to its dependence on charcoal and wood, Haiti has lost 98 percent of its forest²³² and is now largely dependent on the Dominican Republic for its import of this scarce resource. The illegal extraction and trade of natural resources between Haiti and the Dominican Republic has grown

significantly. This not only negatively affects the environment, but also creates immense economic losses. As was mentioned above, the Haitian government's partnership with an Israeli company to build a wall along the border is both tied to Haiti's desire to combat illicit trade in addition to Israeli companies having an interest in the border area as a source of clean energy to combat further deforestation in the Dominican Republic.²³³

The irreversible degradation of the environment on the Haitian side of the border has naturally pushed Haitians into the Dominican Republic. Dominican border towns have accepted Haitians for their cheap labor, allowing them to further their work in charcoal trading on the black market.²³⁴ This also includes other natural resources such as firewood and marine resources.²³⁵ The availability of these employment opportunities across the border has attracted Haitians to fulfill

231 "Haiti and the Dominican Republic: One Island, Two Worlds," *The Globalist*, January 20, 2010, accessed May 1, 2016, <http://www.theglobalist.com/haiti-and-the-dominican-republic-one-island-two-worlds/>.

232 Andrew Burger, "Deforestation Slows Economic Recovery in Haiti," *Triple Pundit*, January 15, 2015, accessed May 1, 2016, <http://www.triplepundit.com/2015/01/deforestation-slows-recovery-haiti/>.

233 "Dominican, Israeli Governments Eye Clean Energy at Border," *Dominican Today*, September 18, 2014, accessed May 1, 2016, <http://dominantoday.com/dr/economy/2014/9/18/52759/Dominican-Israeli-governments-eye-clean-energy-at-border>.

234 Gronewold, "Environmental Destruction, Chaos Bleeding Across Haitian Border."

235 Ibid.

the jobs they can no longer perform in Haiti due to the lack of vegetation. The consequences of this unsustainable trade, due to the impending depletion of natural resources, are now also visible on the Dominican side of the border. Furthermore, charcoal trading is illegal in the Dominican Republic and can have negative legal repercussions on those involved in this trade.²³⁶

The increasing threat of climate change will also have a negative impact on Haiti and the Dominican Republic, especially along the border where it is already too dry for production. Both countries can expect a change in the average temperature, variability of rainfall, and an increase in frequency and intensity of hurricanes.²³⁷ These impacts will not only affect the environmental landscape, but will have strong social impacts, such as the spread of diseases such as cholera. Adaptation to and mitigation of these climate change impacts is crucial to keep the two countries safe. Accepting external aid, such as a recent collaboration between both governments and the United Nations Environment Programme (UNEP) which resulted in a report titled *Haiti-Dominican Republic Environmental Challenges in the Border Zone*,²³⁸ including policy recommendations agreed upon by both governments, will help these two countries to work together to mitigate further destruction to the environment on their shared island.

Natural Disasters

Although the Dominican Republic and Haiti are both prone to natural disasters, the former is significantly more prepared to handle

such unfortunate acts of nature. Haiti has recently been severely affected by natural disasters such as the three-week long streak of tropical storms and hurricanes in August and September 2008 and the devastating earthquake of 2010 that killed more than 200,000 and left 1.5 million Haitians homeless.²³⁹ The World Bank's *Natural Disaster Hotspot* study lists Haiti as one of the countries with the highest exposure to a variety of hazards as it lies right in the center of the Caribbean basin.²⁴⁰ Especially in terms of cyclone exposure, 96 percent of Haiti's population lives at risk due to frequent flooding and mudslides.²⁴¹

Following the 2010 earthquake, hundreds of thousands of Haitians moved to the Dominican Republic to escape the immediate impacts of the disaster and to avoid the potential of another earthquake. In this regard, one would assume that the Dominican Republic is not – or less – prone to similar natural disasters, explaining the surge in migration of Haitians, in order to seek improved shelter. On the contrary, the Dominican Republic ranks 24th out of 173 countries in the *World Risk Index*, which ranks countries by natural hazard exposure, with Haiti ranking 32nd on the same scale, meaning the Dominican Republic is relatively more exposed to natural hazards than Haiti.²⁴²

This shows that it is the level of vulnerability rather than the geographic exposure that makes Haiti so different than the Dominican Republic in its capacity to withstand natural disasters.

²³⁹ "Haiti Earthquake-Our Response," *Oxfam*, 2016, accessed May 1, 2016, <https://www.oxfam.org/en/haiti-earthquake-our-response>.

²⁴⁰ "Natural Disasters Hotspots: A Global Risk Analysis," *World Bank* (2005), accessed May 1, 2016, http://www.preventionweb.net/files/1100_Hotspots.pdf.

²⁴¹ "Disaster Risk Management Program for Priority Countries Latin America & Caribbean - Haiti," *World Bank*, accessed May 1, 2016, <http://bit.ly/1XerHi7>.

²⁴² United Nations Environment Programme, *Haiti-Dominican Republic Environmental Challenges in the Border Zone*.

²³⁶ Ibid.

²³⁷ United Nations Environment Programme, *Haiti-Dominican Republic Environmental Challenges in the Border Zone*.

²³⁸ Ibid.

Haiti is ranked as the tenth most vulnerable country due to its lack of coping and adaptation mechanisms to natural disasters.²⁴³ The severe environmental degradation mentioned above, as well as the presence of numerous settlements in areas of floodplains are key contributors to the country's high levels of vulnerability. This is further worsened by Haiti's high level of poverty and the lack of adequate risk resilient infrastructure.²⁴⁴ The consequences of climate change will likely only increase this vulnerability, underscoring the need for better disaster risk management and resilience policies.²⁴⁵

For all these reasons, it is clear that Haitians migrate and leave their country partly due to Haiti's higher vulnerability to natural disasters, which causes significantly more damaging consequences when a disaster hits. The country's vicious combination of lack of infrastructure, political and economic instability, and poverty are major causes of the low levels of natural disaster preparedness.

Haiti needs far stronger disaster risk management and prevention mechanisms; this not only includes general disaster management policies, such as improvements in housing constructions, but also significant progress toward poverty reduction. This would enhance the current strength of natural disaster vulnerability, reducing the incentive for migration toward the Dominican Republic. Given that the two countries are equally exposed to natural disasters, if the latter are addressed adequately, they should not constitute such a significant push factor for migration.

243 Ibid.

244 "Disaster Risk Management Program for Priority Countries Latin America & Caribbean – Haiti."

245 "Haiti-Dominican Republic Environmental Challenges in the Border Zone."



Part B

Legal Protection Gaps - Risks for
Statelessness and Expulsion
or Deportation

Primary Outcomes of Regularization and Naturalization Law

According to the Dominican Republic, an estimated 364,965 people took advantage of the Naturalization Law or Regularization Plan.²⁴⁶ Although these laws were crucial steps towards filling in the citizenship gaps left by Sentence 168-13 and providing legitimacy to undocumented migrants, there are certain segments of the affected population who were unable to take advantage of these processes. Individuals who, among other possible scenarios, were unable to effectively navigate the complex legal and administrative system may be stateless, at risk of statelessness, or at risk of deportation or expulsion from the Dominican Republic. This section attempts to identify such individuals, the legal challenges they face, and the procedural gaps that led to this predicament.

PNRE (Regularization Plan)

The Dominican Republic's plan to regularize undocumented migrants under the PNRE was a meaningful gesture. Despite its flawed implementation, it helped many undocumented Haitian migrants to live within a legal framework, rather than in the shadows. Accordingly, any undocumented migrants who did not - or could not - apply for the Regularization Plan may be

rightfully subjected to deportation proceedings. Still, there are several outstanding concerns with the Regularization Plan that may unfairly put individuals at risk for deportation or expulsion. Such concerns include:

1. Ensuring that all applicants to the plan have been properly notified as to the status of their application; have received documentation regarding their new migratory status in a timely manner; and are not at risk of deportation or expulsion.²⁴⁷
2. Ensuring that there are well-advertised renewal procedures in place for when the one-year card (carnet) under the Regularization Plan expires, such that individuals can properly renew their cards and are not at risk of deportation or expulsion, especially as information has yet to be disclosed regarding this process as of December 12, 2015.^{248,249}
3. Ensuring that there are proper appeal mechanisms and judicial procedures in place for applicants denied migratory status during their application review process.²⁵⁰

Law 169-14 (Naturalization Law)

Following Sentence 168-13, thousands of Dominicans of Haitian descent were retroactively deprived of their citizenship. Facing substantial

²⁴⁷ "Haiti - Dominican Republic: Nearly 53,000 regularization cards still unclaimed..." *Haiti Libre*, December 12, 2015, accessed on May 1, 2016, <http://www.haitilibre>

²⁴⁸ Terrill, phone interview.

²⁴⁹ Ibid.

²⁵⁰ Inter-American Commission on Human Rights Hearing "Political Rights of Dominican Persons of Haitian Descent in the Dominican Republic," April 8, 2016, accessed May 1, 2016.

²⁴⁶ Embassy of the Dominican Republic to the United States, "Dominican Republic Immigration and Documentation Policies Key Points and FAQ."

international pressure, the Dominican government approved Law 169-14 (Naturalization Law) on May 23, 2014. This broadly applies to two groups of people, called Group A and Group B.

Group A

Individuals in Group A: Group A includes people born between June 16, 1929 and April 18, 2007 and whose parents were officially registered as foreigners with the Dominican Civil Registry at that time. According to Law 169-14, members of Group A would be recognized as Dominican and their citizenship would be reinstated. Primarily, their legal status has been formalized through an administrative process carried out by the JCE.^{251,252} After auditing the Dominican Civil Registry, the JCE has identified about 55,000 persons belonging to this group.²⁵³ Notably, while the foreign-born parents represented a total of 103 nationalities, Haiti was the country of origin in 68.45 percent of the cases.²⁵⁴

Procedure and gaps: In order to re-instate their citizenship, members of Group A needed to provide documentation including a physical copy of their

²⁵¹ Ley 169-14, articles 1, 2.

²⁵² Amnesty International, “Without Papers, I Am No One,” (2015): 7, accessed April 22, 2016, <http://bit.ly/1WS2DSb>.

²⁵³ Embassy of the Dominican Republic to the United States, “Dominican Republic Immigration and Documentation Policies Key Points and FAQ,” accessed April 29, 2016, <http://www.domrep.org/immigrationplan.html>.

²⁵⁴ Dominican Republic, Nota MP-RD-OEA 0653-15: Palabras del Doctor Roberto Rosario Márquez, Presidente de la Junta Central Electoral, el pasado 26 de mayo de 2015 en la Presentación de los Resultados de la Auditoría al Registro Civil en los años 1929 a 2007 Dominican Republic. [Note MP-RD-OEA 0653-15: Remarks made by Dr. Roberto Rosario Márquez, Chair of the Central Electoral Board, May 26, 2015, in presenting the findings of the audit done of the Registry Office from 1929 to 2007], June 8, 2015; *see also*, Dominican Republic, JCE, Informe de Auditoría al Registro Civil desde 1929 al 2007 [JCE, Report on the Audit of the Registry from 1929 to 2007], May 26, 2015.

birth certificate or a cédula (Dominican identity card). As of February 2016, it was reported that some members of Group A still have not received official documentation proving their reinstated citizenship status.²⁵⁵ More recently, it was reported that 54,307 Group A applicants were approved, while the number of those issued new documents was unknown.²⁵⁶ The Dominican government should ensure that all approved Group A applicants have received documentation to fully ensure their rights and protect them from any risk of expulsion.

Group B

Individuals in Group B: Group B includes people born between June 16, 1929 and April 18, 2007 whose parents did not have regular status in the Dominican Republic at the time of their birth, and thus whose birth was not recorded in the Dominican Civil Registry. Under Law 169-14, these people were required to register as foreigners with the Ministry of Interior and Police within 90 days from the approval of the law.²⁵⁷ The Ministry had 30 days to transmit the registration to the JCE, after which the applicant under Group B had 60 days to register under the PNRE.^{258,259} Contingent upon no criminal record, Group B individuals registered under the PNRE became eligible to apply for full Dominican Naturalization.²⁶⁰ The JCE has recorded more than 8,755 requests from individuals belonging to Group

²⁵⁵ Jonathan DiMaio, “Does Focusing on Race in the Dominican Republic Impede Positive Change?,” *Huffington Post*, February 12, 2016, accessed April 26, 2016, <http://huff.to/20QggFK>.

²⁵⁶ Clare Ribando Seelke and Rhoda Margesson, “Dominican Republic: Update on Citizenship and Humanitarian Issues,” *CRS Insight*, April 27, 2016, accessed May 6, 2016, <http://www.fas.org/sgp/crs/row/IN10483.pdf>

²⁵⁷ Ley 169-14, article 6, paragraph 1.

²⁵⁸ *Ibid.*, article 6, paragraph 2.

²⁵⁹ *Ibid.*, article 7.

²⁶⁰ *Ibid.*, article 8.

B, which are being processed for registration in the Book of Foreign Nationals.²⁶¹ On the other hand, the IOM found that general applicants to the PNRE (outside of the special treatment of Law 169-14) totaled 288,466, 98 percent of which are reported to be Haitian.²⁶²

Procedure and gaps: Law 169-14 allows these individuals to register themselves as foreigners under the PNRE, notwithstanding their Dominican birth. The individuals were to provide one or more of the following documents to register:

1. Proof of birth provided by public hospital or private clinic with name of mother, gender, date of birth;
2. Seven testimonies from Dominicans verifying date and place of birth, name of child, and parents. Must be notarized by Public Notary Services;
3. Judge Declaration before Public Notary for proof of date and place of birth of the child, as well as name of the mother;
4. Judge Declaration before Public Notary of Dominican families in first or second grade that have Dominican citizenship.²⁶³

Following their registration, applicants will be granted permanent status and given a “regularization of the migration status card.” This document states that the person was born in the

Dominican Republic. However, it also arbitrarily indicates Haiti as their country of nationality, even though some of them may have never been there.²⁶⁴

The main benefit for Group B individuals is that, conditional on the lack of a criminal record, they are able to apply for naturalization 2 years after their registration under the PNRE.²⁶⁵ Generally, all others registering under the PNRE - those outside of the special procedure created by Law 169-14 - are recorded as temporary residents, and have to wait five years before becoming a full resident, and an additional two before being eligible for a full Dominican citizenship.²⁶⁶ Thus, Group B applicants are fast-tracked through the process.

Still, there are gaps in the current legal and policy regime. Any amount of time that a Dominican-born citizen has to wait for restoration of citizenship is too long. Moreover, the Dominican Republic must ensure that there are alternative paths to citizenship for Dominicans of Haitian descent who do not meet the naturalization prerequisites under Law 169-14, particularly those who are inhibited only by their criminal record.²⁶⁷ Likewise, the Dominican Republic must create transparent and well-advertised procedures for restoration of nationality for those who missed the deadline. The Dominican government has indicated its commitment “to fix[ing] the citizenship status of anyone brought to their attention who missed the deadline for naturalization but can prove that he or she was born in the country.”²⁶⁸ But a commitment

261 Embassy of the Dominican Republic to the United States, “Dominican Republic Immigration and Documentation Policies Key Points and FAQ.”

262 “IOM Supports Dominican Republic Government, Civil Society during Implementation of National Regularization Plan,” *IOM*, September 11 2015, accessed April 6, 2016, <https://www.iom.int/news/iom-supports-dominican-republic-government-civil-society-during-implementation-national>.

263 Preguntas frecuentes Ley 169-14 para el Grupo B: United Nations High Commissioner for Refugees Informatel

264 Amnesty International, “Without Papers, I Am No One,” 32.

265 Ley 169-14, article 8.

266 “Citizenship and Residence – How to Become a Dominican Resident,” *Just Landed*, accessed April 26, 2016, <https://www.justlanded.com/english/Dominican-Republic/Dominican-Republic-Guide/Visas-Permits/Citizenship-and-Residence>.

267 Ley 169-14, article 8.

268 Seelke and Margesson, “Dominican Republic: Update on Citizenship and Humanitarian Issues.”

is not enough. The Dominican government should create a concrete process that accommodates unconventional proof of birth given the noted documentation issues in the country.

As of March 2015, approximately 40 percent of the 8,755 applicants had been successful, but were still waiting to receive their official documents indicating their new regularized status.²⁶⁹ More recently, it was reported that 6,262 of the 8,755 applicants were approved, but the number of people with documents was unknown.²⁷⁰ Without proof of legal status, these individuals could be at risk for expulsion. As such, the Dominican Republic should ensure that every approved Group B applicant has documentation.

The Unidentified “Group C”

Individuals: In this Report, we identify a category not envisioned in Law 169-14, “Group C.” We define this group to include all those individuals outside of Groups A and B who remain at risk of statelessness and expulsion.²⁷¹ This group includes:

- Individuals born in the Dominican Republic, but incorrectly registered as foreigners well before the 2004 Migration Law and the establishment of the Register of Foreigners in 2007;
- Children of Group A whose parents have not received their Dominican documents, children of Group B individuals, and children of members in the above group, who will remain stateless until their parents gain their nationality and are allowed to register them as Dominicans in the

Dominican civil registry;

- Children of undocumented foreign nationals born in the Dominican Republic between April 18, 2007 and January 26, 2010, who have been registered as foreigners even though they were entitled to the Dominican nationality;
- Children whose fathers are Dominican but who are deprived of their constitutionally protected right to nationality due to their undocumented foreign mothers.²⁷²

Potential procedures: Although members of “Group C” are at risk of statelessness, there are potential avenues through which they can gain Dominican citizenship. According to the 1948 Naturalization Law, individuals under the age of 18 are entitled to automatically receive citizenship once their parents are recognized as Dominican citizens.²⁷³ Therefore, children of parents belonging to Group A should have received their Dominican nationality as soon as their parents were renationalized under Law 169-14. Children of parents belonging to Group B, who successfully registered, should undergo the same process once the two years’ term under the PNRE comes to an end. But this still leaves out all children whose parents missed the Law 169-14 deadline. These individuals are either forced to wait for the reinstatement of their nationality for seven years, or, if their parents failed to register under the general PNRE application, will remain stateless and potentially be deported or expelled.

²⁶⁹ Amnesty International, “Without Papers, I Am No One.” 32.

²⁷⁰ Seelke and Margesson, “Dominican Republic: Update on Citizenship and Humanitarian Issues.”

²⁷¹ Amnesty International, “Without Papers, I Am No One.” 7.

²⁷² Amnesty International, “Without Papers, I Am No One,” 7.

²⁷³ Ley No. 1683 Sobre Naturalización del 16 de Abril de 1948 (1948), *available at* <https://www.dgii.gov.do/legislacion/leyesTributarias/Documents/1683.pdf>. [in English: Law N. 1683 Regarding Naturalization of April 16, 1948], article 4.

Statelessness: Legal Vacuum, Personal Tragedy

In order for the aforementioned procedures to have effect, it is vital that individuals who have successfully applied to the PNRE under Law 169-14 receive the documentation proving their status. Moreover, due in part to the barriers previously mentioned, the law is insufficient to cover the entire population. While the risks of deportation, expulsion, or statelessness are critical for all affected populations, they may be especially critical for Group B applicants who either applied for regularization through 169-14 or who applied as a general applicant for the Regularization Plan. These Group B individuals are unequivocally Dominican and, as such, are entitled to all necessary identification and full restoration of citizenship. Mandating that Group B individuals apply to the Regularization Plan under Law 169-14 implies dismissal of their Dominican citizenship and unnecessarily exposes them to expulsion risks.

Article 1 of the 1954 Convention relating to the Status of Stateless Persons, defines a stateless person as “a person who is not considered as a national by any State under the operation of its law.”²⁷⁴ Statelessness has many consequences that inhibit access to even the most fundamental rights. UNHCR’s video campaign on statelessness perfectly illustrates the potential human rights constraints of stateless individuals, including lack of access to education, access to healthcare, access to employment, freedom of movement, and freedom to marry. As the video narrates, these individuals

are “imprisoned by an invisible barrier” and “legally, [...] don’t exist.”²⁷⁵ To be stateless even for a moment, no less a lifetime, is a personal tragedy without end. Stateless individuals or those at risk of statelessness in Hispaniola remain in a climate of uncertainty. For the sake of clarity, fairness, human rights protection, and pure human dignity, stateless individuals or those at risk of statelessness need clear, unobstructed, free, and immediate access to or restoration of nationality.

The right to nationality is deeply ingrained in international human rights law. It can be found in the hallmark Universal Declaration of Human Rights (UDHR) (Article 15),²⁷⁶ as well as most of the core international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) (Article 24(3)),²⁷⁷ the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (Article 5(d)(iii)),²⁷⁸ the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Article 9),²⁷⁹ Convention on the Rights of Persons with Disabilities (CRPD) (Article 18),²⁸⁰ the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) (Article 29),²⁸¹ and the Convention on the Rights of the Child (CRC)(Article 7(1)).²⁸² The right to nationality is also

²⁷⁵ United Nations High Commissioner for Refugees (UNHCR), *Why don't these 10 million people belong?*, March 10, 2015, accessed April 29, 2016, <https://www.youtube.com/watch?v=jNo6JiBFS9Q&feature=youtu.be>.

²⁷⁶ Universal Declaration of Human Rights (UDHR), 1948, article 15.

²⁷⁷ International Covenant on Civil and Political Rights (ICCPR), 1966, article 24(3).

²⁷⁸ International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 1965, article 5(d)(iii).

²⁷⁹ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), article 9

²⁸⁰ Convention on the Rights of Persons with Disabilities (CRPD), 1979, article 18.

²⁸¹ Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), 1990, article 29.

²⁸² Convention on the Rights of the Child (CRC), 1989, article 7(1).

²⁷⁴ “Statelessness,” United Nations High Commissioner for Refugees, accessed April 29, 2016, <http://www.unhcr.org/pages/49c3646c158.html>.

expressed in the regional human rights instrument for the Americas, the American Convention on Human Rights (ACHR) (Article 20).²⁸³ The Dominican Republic is a party to the ICCPR, CERD, CEDAW, CRPD, CRC²⁸⁴ and the ACHR.²⁸⁵ Notably, the Dominican Republic has not signed or ratified the CMW. Notably, Haiti is also a party to the ICCPR, CERD, CEDAW, CRPD, CRC,²⁸⁶ and the ACHR.²⁸⁷ Haiti signed, but did not ratify the CMW.²⁸⁸ Both countries should become parties to the CMW without delay to ensure full protection for the rights of migrant workers and their families.

The international community is dedicated to addressing the legal vacuum that is statelessness. In November 2014, the UN refugee agency launched its 10-year campaign to eradicate statelessness.²⁸⁹ Moreover, there are two international conventions that address statelessness, the aforementioned 1954 Convention relating to the Status of Stateless Persons²⁹⁰ and the Convention on the Reduction of Statelessness (1961).²⁹¹ The Convention relating to the Status of Stateless Persons includes Article 31, which precludes contracting parties from “expel[l]ing

a stateless person lawfully in their territory save on grounds of national security of public order,”²⁹² and Article 32 on naturalization, which mandates that contracting parties “shall as far as possible facilitate the assimilation and naturalization of stateless persons. They shall in particular make every effort to expedite naturalization proceedings [...]”²⁹³ In the Convention on the Reduction of Statelessness, Article 1 states that contracting parties “shall grant its nationality to a person born in its territory who would otherwise be stateless.”²⁹⁴ The Dominican Republic has signed, but not ratified the Convention on the Reduction of Statelessness²⁹⁵ and thus, has a duty not to defeat the object and purpose of the convention.²⁹⁶ Moreover, the Dominican Republic has failed to sign or ratify the Convention relating to the Status of Stateless Persons.²⁹⁷ Haiti has not signed or ratified either of the aforementioned statelessness conventions.^{298, 299} Haiti has previously pledged to ratify the conventions,³⁰⁰ but the current political instability in the country may impede that progress.

Both countries should become parties to the statelessness conventions without delay to ensure the protection of the rights of stateless individuals and to provide a concrete framework from which to

283 American Convention on Human Rights (ACHR), 1969, article 20.

284 United Nations, Office of the High Commissioner for Human Rights, *Status of Ratification Interactive Dashboard*, accessed April 29, 2016, <http://indicators.ohchr.org/>.

285 Organization of American States, Department of International Law, *Multilateral Treaties*, accessed April 29, 2016, http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights_sign.htm.

286 United Nations, Office of the High Commissioner for Human Rights, *Status of Ratification Interactive Dashboard*.

287 Organization of American States, Department of International Law, *Multilateral Treaties*.

288 United Nations, Office of the High Commissioner for Human Rights, *Status of Ratification Interactive Dashboard*.

289 United Nations High Commissioner for Refugees, *UNHCR launches 10-year Global Campaign to End Statelessness*, November 4, 2014, accessed April 29, 2016, <http://www.unhcr.org/545797f06.html>.

290 Convention relating to the Status of Stateless Persons, 1954.

291 Convention on the Reduction of Statelessness, 1961, G.A. Res. 896 (IX).

292 Convention relating to the Status of Stateless Person, article 31.

293 *Ibid.*, article 32.

294 Convention on the Reduction of Statelessness, article 1.

295 United Nations Treaty Collection, Convention on the Reduction of Statelessness, accessed on April 29, 2016, <http://bit.ly/1T38ejS>.

296 Vienna Convention on the Law of Treaties (1969), article 18(a).

297 United Nations Treaty Collection, Convention relating to the Status of Stateless Persons, accessed on April 29, 2016, <http://bit.ly/1ShfpsX>.

298 United Nations Treaty Collection, Convention on the Reduction of Statelessness.

299 United Nations Treaty Collection, Convention relating to the Status of Stateless Persons.

300 Mission Des Nations Unies Pour La Stabilisation en Haïti (MINUSTAH), *UNHCR Holds Seminar on Statelessness for Parliamentarians*, press release, August 14, 2013, accessed on April 29, 2016, <http://bit.ly/1rF5tOK>.

fill the void.

The Path to Haitian Citizenship

With regards to closing the statelessness gap, it is possible that some of the aforementioned individuals would be eligible for Haitian citizenship. However, it is important to recognize that any such eligibility: 1) is not a solution to those rendered statelessness under Sentence 168-13, as those individuals are rightfully entitled to restoration of their Dominican nationality; and 2) should not deprive anyone who is rightfully entitled to Dominican citizenship, outside of those impacted by 168-13. Indeed, it is not a zero-sum game, as it is possible that there are some individuals eligible for dual nationality.³⁰¹ Under a *jus sanguinis* provision, if one can provide a record that either of their parents were native-born Haitians, who never renounced their nationality, then under Article 11 of the 1987 Haitian Constitution, they would have an automatic right to Haitian nationality.³⁰² However, there are clearly gaps in that such a provision would apply to first generations, but not necessarily subsequent generations.³⁰³ Moreover, even those entitled to

claim Haitian nationality under *jus sanguinis* may face administrative and logistical hurdles, such as inability to meet documentation requirements.³⁰⁴

If *jus sanguinis* citizenship is not possible, one may be able to apply for Haitian nationality through the naturalization process. Until the 2012 Amendments, Article 12(1) of the 1987 Haitian Constitution granted foreigners the right to nationality by naturalization after five years of continuous residence.³⁰⁵ However, this article was abrogated by the 2012 Constitutional reform.³⁰⁶ Under Article 11(1) of the Amended 2012 Haitian Constitution, the country's naturalization law currently establishes the conditions in which "an individual may acquire the Haitian nationality."³⁰⁷ As with applying for *jus sanguinis*-based nationality, this process assumes that the individual has the resources and ability to obtain the documents necessary to apply for naturalization. Moreover, taking into account any residency requirements and processing time, there is still a protection gap where individuals would remain stateless. Consequently, Haitian citizenship alone is not the answer to addressing the statelessness dilemma.

301 Haiti legalized dual nationality in 2012. Research Directorate, Immigration and Refugee Board of Canada, Ottawa, "Haiti: Dual citizenship, including legislation; requirements and procedures for former Haitian citizens to re-acquire citizenship (2012 –January 2013) [HTI104293.E]," *Immigration and Refugee Board of Canada*, February 8, 2013, accessed May 7, 2016, https://www.ecoi.net/local_link/250646/374731_de.html.

302 *Haiti's Constitution of 1987 with Amendments through 2012*, accessed April 26, 2016, https://www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en, article 11 ("[a]ny person born of a Haitian father or Haitian mother who are themselves native-born Haitians and have never renounced their nationality possesses Haitian nationality at the time of birth.").

303 Catherine A. Tobin, "No Child is an Island: The Predicament of Statelessness for Children in the Caribbean," *1 DePaul Int'l Hum. Rts. L.J.* 1, (2015): 11, accessed May 7, 2016, <http://via.library.depaul.edu/cgi/viewcontent.cgi?article=1001&context=ihrlj>.

304 *Ibid.*

305 *Haiti's Constitution of 1987*, accessed May 7, 2016, <http://bit.ly/1SZ98hi>, article 12(1) ("After five years of continuous residence in the territory of the Republic, any foreigner may obtain Haitian nationality by naturalization, in conformity with the regulations established by law.").

306 *Haiti's Constitution of 1987 with Amendments through 2012*, accessed May 7, 2016, <http://bit.ly/1YgBTtx>, article 12(1) ("Abrogated by the Constitutional Law of 9 May 2011 / 19 June 2012.>").

307 *Ibid.*, article 11(1) ("[Inserted by the Constitutional Law of 9 May 2011 / 19 June 2012] The law establishes the conditions in which an individual may acquire the Haitian nationality.>").

Potential Refugee Status in Haiti

Headlines frequently describe this crisis as a “refugee crisis,”^{308,309,310} raising the question of whether “returnees” truly are refugees. Within the affected population, 54,627 individuals who are Haitian migrants and Dominicans of Haitian descents have departed to Haiti voluntarily.³¹¹ The voluntary nature of some of these departures is questionable, given the reports of individuals leaving in fear of violence and ill treatment. For departing Haitian migrants, they are returning to their place of origin. However, departing Dominicans of Haitian descent, as well as those effectively stateless, may have never been to Haiti and are moving out of their home country.

The 1951 Convention relating to the Status of Refugees defines a refugee as someone “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country.”³¹² Therefore, when an individual departs to Haiti, in fear of his well being due to one of the categories enumerated above, he is away from his place of origin and potentially a refugee. But there are practical complications with

this theory, as it is difficult to make refugee status determinations when individuals lack documents to prove citizenship.³¹³

Moreover, despite the risks that Dominicans of Haitian descent and those effectively stateless may face in the Dominican Republic, it is reasonable to assume that some individuals would be unwilling to seek refugee status in Haiti. Some may wish to return to the Dominican Republic based on any of the push and pull factors discussed in Part A of the Report. It is also not in the political interest of either country to address these individuals as refugees, as the expected responses from the international community would be more pronounced. Indeed, the Government of Haiti is hesitant to refer to the informal settlements along the border as “refugee camps,” since such a designation would undoubtedly trigger international involvement.³¹⁴

Haiti and the Dominican Republic are both parties to the 1951 Refugee Convention.³¹⁵ Following its principle of non-refoulement,³¹⁶ neither state may coerce these individuals to leave Haiti and return to the Dominican Republic if there is still a potential threat of persecution. Moreover, these states must work together to ensure that all individuals have nationality such that they are not in fear of statelessness and exposure to additional risks thereafter. Otherwise, voluntary departures may persist, leading to more potential refugees.

308 Reuters, “Refugee crisis looms in Dominican Republic,” *Gulf Times*, June 17, 2015, accessed May 4, 2016, <http://bit.ly/1Wgs8h9>.

309 France Francois, Op-Ed, “The Other Refugee Crisis,” *Ebony*, September 16, 2015, accessed May 4, 2016, <http://bit.ly/1TNPzuL>.

310 Rivero, “The Dominican Republic is about to create a serious refugee crisis.”

311 “IOM Haiti: Border Monitoring Situation Report.”

312 “Refugees,” United Nations High Commissioner for Refugees, accessed April 29, 2016, <http://www.unhcr.org/pages/49c3646c125.html>

313 Terrill, phone interview.

314 Mariano Castillo, “Tent cities sprouting in Haiti as migrants return from Dominican Republic,” *CNN*, July 30, 2015, accessed May 4, 2016, <http://cnn.it/1IqsKEI>.



315 “States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol,” United Nations High Commissioner for Refugees, accessed April 29, 2016, <http://www.unhcr.org/3b73b0d63.html>

316 Refugee Convention, Article 33(1).

Alleviating Legal Gaps

Given the existing gaps in the citizenship framework implemented by the Dominican Republic, it has become increasingly important for multilateral organizations, non-profit organizations, and the Haitian and Dominican governments to ensure that individuals who have fallen through the cracks receive any entitled nationality and documentation. Without the guaranteed right or proof of citizenship, affected individuals are lost in the system and never fulfill their basic human rights. This is the case for a large number of Dominicans of Haitian descent who are at risk of expulsion from their home country.³¹⁷ Resolving these issues of poor access to documentation, potential statelessness and unlawful expulsion will be determined by the Dominican and Haitian government's ability to work together and address the issues of transparency, registration, and systemic biases in their immigration protocol.

³¹⁷ Amnesty International, "Without Papers," 6.

 **Kat Idantifikasyon Fanmi ki Depote** 

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Part C

Deportations and Immigration Control in the Dominican Republic

Lift of the Moratorium

In January 2014, the Dominican government imposed a moratorium on deportations to create time for undocumented migrants to apply for the Regularization Plan.³¹⁸ The deadline to apply for the Regularization Plan passed on June 17, 2015. Subsequently, the moratorium on deportations was officially lifted on August 14, 2015.³¹⁹ However, there were reports of deportations before the official end of the moratorium.^{320,321} While the Dominican Republic has denied allegations that it arbitrarily deported Dominicans of Haitian descent, it has acknowledged that there have been isolated cases of individuals being stopped, searched, and taken to the border before the end of the moratorium.³²² Meanwhile, the IOM maintains that hundreds of migrants reported they were forcibly removed from the Dominican Republic by immigration officials, police, military officials, and even civilians before the moratorium was lifted.³²³

Numerous news sources have adopted the term “mass deportation” to describe the feared, immediate actions that would follow the end of

the moratorium.^{324,325,326} The IOM has reported that 19,759 individuals have been officially deported between June 2015 and April 2016. Notably, this is the highest number of deportations in recent history. The last 25 years has seen at least five waves of large expulsions – including 14,000 expulsions in 1991,³²⁷ 5,000 in 1996,³²⁸ 17,524 in 1999,³²⁹ 14,639 in 2000,³³⁰ and 3,000 in 2005.³³¹ Comparatively, the volume of deportations since fall 2015 has been high. Still, international organizations agreed that formal deportations did not reach the threshold of “mass deportations.” Given the estimated 500,000³³² undocumented migrants living inside the country, they argued that formal deportations could have been much worse.

According to IOM’s Chief of Mission in the Dominican Republic, Jorge Baca, it is logistically impossible for the Dominican Republic to conduct large-scale deportations.³³³ Baca further observes that the Dominican Republic has responded well to the new immigration laws saying, “It is willing to help, willing to solve the problem; it’s not that they

324 Nsenga K. Burton, “Dominican Republic Threatens to Deport Haitian Families,” *The Root*, June 16, 2015, accessed April 14, 2016, <http://bit.ly/1ekdAKz>.

325 Roberto Lovato, “The Slow March of Mass Haitian Deportation: Is Dominican Immigration Policy Being Obamafied?,” *Latino Rebels*, June 25, 2015, accessed April 14, 2016, <http://bit.ly/1rAQeGT>.

326 Lauren Carasik, “Stop Mass Deportation from the Dominican Republic to Haiti,” *Aljazeera America*, June 19, 2015, accessed April 14, 2016, <http://bit.ly/1C12BA9>.

327 Wucker, “The Dominican Republic’s Shameful Deportation Legacy.”

328 “Illegal People: Haitians and Dominico-Haitians in the Dominican Republic,” *Human Rights Watch*, (April 2002): 16, accessed May 3, 2016, <https://www.hrw.org/reports/2002/domrep/domrep0402.pdf>.

329 *Ibid.*

330 *Ibid.*

331 Edward Paulino, “Anti-Haitianism, Historical Memory, and the Potential for Genocidal Violence in the Dominican Republic,” *International Association of Genocide Scholars*, 2006, accessed May 3, 2016, <http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=1230&context=gsp>.

332 Planas and Craven, “Thousands Woke Up At Risk Of Deportation In The Dominican Republic. Almost All Of Them Are Black.”

333 Baca Vaughan, interview.

318 U.S. Department of State, Bureau of Democracy, Human Rights and Labor, *Dominican Republic 2015 Human Rights Report*, 15.

319 *Ibid.*

320 Chandler, “Haitian migrants allege deportation, but DR disputes claims.”

321 Jacqueline Charles, “Deportations loom in Dominican Republic for Haitian migrants who failed to register,” *Miami Herald*, June 17, 2015, accessed April 27, 2016, <http://www.miamiherald.com/news/nation-world/world/americas/haiti/article24820618.html>.

322 Sam Jones, “Dominican Republic Denies Arbitrary Deporting Citizens with Haitian Roots,” *The Guardian*, August 6, 2015, accessed April 23, 2016, <http://bit.ly/1gNvypO>.

323 “IOM Monitors Dominican Republic – Haiti Border.”

want to deport.”³³⁴ Ambassador Despradel further notes that there is neither political nor economic capacity for the Dominican Republic to deport Dominicans of Haitian descent.³³⁵ As a point of clarification, any “deportation” of a Dominican of Haitian descent would be an expulsion in violation of basic international human rights. Nonetheless, it is encouraging that the Dominican Republic does not have the capacity or desire to conduct mass deportations.

But contrary to the beliefs of these actors, the lack of “mass deportations” did not indicate the lack of a problem, as movement still occurred outside the framework of formal deportations. Specifically, the Haitian government and international actors failed to predict and address the troubling phenomenon of voluntary departures, in which both Haitian migrants and Dominicans of Haitian descent “voluntarily” left the Dominican Republic and entered Haiti out of fear of future deportation or expulsion. An estimated 54,627 people have “voluntarily” departed from the Dominican Republic as of April 2016 – a number that far exceeds the 19,759 individuals officially deported by the Dominican Republic.³³⁶

Repatriation Protocol

To protect the human rights of deported individuals that were residing illegally in the Dominican Republic, Haiti and the Dominican Republic agreed to a repatriation protocol on December 2, 1999. But a new repatriation protocol was requested by Haiti shortly after the moratorium

on deportations was lifted in mid-August 2015. According to Haiti’s Minister of Communications, Rothchild François Jr., it is necessary to renegotiate the 1999 protocol because its “terms are not respected.”³³⁷

The 1999 Protocol of Understanding between the Dominican Republic and the Republic of Haiti on the Repatriation Mechanisms (1999 Protocol) lays out six commitments for the Dominican Republic and three commitments for Haiti to abide by when repatriating Haitian citizens that are residing illegally in Dominican territory.³³⁸ It obligates the Dominican immigration authorities to: 1) not conduct any repatriations (deportations) during evening hours from 6:00pm to 8:00am, during Sundays and official holidays in both countries except from 8:00am to 12:00pm; 2) prevent separation of families (parents and minor children) in the process of repatriations; 3) carry out repatriations to Haitian territory exclusively through the border posts of Jimaní-Malpasse, Dajabón-Ouanaminthe, Elias Piña-Belladère, and Pedernales-Anse-à-Pitres; 4) recognize the inherent human rights of the repatriated population, including the ability of returnees to take their personal belongings and keep their personal documents, except for cases when such documentation is necessary for substantiating the authorities’ designation of the individual’s status as irregular, in which case documentation will be retained and sent to the Haitian diplomatic mission in the Dominican Republic; 5) provide each returnee

³³⁷ “Haiti - Politic: Haiti would like renegotiate with DR, the 1999 repatriation protocol,” *Haiti Libre*, July 21, 2015, <http://www.haitilibre.com/en/news-14585-haiti-politic-haiti-would-like-renegotiate-with-dr-the-1999-repatriation-protocol.html>.

³³⁸ “Protocolo de Entendimiento sobre los Mecanismos de Repatriación entre la República Dominicana y la República de Haití suscrito el 2 de Diciembre de 1999,” Secretaría De Estado De Relaciones Exteriores, August 2000, accessed May 1, 2016, <http://www.migracion.gob.do/web/trans/archivos/48.pdf>.

³³⁴ Ibid.

³³⁵ Ambassador Alberto E. Despradel, interview by Johns Hopkins University-SAIS International Human Rights Clinic, Santo Domingo, Dominican Republic, January 18, 2016.

³³⁶ “IOM Haiti Border Monitoring Situation Report.”

with a copy of their individual form containing the repatriation order; and 6) provide advanced notice of the lists of persons undergoing the repatriation process to accredited Haitian diplomatic dignitaries in Dominican soil, within a reasonable time period.³³⁹

The 1999 Protocol also commits the Haitian government to: 1) strengthen and/or establish migration inspection posts in the border areas designated to receive returnees; 2) establish immigration checkpoints along the Dominican-Haitian border to prevent the illegal flow of its citizens to the Dominican Republic; and 3) double its efforts to provide Haitian nationals with identity documents in the context of potential migration flows to the Dominican Republic.³⁴⁰

In anticipation of the expiration of the Dominican Republic's moratorium on deportations, the Secretary-General of the OAS, Luis Almagro, tried to arrange a meeting between the two countries to address ongoing hostilities. But Dominican officials alleged that Mr. Almagro exhibited personal bias. The Vice President of the Dominican Republic, Margarita Cedeno, stated on July 17, 2015,³⁴¹ "Almagro showed not to have an impartial stance on immigration issues between the Dominican Republic and Haiti, which disqualifies him from exercising his role as a neutral entity."³⁴² Meanwhile, the Dominican Republic's Foreign Minister, Andres Navarro, argued that Haiti's international campaign against the Dominican Republic over the immigration measures meant that the Dominican Republic was not prepared to discuss a new immigration policy.³⁴³

Ambassador Despradel further supported the Dominican Republic's efforts to not discuss repatriation protocols, stating, "There shouldn't be a need to negotiate repatriation protocols as Haiti has insisted. These are our sovereign right. They [the Haitian government] could observe the repatriation, possibly through diplomatic staff here, but not dictate our way of carrying out our laws."³⁴⁴ He continued, "the Dominican Republic is conscious of the fact that its democracy has weaknesses and wants to help it grow stronger, which is why we welcome all forms of criticisms."³⁴⁵ The unwillingness of the Dominican government to formally discuss new repatriation protocols is clear. According to Ambassador Despradel, "the protocols in place respect human rights and abide by the Protocol Agreement MOU of 1999. There is rule of law in the Dominican Republic."³⁴⁶

But the Haitian government has reason to argue that the Dominican government has not respected the 1999 Protocol. The below sections will highlight several violations of this protocol during the 2015 deportations, including a lack of due process, racial profiling that constitutes a human rights violation, and the occurrence of deportations outside the border region and on holidays. Notably, Haiti also has a poor track record in complying with the 1999 Protocol. As later sections will highlight, the Haitian government has not taken efforts to provide Haitian nationals with identity documents. Thus, neither country can claim true compliance with the 1999 Protocol, a fact that may highlight the need for a strengthened and updated commitment. Unfortunately, their bilateral relationship is still filled with animosity and has inhibited their ability

³³⁹ Ibid.

³⁴⁰ "Dominican Republic Rejects Dialogue with Haiti with Bias Claims," *Tele Sur*, July 18, 2015, accessed May 1, 2016, <http://www.telesurtv.net/english/news/Dominican-Republic-Rejects-Dialogue-with-Haiti-with-Bias-Claims-20150718-0001.html>.

³⁴¹ Ibid.

³⁴² Ibid.

³⁴³ Ibid.

³⁴⁴ Despradel, e-mail.

³⁴⁵ Ibid.

³⁴⁶ Ibid.

to discuss this topic.³⁴⁷ Moreover, the political uncertainty in Haiti constrains productive bilateral communications.³⁴⁸

Types of Border Movements

Not all movement across the Dominican-Haitian border can simply be characterized as an official deportation or a voluntary departure. In monitoring border movements between the Dominican Republic and Haiti, the IOM-Haiti has delineated the following types of movements: 1) Official Deportations that are facilitated by the DGM and follow strict guidelines, including deporting at an official border crossing and during set hours; 2) Deportations conducted by the state and including in-admissions; 3) Spontaneous (migration) Return, which describes individuals who migrated without outside help; and 4) Other Deportations, which are forceful returns that do not pertain to the aforementioned categories.³⁴⁹

Deportation Authority and Immigration Control

Legally, deportations in the Dominican Republic cannot take place without the authority of the Dominican government. The Directorate General of Migration (DGM) is responsible for managing migration flows, including emigration and immigration procedures and protocols.³⁵⁰

347 “Haiti - Politic: Haiti would like renegotiate with DR, the 1999 repatriation protocol.”

348 Despradel, interview.

349 “IOM Haiti: Border Monitoring Situation Report.”

350 “History, Legal Framework and Definition,” *Dominican Republic Direccion General de Migracion*, 2016, accessed April 7, 2016, <http://www.migracion.gob.do/sitev1/institucion/historia/>.

The Ministry of Interior and Police is identified as the body responsible for migration enforcement through the DGM and other subsidiary bodies.³⁵¹ As per Dominican law, the DGM is granted the authority to conduct official deportations. Even if military officers detain individuals subject to deportation, they must abide by the law and the limitations in the law while doing so.³⁵²

Deportations by CESFRONT and other State Affiliates

While official deportations by the DGM following the moratorium lift have offered some reassurances that processes exist, opaque and arbitrary “informal” deportations have also occurred.³⁵³ CESFRONT, the Dominican Republic’s “Specialized Border Security Corps” was created in 2006 partly to prevent the entrance of illegal and undocumented migrants into the Dominican Republic at the border. Accordingly, CESFRONT is assigned to monitor the entire border and is in charge of all four official border crossings. The majority of CESFRONT consists of Dominican Army soldiers, with the rest coming from the Navy and Air Force.³⁵⁴ CESFRONT officials receive technical advice, funding, and border security expertise from the US Department of Homeland Security’s

351 Ibid.

352 Ibid.

353 Joshua Partlow, “Dominican Government is Accused of Forcible Deportations,” *Washington Post*, June 2, 2015, accessed April 15, 2016, https://www.washingtonpost.com/world/the_americas/dominican-government-is-accused-of-forcible-deportations/2015/07/02/4987f6c0-20c0-11e5-a135-935065bc30d0_story.html.

354 “Research on Indicators of Forced Labor in the Supply Chain of Sugar in the Dominican Republic,” *Verite*, accessed May 1, 2016, <http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=2782&context=globaldocs>.

Customs and Border Protection.^{355,356} CESFRONT has been given the authority to conduct deportations in accordance with DGM guidelines.

CESFRONT and other Dominican military agencies are also responsible for “parallel deportations,” originally enacted to stop the inflow of Haitian migrants via Operation Shield. Notably, these deportations do not follow the guidelines set forth by the DGM.³⁵⁷ Operation Shield mobilizes a rotation of around 22,000 soldiers along the Dominican Republic-Haiti border to counter illegal immigration and prevent smuggling.³⁵⁸ The authority given to Dominican military agencies and CESFRONT has complicated the transparency surrounding deportations. Later sections will highlight how this variation in entities has heightened the uncertainty around deportation procedures and processes.

Detention Centers

The Dominican government operates five immigration detention centers to hold and process migrants and receive individuals who are subject to deportation. Only the facility located in Haina, San Cristobal province existed in 2014, implying that four of the five centers were developed in the time since January 2015.³⁵⁹ As an IACHR report observed, detained individuals who are not immediately deported are taken to the Haina Immigration Detention Center, or if too far away, to criminal

detention centers operated by the National Police or the Armed Forces near the border.³⁶⁰

During its December 2013 visit to the Haina Detention Center, the IACHR observed that the center had unsanitary and unhealthy conditions with reports from Haitian migrants of overcrowding, a general lack of food and water, indefinite detention periods, and lack of access to legal services to challenge their detention.³⁶¹ It should be noted that conditions have improved since that visit, and indeed, were improved before the resumption of deportations. The center was cleaned, introduced a doctor’s office, and established a 48-hour limit on detention.³⁶²

Military Checkpoints

According to CESFRONT officials, the checkpoints into Dominican territory close each day at 7:00 p.m. If irregular migrants are found after checkpoints close, they are held in the CESFRONT offices and later turned over to the authorities at the DGM offices in Jimaní or Dajabón for deportation when the checkpoints reopen.³⁶³ Per Dominican Decree 325-06, the legislation that created CESFRONT, the special mission was created to “set up permanent checkpoints at all entry and exit points along the Dominican Republic’s land border.”³⁶⁴ But members of the international community have noticed that military checkpoints are located throughout the entire country, not only along the border. At many checkpoints, officials

355 “Cesfront-The Militarization of Haiti-Dominican Republic Border,” *Haiti Observer*, December 29, 2013, accessed April 23, 2016, <http://www.haitiobserver.com/blog/tag/cesfront>.

356 Todd Miller, “Wait -What are US Border Patrol Agents Doing in the Dominican Republic?” *The Nation*, November 19, 2013, accessed April 15, 2016, <http://www.thenation.com/article/wait-what-are-us-border-patrol-agents-doing-dominican-republic/>.

357 “Haiti - Security: Operation Shield More Than 22,000 Troops Along the Dominican Border,” *Haiti Libre*, January 30, 2015, accessed April 15, 2016, <http://bit.ly/1Tw5rix>.

358 *Ibid.*

359 “U.S. State Department Country Report on the Dominican Republic,” 23.

360 Belle Antoine et al, “Report on the Situation of Human Rights in the Dominican Republic,” par. 605.

361 *Ibid.*, par. 606.

362 Araceli Azuara Ferreiro, Organization of American States, e-mail message to Leslie Wilson, Johns Hopkins University – SAIS, April 27, 2016.

363 Belle Antoine et al, “Report on the Situation of Human Rights in the Dominican Republic,” par. 596.

364 *Ibid.*, par. 550.

solicit bribes from migrants and foreigners.³⁶⁵ Whereas Operation Shield provided legitimate means for military enforcement of policies against undocumented immigrants, these frequent military checkpoints give military officials opportunities to arbitrarily charge undocumented Haitians additional fees rather than enforce the law.³⁶⁶ During our fact-finding trip to Hispaniola, our research team traveled through several of these Dominican checkpoints to reach our destinations.³⁶⁷ At each routine inspection, military and migration officials scrutinized our African-American male researcher in particular. Officials were outwardly suspicious of his nationality and consistently requested his passport at each checkpoint, while other researchers were allowed to progress trouble-free.

Deportation Procedures and Due Process

Legal Framework for Due Process

A deportation is understood as “the act of a State in the exercise of its sovereignty in removing an alien from its territory to a certain place after refusal of admission or termination of permission to remain.”³⁶⁸ In the Dominican Republic, official deportations are classified as “government organized returns which are carried out at the official

Border Crossing Points between the hours of 8:00 am to 6:00 pm (border schedule).”³⁶⁹ For populations at risk, the process of deportation can consist of being inspected by Dominican authorities, screened about their citizenship status and possession of necessary documents, taken to an immigration detention center for holding when checkpoints are closed, and placed with a larger group of individuals to be deported via bus.^{370,371,372} According to General Migration Law 285-04, deportations or expulsions conducted by the DGM must be explained and foreign nationals must be informed of the available legal recourse. Moreover, the DGM is obliged to preserve the principles of due process.³⁷³

Additionally, according to Josué Fiallo, Senior Adviser to the Dominican Presidency, “President Medina issued a direct order...to the army, to the police and to the immigration officers [and] to civilian authorities that...the only way a person can be deported is following a protocol that has been established for some time and which requires an immigration official to verify each person biometrically through a database.”³⁷⁴ Fiallo maintains that “if a person has not been registered biometrically and if the data is not there, a deportation order cannot be issued.”³⁷⁵ These

369 “IOM Haiti: Border Monitoring Situation Report.”

370 Belle Antoine et al, “Report on the Situation of Human Rights in the Dominican Republic,” par. 607.

371 Sam Jones, “Dominican Republic Denies Arbitrary Deporting Citizens with Haitian Roots,” *The Guardian*, August 6, 2015, accessed April 24, 2016, <http://bit.ly/1gNvypO>.

372 Belle Antoine et al, “Report on the Situation of Human Rights in the Dominican Republic,” par. 596.

373 “Ley General de Migración,” No. 285-04, article 137, August 15, 2004, accessed on May 6, 2016, <http://bit.ly/1q6OCC>.

374 Sam Jones, “Dominican Republic Denies Arbitrary Deporting Citizens with Haitian Roots,” *The Guardian*, August 6, 2015, accessed on April 23, 2016, <http://bit.ly/1gNvypO>.

375 Sam Jones, “Dominican Republic Denies Arbitrary Deporting Citizens with Haitian Roots,” *The Guardian*, August 6, 2015, accessed on April 23, 2016, <http://bit.ly/1gNvypO>.

365 “Hundreds of Thousands of People Suddenly Stateless in Dominican Republic,” *Daily Kos*, November 7, 2013, accessed April 24, 2016, <http://www.dailykos.com/story/2013/11/7/1253799/-Hundreds-of-thousands-of-people-suddenly-stateless-in-Dominican-Republic>.

366 Ibid.

367 Johns Hopkins University-SAIS International Human Rights Clinic, Fact Finding Trip to Hispaniola, January 18-22, 2016.

368 “Glossary on Migration,” *International Organization for Migration*, page 18, 2004, accessed April 22, 2016, http://www.iomvienna.at/sites/default/files/IML_1_EN.pdf.

government mandates have been echoed by calls from the international community. US State Department Deputy Spokesperson Mark Toner issued a statement urging the Dominican Republic to avoid mass deportations, to conduct deportations in a transparent manner that fully respects the human rights of deportees, and to ensure that deportation procedures adhere to clear, publicly available, and verifiable protocols and procedures.³⁷⁶ Toner also urged the Dominican government to permit the observation of deportation proceedings by civil society groups and international organizations such as IOM and UNHCR. Finally, he emphasized that the Dominican Republic must take appropriate measures to properly screen individuals who are potentially subject to deportation, determine their citizenship status, and assess whether they require international protection or are eligible for naturalization or regularization.³⁷⁷

In a press release, Mireille Fanon-Mendes-France, a UN expert on people of African descent, argued that “migrants are entitled to protection [...]” and that “no one should be deported when there are legal and valid reasons to stay.”³⁷⁸ She noted that the Dominican Republic’s procedure for deportation “cannot violate international norms or those of the Inter-American system of human rights protection, and especially not violate its own Constitution.”³⁷⁹ As such, the international community has clearly expressed its expectation that deportations should be carried out with adequate due process and

respect for human rights.

Violations of Due Process

Despite the Dominican Republic’s legal obligations to respect due process, several accounts reveal that there have been breaches in protocol. Per DGM procedures, undocumented migrants should be formally deported during the official border schedule, but there have been reports of forcible, informal deportations that lacked due process.^{380, 381} Additionally, several instances that will be discussed below indicate that the Dominican Republic is not adhering to transparent protocols and procedures with regards to deportations. This includes racial profiling, which constitutes a human right violation, and deporting individuals on holidays and outside the border region. This highlights the need for greater accountability and transparency by the Dominican government in the execution of its deportation procedures.

Racial profiling by officials conducting deportations increases the likelihood of unjust deportations, as migrants and Dominicans of Haitian descent who face deportation may be identified on the basis of their Haitian appearance, or their accent and (in)ability to communicate in Spanish.^{382, 383, 384} According to the account of a Dominican official featured in an IACHR report, “when there’s any doubt about a dark-skinned person who is suspected of being Haitian but has a Dominican identity card, we investigate and determine whether the card is

376 Mark C. Toner, “Dominican Republic: Start of Deportations,” *U.S. State Department Press Release*, August 14, 2015, accessed April 24, 2016, <http://www.state.gov/r/pa/prs/ps/2015/08/246137.htm>.

377 Ibid.

378 “The Dominican Republic: UN Experts Warn Against Deportations, Racial Profiling of People of Haitian Descent,” *United Nations News Centre*, accessed April 24, 2016, <http://www.un.org/apps/news/story.asp?NewsID=51512#.Vx0Y2TArLIV>.

379 Ibid.

380 “IOM Monitors Dominican Republic – Haiti Border.”

381 Yamiche Alcindor, “Deportees from Dominican Republic Land on Haiti Border,” *USA Today*, August 23, 2015, accessed April 15, 2016, <http://www.usatoday.com/story/news/2015/08/23/immigration-law-refugees-land-haiti-border/30491039/>.

382 Partlow, “Dominican Government is Accused of Forcible Deportations.”

383 Belle Antoine et al, “Report on the Situation of Human Rights in the Dominican Republic,” par. 197.

384 Ibid., par. 337.

genuine.”³⁸⁵

Moreover, the report highlights the fact that the identity checks that initiate deportation processes are not based on an individual’s documents, and instead on racial profiling, using a phenotypical criterion of “looking Haitian.”³⁸⁶ In this practice, “immigrations officers observe how a person walks, his or her lifestyle, and skin color to determine whether he or she is Haitian or of Haitian descent.”³⁸⁷ Any such racial profiling in immigration operations could amount to a violation of Article 24 (Right to Equal Protection) of the American Convention on Human Rights.³⁸⁸ Therefore, it is essential for the Dominican Republic to take steps to address and prevent racial profiling practices, and to adopt measures to ensure arbitrary deportations do not occur on the basis of Haitian heritage.

According to the IOM, 14,983 individuals claimed to have been unofficially, or informally, deported by various Dominican authorities including immigration control, CESFRONT, and other military forces.³⁸⁹ Amnesty International has also documented many cases of arbitrary deportations in recent years.³⁹⁰ The arbitrary deportation of individuals may refer to what is known as “street interventions,” which describes a situation in which military officials or immigration authorities will arbitrarily stop individuals in the streets, frequently on their way to or from home or work, and request to see their nationality documents.³⁹¹ While en route to the Jimaní-Malpasse border crossing, our research

team witnessed what could have potentially been a “street intervention,” where a young woman was walking on the street as a military car was passing by. She was seemingly profiled and swiftly detained by a military officer and an immigration official.³⁹² The various authorities involved – and the diverse situations in which deportations can occur – increases the ambiguity around what constitutes a legal deportation. The random and frequent nature of these deportations places Haitian migrants and Dominicans of Haitian descent in constant fear of deportation or expulsion, without an effective mechanism to contest these actions.³⁹³ As a result, Dominican officials have been cited for conducting some deportations of Haitians and Dominicans of Haitian descent without due process.^{394,395}

As mentioned previously, the 1999 Protocol mandates that deportations cannot take place outside of assigned border crossings.³⁹⁶ However, reports of deportations in the bateyes and areas as far as Barahona reveal how the Dominican Republic has violated these mandates.^{397, 398} The IACHR also notes several concerning aspects of the way in which immigration operations are conducted along the border, within the legally mandated area. State agents are known to stop buses traveling in areas near the border searching for individuals that may be in an irregular migratory situation.³⁹⁹ These agents

385 Ibid., par. 593.

386 Ibid., par. 598.

387 Ibid.

388 American Convention on Human Rights, article 24.

389 “IOM Haiti Border Monitoring Situation Report.”

390 “UA 20/15 Dominican Republic - Mass Deportation in the Dominican Republic.”

391 John Marion, “Dominican Republic deportations increase tensions with Haiti,” *International Committee of the Fourth International*, August 29, 2015, accessed on May 3, 2016, <https://www.wsws.org/en/articles/2015/08/29/hait-a29.html>.

392 Johns Hopkins University-SAIS International Human Rights Clinic, Fact-Finding Trip to Hispaniola, January 18-22, 2016.

393 “UA 20/15 Dominican Republic - Mass Deportation in the Dominican Republic.”

394 “IOM Monitors Dominican Republic – Haiti Border.”

395 Alcindor, “Deportees from Dominican Republic Land on Haiti Border.”

396 “Protocolo de Entendimiento sobre los Mecanismos de Repatriación entre la República Dominicana y la República de Haití suscrito el 2 de Diciembre de 1999.”

397 Enecia, interview.

398 “Life in a Batey,” *Makarios International*, accessed April 30, 2016, <http://www.makariosinternational.org/life-in-a-batey.html>.

399 Belle Antoine et al, “Report on the Situation of Human Rights in the Dominican Republic,” par. 594.

will check whether passengers have valid visas,⁴⁰⁰ and if they are found to be in possession of falsified or irregular documents, or without documents, the State will promptly deport them within fifteen to thirty minutes.⁴⁰¹ While the State has the legal right to do this, the predatory nature in which it is done increases the fear around deportations.

There are also concerning aspects about the Dominican Republic's assurances surrounding deportation procedures. For example, while the Dominican Republic has assured that deportations cannot occur without biometric registration, the efficacy of biometric systems can be spotty and data may not be robust in rural areas, where there is minimal internet connectivity. Additionally, while the 1999 Protocol specifies times within which individuals can be legally deported on holidays and Sundays (between 8:00am and 12:00pm), it would be very difficult to prove whether State agents were following this rule.⁴⁰² These procedures are technically mandated, but there are several things that can complicate the extent to which they are carried out.

Additionally, the General Migration Law 285-04, Article 119 states, "the foreigner who is denied entrance should be permitted to reach out to a contact person, if he has one, and to be in contact with his embassy or consulate in country. Once these processes have been exhausted, one may order the return of the person to the country they were in before, their country of origin, or a third country that would admit the person."⁴⁰³ Essentially, individuals who have been registered should be allowed to attempt to contact family members. But it is unclear if failure to produce the required

documents may result in forced deportation without such measures.⁴⁰⁴ During IACHR's visit to the Dominican Republic in 2013, it noted that several of these safeguards were nonexistent in practice, citing instances where deportees were not able to speak with family members. In other cases, deportees' documents were destroyed, confiscated, or not even requested, even when those documents might have confirmed their legal status in the Dominican Republic.⁴⁰⁵

The IOM gained additional insights when it worked with local NGOs to provide meals and assistance to some returnees and Dominicans of Haitian descent, and to collect their testimonies.⁴⁰⁶ Such testimonies include stories of individuals who lived in the Dominican Republic for decades and traveled between Haiti and the Dominican Republic to sell goods, but had their home raided and were deported by Dominican officials; and cases where entire families were deported by Dominican authorities without being allowed to bring any of their possessions.⁴⁰⁷ These cases should be indicative of general practice over the last few decades and highlight the need for greater accountability and transparency for deportation procedures.

It should be noted that the Dominican Republic has made efforts to improve its deportation procedures. In order to observe the deportation process carried out by Dominican authorities, UN officials inspected the country's four main Border Crossing Points and seven reception centers in more

400 Ibid.

401 Ibid., par. 595.

402 Enecia, interview.

403 "Ley General de Migración," No. 285-04, article, 119.

404 Embassy of the Dominican Republic to the United States, "Dominican Republic Immigration and Documentation Policies Key Points and FAQs."

405 Belle Antoine et al, "Report on the Situation of Human Rights in the Dominican Republic," par. 617.

406 "IOM Monitors Dominican Republic – Haiti Border."

407 "Dominican Republic: Thousands at Risk of Expulsion to Haiti," *Human Rights Watch*, June 30, 2015, accessed April 24, 2016, <https://www.hrw.org/node/278405>.

than 15 missions between July and October 2015.⁴⁰⁸ Based on their findings, the UN officials declared that the Dominican government had observed orderly, legal, and individualized procedures that were compliant with applicable international human rights standards.⁴⁰⁹

Additionally, the IOM has noted the recent efforts of the Dominican government to reduce instances where migrants are unlawfully deported.⁴¹⁰ For example, most of the 19,759 individuals officially deported were men between the ages of 20 and 50.⁴¹¹ So some of the DGM's assurances regarding not deporting vulnerable minorities (women, unaccompanied minors, or elders) have begun to materialize.⁴¹² But monitoring these efforts is difficult as there is limited access to information on affected individuals throughout the process.

Inadmissibility

It is important to distinguish between being deportable and being inadmissible, particularly given the porous nature of the border where people routinely move between Haiti and the Dominican Republic. The term inadmissible refers to a situation in which a person is ineligible to enter that country. Reasons for inadmissibility are outlined in Dominican Republic's General Migration Law 285-04, Article 120. It says the Dominican Republic can deny a foreigner admission into the country in the following cases: 1) when the person does not present the documentation required by migration legislation to authorize their entry in the

country; 2) when the person presents or carries falsified or altered documentation; 3) when the person exhibits one of the impediments to entry previously indicated in the law; and 4) when the person tries to evade immigration control when entering national territory at an authorized point, or when one intends to enter the country through a unauthorized point.⁴¹³

Article 15 of Law 285-04 lays out nine impediments to entry that could form the grounds for inadmissibility under case three above, which include: a) health related grounds such as suffering from communicable diseases that present a public health risk, mental illness that makes the person unaccountable for their actions and a risk to society, and chronic physical or permanent mental limitations that prevent the individual from exercising the duty that formed the purpose for their entry; b) criminal grounds that include profiting from prostitution, illegal trafficking of persons or their organs, illegal trafficking of drugs, or being addicted to or encouraging the use of drugs, when lack of work exhibits vagrancy or drunkenness that indicates the individual may not integrate into the State or will be a burden to it, and various criminal offenses that are observed on a case-by-case basis; c) security related grounds such being part of a terrorist organization; and d) immigration related grounds that prevent those that have been subject to deportation or expulsion from being authorized re-entry.⁴¹⁴

Because many Dominicans of Haitian descent and Haitians who migrate back and forth are technically inadmissible by law, enforcement of inadmissibility directly affects these populations. Additionally, the extent of anti-Haitian sentiment

408 "U.S. State Department Country Report on the Dominican Republic," 23.

409 Ibid.

410 Baca Vaughan, interview.

411 "IOM Haiti: Border Monitoring Situation Report."

412 "Dominican Republic Immigration and Documentation Policies Key Points and FAQs."

413 "Ley General de Migración," No. 285-04, article, 120.

414 Ibid., article 15.

in the Dominican Republic increases the possibility that these individuals could be racially profiled and thus classified as inadmissible, regardless of their actual status.

Repatriation of Dominican Citizens

Considering the fact that some individuals may have identification but may be unable to produce it at the time that they are intercepted by immigration officials, CESFRONT, or the military, some Dominicans—especially Dominicans of Haitian descent—can easily be mistaken for individuals who never possessed required identification. This has resulted in cases where Dominicans have been wrongfully deported. It should be noted that while there are no official reports of how many individuals have been subject to wrongful deportation, the number is presumed not to be very high. Still, this occurrence is concerning and needs to be addressed. It is difficult to ascertain whether the Dominican Republic is abiding by the terms of the 1999 Protocol Agreement with regards to wrongful deportations. This is primarily because the governments have not disclosed information on wrongful deportations, both for the protection of the individual and also likely because the Dominican government does not want to publicly acknowledge that these events have occurred.

Voluntary Departures

The largely unforeseen phenomenon of voluntary self-repatriation and departures of those even with legal status in the Dominican Republic has constituted a large portion of the migration to

Haiti since 2014. As noted above, the IOM defines voluntary departures as spontaneous (migration) returns, which involve “[a]n individual or groups who initiate and proceeds with their migration plans without any outside assistance.”⁴¹⁵ The degree to which such departures are indeed truly voluntary and not a function of the uncertain circumstances and repressive environment of these individuals varies. Despite claims by the civil society and media that the volume of such departures is inflated,⁴¹⁶ these constitute a significant bulk of the migration process and therefore, require careful scrutiny in terms of causes, motivations, and consequences.

The IOM monitors migration and deportation at the official border crossing points of Ouanaminthe, Malpasse and Belladères. According to the April 21, 2016 IOM report:⁴¹⁷

- Total crossing over: 89,538 individuals
- Official Deportations: 19,759 persons
- Those who claim deportation: 14,983 individuals
- Voluntary return: 54,627 individuals

Documentation

Voluntary returnees constituted 74.7 percent of all the returnees that came with official documentation (either Haitian or Dominican documentation), and 53.5 percent of those that possessed no type of documentation.⁴¹⁸ Those with Haitian documentation are more likely to return in order to exercise their rights as citizens and to access basic state services, which became difficult to access amidst the uncertainty they experienced in the Dominican Republic. For those without

⁴¹⁵ “IOM Haiti Border Monitoring Situation Report.”

⁴¹⁶ Mark Phillips, “The Dominican Republic’s dubious claims about Haitian exodus,” *Al Jazeera America*, July 3, 2015, accessed April 22, 2016, <http://america.aljazeera.com/opinions/2015/7/voluntary-departure-or-mass-flight.html>.

⁴¹⁷ “IOM Haiti Border Monitoring Situation Report.”

⁴¹⁸ Ibid.

documentation, there were impediments in day-to-day life, with identity cards being necessary for education, health, and even simple tasks like getting a mobile phone.⁴¹⁹

Of the 51,114 households interviewed by the IOM, 3,720 households (7.3 percent of the returnee population) declared having been registered in the Dominican PNRE. Of these 3,720 households, 87.5 percent returned spontaneously to Haiti. As discussed previously, while Group A individuals apply to legalize their status while already being registered, Group B individuals apply for both naturalization and regularization. Generally, Group A individuals are recognized as Dominican citizens. Their problem lies within the irregularities in their civil registry, which can be solved by having the JCE recognize original registries as valid. As such, departing voluntarily may not be as critical for Group A as it is for Group B individuals.⁴²⁰

Group B behavior has more variations. For these individuals, the process involved proving that they were born in the Dominican Republic and then registering as non-nationals. Two years later, they would be given the chance to be naturalized. The increased number of stages to their naturalization process increases the likelihood that something will go wrong and that naturalization will not be reached. When it became increasingly evident that obtaining effective documentation for such status adjustment was unrealistic due to the short deadlines, the voluntary departures burgeoned.⁴²¹ Moreover, the volume of rejections and instances of

individuals not receiving their documents in a timely manner may have deterred others from attempting to apply.⁴²²

Even after their voluntary departure, affected individuals are still inhibited by their lack of documentation, regardless of whether they wish to stay in Haiti or return to the Dominican Republic. Obtaining legal status in Haiti requires documentation that proves Haitian descent. Legal status in the Dominican Republic relies on proof of residence and similar record of birth. Further complications in attempting to return arise if they have children as those children are essentially codified as foreigners in the official registry.⁴²³ Thus documentation—and lack thereof—has been a central driver to movement of the affected population since June 2015.⁴²⁴

Notably, the private sector also plays a role in providing documentation to its migrant workers. Historically, the Dominican government has failed to give migrant workers documentation (such as immigration permits or identification cards), and so the only form of identification a migrant would have is their “ficha,” an employee card issued by the CEA. Eventually these documents came to serve as the migrant worker’s only form of identification during their time in the Dominican Republic.⁴²⁵ Due to the Dominican Republic’s 80/20 Law, Dominican employers have a disincentive to provide documentation to its Haitian migrant workers, as migrants are only supposed to be 20 percent of employees, while the percentage is much higher in practice. Even if employers were willing to help

419 Phillip, “The bloody origins of the Dominican Republic’s ethnic ‘cleansing’ of Haitians.”

420 “Discrimination and Denationalization in the Dominican Republic.”

421 Esther Yu-His Lee, “How The Dominican Republic Is Trying To Remove Its Immigrant Population,” *Think Progress*, July 9, 2015, accessed April 22, 2016, <http://thinkprogress.org/immigration/2015/07/09/3677289/haiti-dominican-republic-deportation/>.

422 Amnesty International, “Without Papers, I Am No One,” 32.

423 Terrill, phone interview.

424 Lee, “How The Dominican Republic Is Trying To Remove Its Immigrant Population.”

425 Belle Antoine et al, “Report on the Situation of Human Rights in the Dominican Republic,” par. 105.

their workers regularize by providing them with contracts that prove the duration of their stay in the Dominican Republic (a requirement for the Regularization Law's application), many contracts are oral and thus there is no record that they were ever made. The Dominican Labor Code validates oral contracts, but this common practice makes it very difficult for migrants to document their stays.⁴²⁶

These factors present a conundrum that drives the demand for undocumented migrant labor in the Dominican Republic. Until the private sector finds it in its interest to stop hiring undocumented workers, this problem will continue. Accordingly, the private sector must be a vital component of any attempted solution to this problem. As IOM's Jorge Baca stated, "we need the private sector as a key player. If they keep hiring migrants illegally, this problem will persist."⁴²⁷

Violence and Discrimination

Repeated reports of violence, looting and ill treatment promoted an atmosphere of fear that encouraged voluntary departures.⁴²⁸ Meanwhile, migrants are subject to exploitation in the workplace, as employers of migrant workers often terminate employment or threaten arrest to keep them in line. These actions effectively create the circumstances for what the US Department of Labor (USDOL) refers to as forced labor.⁴²⁹ Migrants working on the sugarcane plantations and living in bateyes have noted that fear of deportation, of being reported to immigration officials, and of being fired as reasons that prevent them from complaining to

their employer about poor working conditions.⁴³⁰

In one case where fifteen workers protested perceived irregularities in their payment system, their employer called immigration authorities in an effort to get them to flee and drop the protest. Subsequently, all fifteen workers were fired and none were given the payment they were due.⁴³¹ Another account by a migrant worker reveals the extent to which fear of deportation is intertwined with daily work life: "Last year immigration came, and we had to hide. They lit the cane fields on fire to try to get us out, so we had to run. This is a technique immigration officials often use."⁴³² IOM reported that 973 of the 19,511 individuals officially deported since June 17th were apprehended in their place of work.⁴³³

In the interviews we conducted at camps in Anse-à-Pitres, multiple individuals that were deported or left voluntarily stated that they had no desire to reenter the Dominican Republic because of the experiences of violence and racism, and the inability to assimilate into the country.⁴³⁴

Program of Voluntary Return

The Dominican government offered a voluntary and assisted return program for 15 days from June 22 to July 6, 2015 where it provided free transport and security to any who wished to leave voluntarily. It was an opportunity for all illegal foreigners, defined as those not registered in the Regularization Plan, to leave

⁴³⁰ Ibid., 19.

⁴³¹ Ibid.

⁴³² From interviews conducted by the U.S. Department of Labor's Office of Trade and Labor Affairs: "Public Report of Review of U.S. Submission 2011-03 (Dominican Republic)," United States Government, 22, <http://www.dol.gov/ilab/reports/pdf/20130926DR.pdf>.

⁴³³ "IOM Haiti Border Monitoring Situation Report."

⁴³⁴ Anonymous individuals, field interviews.

⁴²⁶ Agase, et al., *Justice Derailed: The Uncertain Fate of Haitian Migrants and Dominicans of Haitian Descent in the Dominican Republic*.

⁴²⁷ Baca Vaughan, interview.

⁴²⁸ Enecia, interview.

⁴²⁹ "Public Report of Review of U.S. Submission 2011-03 (Dominican Republic)," *United States Government*, 18-19, <http://www.dol.gov/ilab/reports/pdf/20130926DR.pdf>.

without persecution.⁴³⁵ According to the Statistics Department of the DGM, 878 Haitian nationals left in this manner.⁴³⁶

Jorge Baca, IOM Chief of Mission in the Dominican Republic, said: “Despite the historic opportunity that the National Regularization Plan has meant to irregular migrants in the Dominican Republic, many were not able to register. This, plus the fact that there are very few income generating activities or jobs available to them, is pushing families to opt for a dignified return solution like IOM’s Assisted Voluntary Return and Reintegration (AVRR) program.”⁴³⁷

Returnees mostly report that they will live with relatives and friends, although some also report not having anywhere to go (4.4 percent) or that they intend to go to a camp (1.7 percent).⁴³⁸ The IOM’s AVRR program works in conjunction with the DGM and the Dominican Ministry of Interior and Police to assist the returnees with monetary support and services. Returnees are provided an initial stipend, and mothers are given a stipend for each child along with education grants. Additionally, IOM is attempting to improve assimilation through income generation schemes and access to business training.⁴³⁹ While these efforts are important, they are far from adequate. As will be discussed below, major gaps remain in everything from services to

long-term development.

435 “Haiti - NOTICE: Free assistance program for the voluntary return of foreigners,” *Haiti Libre*, June 23, 2015, accessed April 15, 2016, <http://www.haitilibre.com/en/news-14293-haiti-notice-free-assistance-program-for-the-voluntary-return-of-foreigners.html>.

436 “Haiti - Dominican Republic: 65,927 voluntary returns to Haiti,” *Haiti Libre*, August 10, 2015, accessed April 15, 2016, <http://www.haitilibre.com/en/news-14794-haiti-dominican-republic-65-927-voluntary-returns-to-haiti.html>.

437 “IOM Dominican Republic Resumes Voluntary Return of Vulnerable Migrants to Haiti,” International Organization for Migration, January 3, 2016, accessed April 15, 2016, <http://bit.ly/1TyW1TG>.

438 “IOM Haiti: Border Monitoring Situation Report.”

439 “IOM Dominican Republic Resumes Voluntary Return of Vulnerable Migrants to Haiti.”

Humanitarian Concerns Near the Haitian-Dominican Border

Part D



Photo provided by Etant Dupain and Bahare Khodabande,
as part of their photojournalistic work

The Border Camps: A Snapshot

For the entire research team, the pivotal moment of our work was when we reached the camps along the border. While riding in the back of a pick-up truck en route to the camps in Anse-à-Pitres, we were greeted by the loud call of a middle-aged man waiving from a distance, protesting about not receiving any food from the last aid delivery. The tents within the camps, spread out in a vast area resembling a desert, are made of plastic and old clothes. This bright patchwork was sturdy enough to define the boundaries of a home, but porous enough to let in both rain and dirt.

From our subsequent conversations with residents, we learned that many had left voluntarily from the Dominican Republic out of fear that their appearance or speech may betray their Haitian roots and subject them to deportation or violence. Multiple people told us that they were physically threatened and told that their families would be killed, so they gathered their children and grandchildren and fled to the border. They lost everything. Some are unable to go back to their homes in Haiti, even with modest help from various organizations. Others have no family or home in Haiti, having spent their entire lives in the Dominican Republic.⁴⁴⁰

Like their origins, their desired destination varied greatly. We interviewed some people who aimed to return to the Dominican Republic as soon as possible, waiting for their documents to arrive or for the right moment to cross informally. Others expressed their determination to avoid the Dominican Republic and the discrimination they

faced, instead aiming to build a life in Haiti. Yet others had no idea where they wanted to go next. This heterogeneity has been a source of confusion for organizations and governments looking for a scalable aid solution. But despite their different backgrounds and goals, the residents with whom we spoke all agreed on one thing: their lives in the camps are unsustainable.⁴⁴¹

Resources in Haiti are already spread thin. An array of small organizations—the Jesuits in Malpasse, a Catholic priest in Anse-à-Pitres others—are helping alleviate problems where they can. Still, there does not appear to be a considerable or consistent effort to provide assistance, with aid disbursements coming every few weeks. In fact, residents described situations where aid workers dropped off sacks of rice, but could not deliver the water needed for cooking. Aid workers explained that they could only distribute aid when they have enough for everyone, meaning disbursements occur sporadically.⁴⁴² Furthermore, residents do not feel safe in the camps. During the night, strangers throw rocks into the tents, using this as a tactic to distract families and rob them. A woman was stoned until her teeth were broken on her way back from the local church where she had gone to pick up some scarce food aid.⁴⁴³

Given these conditions, it would be easy for camp residents to be overcome with cynicism and hopelessness. There is no security for work, food, or even clean water. A widespread cholera outbreak exacerbated these challenges. But people are resilient, trying to hold on to normalcy.

⁴⁴¹ Ibid.

⁴⁴² Pierre Antoine Valéry Milorme, SJM, interview by Johns Hopkins University-SAIS International Human Rights Clinic, Anse-à-Pitres, January 21, 2016.

⁴⁴³ Anonymous individual, field interview by Johns Hopkins University-SAIS International Human Rights Clinic, Anse-à-Pitres, January 21, 2016.

⁴⁴⁰ Anonymous individuals, field interviews.

They started a school under a thatched roof and children were learning numbers in Haitian Creole. People hold on tightly to small possessions, the things that give them identity and dignity—a kite made of plastic bags, a guitar made of wood and a bottle, plastic flowers brought across the border, and photographs. They are mothers, brothers, and sisters with lives that have been pulled out from underneath them. They are human beings stuck in between two hostile neighbors, identifying with one or the other but belonging to neither of them.

The Border Camps: An Overview

The conditions of the two camps we visited, Parc Cadeau 1 and 2 were abysmal, equally as unsettling is that they were part of a much larger array of informal settlements along the border. Following the deadline to apply for the Regularization Plan in mid-June 2015, many individuals decided to voluntarily depart from the Dominican Republic to Haiti. Whether this movement was truly voluntary or was forced, the scale of migration prompted the development of makeshift camps along the border.⁴⁴⁴

Of the four official border crossings, the Dominican government currently only uses two for formal deportations - Malpasse and Ouanaminthe.⁴⁴⁵ Anse-à-Pitres was initially used for formal deportations, but quickly developed the largest border settlements, prompting the government to stop using that crossing. But, as previously mentioned, there is very little control over migratory flows along the border. In fact, OCHA

has located at least 130 informal border crossings.⁴⁴⁶ OCHA and the US State Department's Bureau for Population, Refugees, and Migration (PRM) are providing funding to the IOM to establish a border monitoring system.⁴⁴⁷ By their current estimates, at least 129,000 people have crossed the border back into Haiti, straining the limited resources of both national governments and civil society.⁴⁴⁸

To further complicate the humanitarian crisis, there are a number of open questions as to who should be caring for the affected population. As Jonathan M. Katz notes in discussing the residents of Parc Cadeau, "[s]ome might legally be considered refugees. Others could be dual nationals, or Haitians who returned home. Were these people the responsibility of the Dominican government? The Haitian government? The international system? Or were they entirely on their own?"⁴⁴⁹ As will be detailed further, individuals, NGOs, and international organizations have stepped up to assist the returnees. But their limited resources, small scope, and lack of government support constrain their ability to be effective. We witnessed this strain firsthand in two border towns - Anse-à-Pitres and Malpasse - shedding light on the specific organizations that are trying to help and the large gaps that remain.

⁴⁴⁶ Ibid.

⁴⁴⁷ "Assisted to Voluntary Return and Reintegration," International Organization for Migration, accessed April 30, 2016, <http://haiti.iom.int/migrant-assistance>

⁴⁴⁸ Yudoneys Munez, "Migracion destaca, retorno voluntario de extranjeros en situacion irregular sobrepasan reparaciones en el pais," *Dirección General de Migración República Dominicana*, January 13, 2016, accessed April 28, 2016, <http://www.migracion.gob.do/sitev1/noticias/migracion-destaca-retorno-voluntario-de-extranjeros-en-situacion-irregular-sobrepasan-repatriaciones-en-el-pais/>.

⁴⁴⁹ Katz, "In Exile," *The New York Times Magazine*, January 13, 2016, http://www.nytimes.com/2016/01/17/magazine/haitians-in-exile-in-the-dominican-republic.html?_r=0.

⁴⁴⁴ Castillo, "Tent cities sprouting in Haiti as migrants return from Dominican Republic."

⁴⁴⁵ di Taranto, interview.

The Border Camps in Anse-à-Pitres

Of the numerous people that have returned from the Dominican Republic since June 2015, the main informal settlements have occurred in the southeast of Anse-à-Pitres. Unlike the other deportation points of Malpasse and Ouanaminthe, which allow for easy access to the large cities of Port-au-Prince and Cap-Haïtien respectively, Anse-à-Pitres is remote and inaccessible from the Haitian side. Moreover, the Barahona Peninsula on the Dominican side of the border presents opportunities for day labor in agriculture.⁴⁵⁰ Thus, given the lack of easy access to move further into Haiti, and the proximity to economic opportunities on the Dominican side, Anse-à-Pitres was ripe for the development of border camps for those coming from the Dominican Republic – whether voluntarily or forcibly.⁴⁵¹ Despite the size of the camps, the physical border crossing between the two states is fairly dormant, with a steady drip of individuals crossing through a single gate.

According to recent estimates, six camps (Tête à l'Eau, Fond Jeannette, Parc Cadeau 1 & 2, Savane Galata and Maletche) have been established in the area with roughly 2,400 people in need of basic services.⁴⁵² Still, the location of settlement is fluid – for example, the two Parc Cadeaus are part of one sprawling settlement.⁴⁵³ Given that Anse-à-Pitres

is generally in a situation of extreme poverty,⁴⁵⁴ it is not surprising that the prospect of aid deliveries has been a pull factor for local Haitians to move into these camps.⁴⁵⁵ This pull factor further drove the growth of the camps. Moreover, access to aid has created significant tension between camp residents and the residents of surrounding communities, who do not receive aid, leading to violence and other conflicts.⁴⁵⁶ Considering the limited aid available, directing it towards migrant populations is essential to reduce these tensions and work towards a long-term solution.

There have been efforts to relocate households from the Anse-à-Pitres. Most of the 587 households residing there, and registered by the IOM, have been relocated to approved housing through IOM's relocation program, in coordination with the government.^{457,458} On a more micro scale, it is reported that out of the 90 families that occupied Parc Cadeau 1, only 3 remain. In Parc Cadeau 2, 80 percent of the families have been relocated, and in the other camp of Tête à l'Eau, 60 percent of the residents have been resettled.⁴⁵⁹

Additionally, the organization Food for the Poor has begun building houses in Labady, Haiti – a 32-hectare relocation plot given by the Haitian

454 “Batey Relief sends dentists to Anse-a-Pitre, Haiti,” *Dominican Today*, April 22, 2009, accessed April 30, 2016, <http://www.dominicantoday.com/dr/poverty/2009/4/22/31761/Batey-Relief-sends-dentists-to-Anse-a-Pitre-Haiti>.

455 Valéry Milorme, SJM, interview.

456 Anonymous individuals, field interviews.

457 “Haiti-Humanitarian: Relocation of returnees is underway,” *Haiti Libre*, April 27, 2016, accessed May 7, 2016, <http://www.haitilibre.com/en/news-17178-haiti-humanitarian-relocation-of-returnees-from-dr-is-underway.html>.

458 Humanitarian bulletin Haiti, *OCHA*, Issue 59 (March 2016): 1, accessed April 30, 2016, http://reliefweb.int/sites/reliefweb.int/files/resources/ocha_haiti_humanitarian_bulletin_59-130416.pdf

459 Jean Aïcard Pierre, SJM, Whatsapp correspondence with Tiffany Basciano, Johns Hopkins University – SAIS, May 1, 2016.

450 Terrill, phone interview.

451 Ibid.

452 McFadden, “Haiti Migrants No Longer Stranded on Desolate Border.”

453 Terrill, phone interview.

government.⁴⁶⁰ Houses come equipped with a mattress, table, solar kit, hygiene kit, blankets, gas stove, and a few food staples. Seventy-six families, including 40 from Fond-Bayard and 36 from Anse à-Pitres have been relocated to this new village, called Alexandre Guy. Families will receive support for six months following their relocation, and will have access to a health clinic, a community center, and a school.⁴⁶¹ Around 268 of the aforementioned 587 families will stay in the Anse à-Pitres area.⁴⁶²

However, poor local communities have continued to populate these camps to access relocation and housing assistance such as this and thus, targeting aid has been insufficient in controlling the growth of these camps. Therefore, relocation efforts need to be carried out in conjunction with local development effort in order to ensure that targeted aid is not stalled, and is as effective as possible.

As of October 2015, about 25 organizations with humanitarian programs were working in Anse-à-Pitres.⁴⁶³ The main problems in the camps are associated with lack of drinking water, lack of equipment needed for cooking purposes, inadequate shelter from harsh weather conditions, and lack of sanitation facilities and health services. With no sources of revenue and food only being available through harvest, donations and market activities, the situation is precarious and worsened by the threat of several diseases ranging from acute diarrhea and protein deficiency to breathing

problems, malnutrition, and cholera.⁴⁶⁴ Given their location which lends itself to easy access for any voluntary departures, these camps could continue to be populated by returnees and draw in poor locals, and thus need continued attention.

The Jimani-Malpasse Border

Unlike the Anse-à-Pitres border crossing, the Jimani-Malpasse border is filled with constant energy and activity. The space between the gates to Haiti and the Dominican Republic has turned into an open market where both Haitians and Dominicans sell produce, bags of rice, and services. Malpassee is located approximately two to three hours away from Port-au-Prince, and is a major trade hub between the two countries.⁴⁶⁵ However, it is also the location where many Haitians have fled out of fear of being deported. For these reasons, Malpassee has been the primary site of conflicts and attention regarding the migrant crisis. For example, *Le Nouvelliste* reported that a firefight broke out in Malpassee between the Haitian National Police (HNP) and Dominican National Police after a member of the HNP told a returning Haitian student not to pay his Dominican smuggler the requested fee.⁴⁶⁶ Later, a Haitian death at the border crossing prompted strikes and protests by truckers and businesspeople,

464 "HAITI: Returnees/Deportees Camps in Anse-à-Pitres," *UN OCHA*, 2015, accessed April 1, 2016, <http://bit.ly/1Ygn8XF>.

465 Etant Dupain, "Things I Have Observed at the Malpassee Border Between Haiti and the Dominican Republic," *Woy Magazine*, June 20, 2015, accessed April 28, 2016 <http://woymagazine.com/2015/06/20/6-things-observed-malpassee-border-between-haiti-dominican-republic/>.

466 Jeff Marion, "Dominican Republic Deportations Increase Tensions with Haiti," *World Socialist Web Site*, August 29, 2015, accessed April 23, 2016, <https://www.wsws.org/en/articles/2015/08/29/hait-a29.html>.

460 "Haiti - Humanitarian : Food For the Poor Relocates 76 Haitian Families with Dignity," *Haiti Libre*, April 27, 2016, accessed May 7, 2016. <http://bit.ly/1XfG3DG>.

461 Ibid.

462 Humanitarian bulletin Haiti, 1.

463 "Who does what and where – Overview in Border Areas," *UN OCHA*, 2015, accessed April 1, 2016, <https://www.humanitarianresponse.info/en/node/112532>.

blocking the border crossing for days.⁴⁶⁷

Malpasse lacks the large informal settlements that were created in Anse-à-Pitres, likely because economic opportunities are scarce in the surrounding area. The primary residents in Malpasse are migrants who aim to return to the Dominican Republic and non-migrants who hope to receive humanitarian aid from NGOs in the area.⁴⁶⁸ The most active organizations in this region include GARR, SJM, IOM, and Food for the Poor. Beyond providing general support to people returning across the border, these organizations attempted to create a formal housing community for migrants, an effort that will be discussed further below.

Services and Aid in the Camps

Overview

While the conditions in the camps are dire, there are some organizations trying to provide support. This section will sample some of the organizations working in the settlements surrounding Anse-à-Pitres and the services they provide. The 25 operating organizations are working on six main issues: camp coordination and shelter provision, food security and nutrition, health, protection and security, safe drinking water and sanitation and emergency and disaster preparedness.⁴⁶⁹ The following NGOs are present

in the camps, as of the end of September 2015: GARR, Food for the Poor, Ayiti Timoun, Solidaridad, Solidarités International, Service Jésuites aux Migrants (SJM), Paroisse d'Anse-à-Pitres, Heart to Heart International, and Fondation Pour la Paix.⁴⁷⁰ The sampled organizations and their work were selected to highlight the areas of need and current work on the issue outlined in this report. This section focuses on direct humanitarian services provided by NGOs and aid organizations to the camps in Anse-à-Pitres.

Organizational Profiles

Heart to Heart International

Heart to Heart International (HH-I) is an American humanitarian organization working towards improving access to health services and the general provision of crisis relief help and humanitarian development support. The HH-I team in Haiti focuses most of its efforts on rural Haiti, where operations started in January 2010 following the earthquake. HH-I workers provide hygiene and medical care items to returnees and conduct short visits to the camps in order to provide basic medical services. As of January 2016, HH-I had distributed 250 hygiene kits and 340 food kits, and raised awareness of the conditions of 250 families across three settlement sites: Fond Jeanette, Savanne Galata and Tête à l'Eau. While effective, these camp visits are rather infrequent, as HH-I employees must maintain their normal clinic duties and the camps are located in remote areas. Aiming to establish more sustained services to the affected population, HH-I has been

467 Jacqueline C. B. Medina, "Commerce, Trade Paralyzed in Haiti's Border Dispute with the Dominican Republic," *The Star*, August 28, 2015, accessed April 20, 2016, <http://www.thestar.com/news/world/2015/08/28/commerce-trade-paralyzed-in-haitis-border-dispute-with-dominican-republic.html>

468 Joseph Cherubin, MOSTCHA, interview by Johns Hopkins University-SAIS International Human Rights Clinic, Santo Domingo, January 21, 2016.

469 "Who does what and where – Overview in Border Areas."

470 "HAITI: Returnees/Deportees Camps in Anse-à-Pitres," *UN OCHA*, 2015, accessed April 1, 2016, https://www.humanitarianresponse.info/en/system/files/documents/files/haiti_returneesdeporteescamps_anse-a-pitres_30092015_eng_1.pdf.

coordinating food provision and funding for food for about two months. HHI-I representatives working in Haiti note that coordination and partnership with other NGOs and aid groups will help in achieving this task.^{471,472}

Service Jesuite aux Migrants/Solidarité Fwontalye (SJM-Haiti)

Service Jesuite aux Migrants (SJM) is a social apostolate Catholic organization (social ministries) of the Society of Jesus (Jesuits) in Haiti. The Society of Jesus is a religious order of the Roman Catholic Church that is present in more than 100 countries. SJM-Haiti is part of the Jesuit Network for Migrants from Latin America and the Caribbean (RJM), a platform for Jesuit institutions working with migrants and refugees in the region.⁴⁷³ To further that effort, SJM has a permanent presence at the Haiti-Dominican Republic border and compiles monthly reports on the binational migration situation. In the case of deportations, SJM both assists and accompanies the migrants in returning to their (former) hometowns in Haiti, when that is a viable option. Based on the different needs of the affected population, various projects are in place to address these needs and are made possible by coordination between the different aid organizations present in the border camps. However, the work is difficult. An SJM worker noted that there is no system to coordinate or plan the type or frequency of aid delivery to the camps. Still, he admitted that NGOs would oppose a formal aid schedule, as they cannot

currently guarantee that aid would be available and delivered on schedule. For him, SJM's role should not be viewed as a long-term solution. The only way to develop the camps and move residents towards a sustainable living condition would be for government and private actors to create an environment for entrepreneurship and business.⁴⁷⁴

Groupe d'Appui aux Rapatriés et Réfugiés (GARR)

GARR is a formation of nine associations and NGOs working on migration issues. GARR concentrates its efforts on Haitian migrants in the Dominican Republic living in difficult social and economic circumstances. Since 2010, following the earthquake, GARR has also focused its efforts on the displaced populations living in the camps at the border region in Haiti.⁴⁷⁵ Specifically, the coalition is implementing a project for a 'culture of human rights and peaceful coexistence in the Haitian-Dominican border region.' GARR is one of the organizations that led the effort to build a formal housing settlement in Malpasse, a project that will be discussed further below.⁴⁷⁶

Central Emergency Relief Fund (CERF)

Every organization previously mentioned identified lack of funding as a major constraint to their ability to provide resources. CERF is one of the funding sources that is helping sustain NGOs and multilateral groups along the border. For example, CERF provided a few million dollars to OCHA to help Haitian populations settling along the border. Notably, CERF focuses on providing emergency relief, and cannot provide the sustained institutional support that is desperately needed.

471 Heart to Heart International, "Haiti Operations," *Heart to Heart*, 2016, accessed March 22, 2016. <http://www.hearttoheart.org/our-work/haiti-operations/>.

472 Indra Soria Muñoz, Communication and Fundraising Office, Heart to Heart International – Haiti, e-mail message to Sheimaliz Glover and Tiffany Basciano, Johns Hopkins University – SAIS, January 14, 2016.

473 Lissaint Antoine, National Director, SJM-Haiti, e-mail message to Tony Mueller, Johns Hopkins University – SAIS, May 3, 2016.

474 Valéry Milorme, SJM, interview.

475 Fred Sylvain, GARR, interview by Johns Hopkins University-SAIS International Human Rights Clinic, Malpasse, January 20, 2016.

476 GARR, "Presentación de GARR," *GARR* 2016, accessed March 22, 2016, <http://3www.garr-haiti.org/index.php/garr-fr/presentation-fr>.

For example, one part of CERF's program is to help relocate returnees, but there is no funding to help those people find housing, jobs, and other support once they get there. Other actors like the U.S. and the EU has funded drought assistance and some NGOs, but they are not providing enough.⁴⁷⁷ A more sustainable donor is vital to bolstering service delivery along the border.

Independent Human Rights Monitoring and Humanitarian Assistance

Besides the NGOs working in the camps, individual actors have generously stepped in to fill the void. For example, independent human rights monitor, Arian Terrill has been working in the camps since they first came about. To date, he has provided "the largest and longest-sustained coordinated food security operation [...] by a non-government entity in Anse-a-Pitres." In late 2015, he brought in fortified food stables from Soylent, a California-based social entrepreneurship, for distribution in Parc Cadeau 1 and 2. This delivery helped sustain 200 families during the month of December.⁴⁷⁸ Such assistance was essential to preventing further deterioration of conditions.

Moreover, Mr. Terrill has helped bring the world's attention to the conditions in the camps. He has worked in various capacities with several English-media news sources, including Al-Jazeera, VICE, and The New Yorker, among others. Most notably, he has facilitated The New York Times' continuing coverage of the camps.⁴⁷⁹ Media attention is vital to keeping pressure on the governments, international community, and civil society to alleviate the conditions. Mr. Terrill's commitment to facilitating media coverage of the camps is invaluable.

An Attempted Solution: The Case of Malpasse

The need for sustained support is best exemplified by the formal settlement we visited in Malpasse. In 2008, GARR and Food for Poor built approximately 100 permanent houses in a suburban design in an effort to better facilitate the transition for Haitian migrants arriving across the border.⁴⁸⁰ These individuals could stay in the temporary residence free of charge until they had enough money to move, at which point other residents could take their place. Under the original program, residents were issued certificates for their homes as proof of residence and to enable the tracking of inflows and outflows. All in all, the program at first looked like a major success.

But soon after the first residents moved into the suburb, oversight and control over the community was lost. The system of certification was abandoned and the demand for housing rapidly expanded.⁴⁸¹ Originally, there were approximately 100 families in the housing area. By 2008, there were about 208 families. Today, the number of families in the camp is unknown. It is hard to track residents, as they frequently move in and out of the housing area. In some situations, multiple families live in one home. Alternatively, some families rent their houses to other migrants as they re-cross the border for work, providing an additional income stream.⁴⁸²

The exact reasons for these shifts in tracking and demand are unknown. Perhaps they were prompted by the huge inflows of people migrating back into Haiti after the deportation moratorium was lifted. The settlement and expansion of families, rather than their temporary stay, was likely caused

477 di Taranto, interview..

478 Terrill, e-mail.

479 Ibid.

480 Group meeting and interview by Johns Hopkins University-SAIS International Human Rights Clinic, Malpasse, Haiti, January 20, 2016.

481 Ibid.

482 Sylvain, interview.

by the fact that the housing is provided at no charge. This removed all pressure for families to leave the development and created opportunities for rent seeking. Regardless of those factors, NGOs like GARR argue that government negligence played a large part in the decline of the suburb. According to one worker, the local government of Fonds-Parisien was supposed to maintain and monitor the suburb but ignored its duties.⁴⁸³

Indeed, the conditions in the development have significantly deteriorated. There are no utilities running through the camp. In fact, there is no access to clean water. While NGOs initially helped create water wells nearby, the wells have not been maintained and the water quality is poor. Because health and clinical services are unavailable, most of the migrants go to Fonds-Parisien for care, but only in the most serious cases. For employment, some residents cross the border during the day for jobs, while others do jobs in the camp or surrounding area, such as selling goods and services at the Malpasse border. Some migrants also make charcoal to sell or become motorbike drivers.⁴⁸⁴ In some ways, while the housing was certainly more permanent, the services did not look too different than those in the informal settlements we witnessed in Anse-à-Pitres. The problem needs far more than an initial injection of capital and support. It requires a sustained commitment to providing services and support to a community being ignored.

Remaining Gaps

During times in which the global community is grappling with the consequences of several

substantial humanitarian crises, international focus is no longer on 'Haiti and the earthquake.' Thus, it is of utmost importance to shed light on the humanitarian crises unfolding in the border camps in Haiti.⁴⁸⁵ The thousands of people who have fled the Dominican Republic since June 2015, and especially those who have settled in the informal camps in Anse-à-Pitres, require protection and respect for their essential human rights. Most immediately, they need to be provided with adequate basic services related to food, drinking water, and health care. Provision of these direct services should be a priority, but long-term approaches should also be implemented to help the displaced communities rebuild their lives. While many humanitarian organizations have set up projects in the camps, their efficacy is minimal. As SJM noted, existing aid interventions in Anse-à-Pitres are sporadic, uncoordinated, and underfunded, making them ineffective.⁴⁸⁶ GARR argued that the Haitian government has an important role to play in these problems. OCHA recently made an open call for "a new strategy for communication and mobilization of resources and new approaches in the implementation of humanitarian projects and programs" in Haiti. We support that effort and believe it is crucial to helping the affected population, not only to survive in the short term but also to rebuild their lives in the long run.⁴⁸⁷

⁴⁸³ Group interview with GARR, SJM, and IOM, interview by Johns Hopkins University-SAIS International Human Rights Clinic, Fonds-Parisien, January 20, 2016.
⁴⁸⁴ Ibid.

⁴⁸⁵ "Humanitarian Bulletin – HAITI."
⁴⁸⁶ Valéry Milorme, SJM, interview.
⁴⁸⁷ "Humanitarian Bulletin – HAITI."

Haitian Government Responses to the Border Crisis

The Haitian government's response to the situation in the border camps must be considered in terms of its weak state capacity, particularly after the 2010 earthquake and electoral instability, which have led to gaps in policymaking and implementation. However, even after acknowledging these institutional weaknesses, the Haitian government has fallen short of its most basic state responsibilities in providing adequate action in terms of coordination and relief efforts. As seen in the previous section, civil society organizations are active in providing humanitarian relief and have maintained their presence along the border areas. However, a long-term mitigation strategy involves strong political commitment and economic development, which requires state intervention and targeted private sector involvement. This section explores why the Haitian state has been an insufficient presence, in terms of coordinating with or directing civil society and the private sector, current and proposed interventions as well as the gaps that have persisted.

The Government and the Electoral System

For decades, the people of Haiti have struggled for free and democratic elections.⁴⁸⁸ Haiti's 1987 Constitution made the country officially a semi-presidential republic. The power is separated

between three institutions: the president, the government, and the parliament. The president is elected for a five-year term, and may run for a non-consecutive second term.⁴⁸⁹ The president appoints the prime minister, who must be approved by the parliament.⁴⁹⁰ If the office of the president is vacant, then the Chief Justice will automatically take over. He or she must be confirmed by the National Assembly and organize elections within 45 to 90 days, in which the Chief Justice cannot participate. The parliament consists of the House of Representatives with 99 members who are elected every four years and the Senate with 30 members who are elected every six years. The current elections in Haiti are its fourth democratic elections. According to UNDP, "these elections will mark the longest period of institutional stability that the country has enjoyed in its recent history."⁴⁹¹

Civil Unrest and Turnover Rates of Officials

Despite being one of the oldest democracies in the world,⁴⁹² Haiti bears institutions that are characterized by intense political instability. Haiti's history reveals an overemphasis on particular interests among the elites and a lack of cooperation and legitimacy among political leaders. Haiti's fragile state reveals its extreme vulnerability in almost all spheres of life such as governmental institutions, economics and security. It is a state that is unable to protect its population against threats and to

488 Hervé Ladsous and Jessica Faieta, "Haiti at a turning point," *Our perspectives UNDP*, July 16, 2015, accessed March 29, 2016, <http://www.undp.org/content/undp/en/home/blog/2015/7/16/Haiti-at-a-turning-point.html>.

489 1987 Constitution of the Republic of Haiti, article 134-3, accessed March 26, 2016, <http://pdba.georgetown.edu/Constitutions/Haiti/haiti1987.html>.

490 *Ibid.*, article 137.

491 Ladsous and Faieta, "Haiti at a turning point."

492 *Ibid.*

provide them with basic social services.⁴⁹³ Elections in Haiti have been and continue to be accompanied by civil unrest and riots because the public does not trust politicians. This likely stems from the fact that they have been governed by corruption and mismanagement for decades. Crime and civil unrest represent the main threat to the work of the international community and organizations in Haiti.⁴⁹⁴ The most recent instance of civil unrest is the current presidential election in Haiti. “Since mid-2015 to early 2016, Haiti has experienced the highest number of political demonstrations since 2010.”⁴⁹⁵

Because none of the presidential candidates achieved an absolute majority of the votes in the October 2015 elections,⁴⁹⁶ a runoff was scheduled for December 2015. In response to erupting violence, the Provisional Electoral Council (CEP) decided to postpone the second-round elections for security reasons. President Martelly initially set January 2016 as the date for the runoff, but postponed it for a third time after only a few days. The LAPEH-candidate, Jude Célestin, accused the government of electoral fraud and threatened to withdraw his candidacy.⁴⁹⁷ These accusations built and prevented the government from determining a successor, so Martelly’s government had to leave

the office. Later, former Senate President Jocelerme Privert was appointed by the parliament as interim president.⁴⁹⁸ Notably, this course of events could be considered a democratic success, because this is the “second time since 2006 that a democratically elected President [handed] over power to his successor” without violence.⁴⁹⁹ The runoff has been repeatedly postponed and in April 2016, a spokesman of the CEP announced that “there is no electoral environment favorable in Haiti at this time [and therefore] the second round is postponed indefinitely.”⁵⁰⁰

The mistrust of the Haitian people in the political system is reflected in the decreasing voter turnout in presidential elections. Since 2000, the participation of voters has been steadily decreasing:^{501,502} 2000 (78.29 percent), 2006 (59.26 percent), 2011 (22.36 percent) and 2015 (28.87 percent). On the other hand, the United Nations Development Program (UNDP) is arguing that Haiti is “a vibrant democracy [...] and the Haitian people recognize that governance is everyone’s responsibility.”⁵⁰³ During our meeting with Mr. Ulrick Gaillard, Founder & CEO of the Batey Relief Alliance, he stated that “the current election in Haiti is not turmoil; it is pure democracy [...] because the people are not willing to accept fraud and so the election gets dragged on. [Therefore,] it is unwise to move

493 Amnesty International, “Haiti: Five years after devastating earthquake tens of thousands still homeless and desperate,” *Amnesty International*, January 08, 2015, accessed April 01, 2016, <https://www.amnesty.org/en/latest/news/2015/01/haiti-five-years-after-devastating-earthquake-tens-thousands-still-homeless-and-desperate/>.

494 United Nations Office for the Coordination of Humanitarian Affairs, “Haiti Humanitarian Response Plan 2016,” 15.

495 Ibid.

496 Conseil Electoral Provisoire, “Élections Octobre 2015 – Résultats Préliminaires Président 1er Tour,” November 05, 2015, accessed March 26, 2016, https://electionpresidentielle.cephaiti.ht/rapport_PR/resume-presidentielle.pdf.

497 AlterPresse, “Haïti, des élections le 24 janvier « pas avec Jude Celestin,” *AlterPresse*, January 19, 2016, accessed March 26, 2016, <http://www.alterpresse.org/spip.php?article19543#.VvbScchFOg>.

498 Guylar Delva and Holly Yan, “Haiti gets new president -- for 120 days,” *CNN*, February 14, 2016, accessed March 26, 2016, <http://www.cnn.com/2016/02/14/americas/haiti-interim-president-elected/>.

499 Ladsous and Faieta, “Haiti at a turning point.”

500 “Haiti’s presidential election postponed,” *Caribbean National Weekly*, April 22, 2016, accessed April 23, 2016, <http://www.caribbeannationalweekly.com/news/caribbean-news/haitis-presidential-election-postponed/>

501 “Voter turnout data for Haiti,” *International Institute for Democracy and Electoral Assistance (International IDEA)*, accessed March 26, 2016, <http://www.idea.int/vt/countryview.cfm?id=99>.

502 “Election Guide: Republic of Haiti,” *Election Guide*, accessed March 26, 2016, <http://www.electionguide.org/countries/id/94/>.

503 Ladsous and Faieta, “Haiti at a turning point.”

forward with elections; just for the sake of it.”⁵⁰⁴

Moreover, the lack of cooperation and legitimacy in Haiti is one of the biggest drivers for the high turnover rate of elected officials. The Dominican government said that Haiti “has been unable to carry out policies that boost its people’s living standards.”⁵⁰⁵ These structural issues also occurred in the aftermath of the 2010 earthquake. The Haitian relief efforts had some impact; however, “necessity for communication and cooperation [is needed] to ensure the progress of the country.”⁵⁰⁶ Even beyond elected officials, there is a high turnover rate for government ministers, which disrupt the continuity of governance and progress. For example, since January 2015, there have been three ministers of justice^{507,508,509} and four ministers of the interior.^{510,511,512,513}

Registration and Documentation

One of the challenges for Haitians or people of Haitian decent arriving from the Dominican

Republic to Haiti is that they are often not equipped with documentation from the Haitian government, such as an ID or a passport. In order to obtain a Haitian passport,⁵¹⁴ citizens need to provide two forms of valid proof of identity and citizenship such as an original birth certificate, along with other documents, which can be very challenging for the typically poor migrant population. As a population that lives in “the poorest country in the Americas and one of the poorest in the world”⁵¹⁵ spending disposable income on documentation, such as passports, may not be the easiest course of action. However, the Haitian government itself has failed to produce and issue documents to its citizens because of the high cost of making passports and lack of special equipment. Therefore, the system for effective documentation, including effective incentives for people to ensure that they obtain them, is lacking.

Notably, the Haitian government has undertaken some measures to equip people with some form of ID, but these IDs are not proof of citizenship.⁵¹⁶ For instance, during our visit to Anse-à-Pitres, the occupants of the camps told us that Haitian government officials from the Ministry of the Interior came to the camp and provided “Kat Idantifikasyon Fanmi ki Depote” (Identification Card of a Family that was Deported) ID cards. While these IDs enabled people to vote in the most recent elections, they did not serve as official documentation and thus will not help the affected populations when trying to prove their citizenship.

However, a public statement by the Haitian

504 Gaillard, interview.

505 “Dominican gov’t blames Haiti for not boosting citizens’ living standards,” *Agencia EFE*, July 10, 2015, accessed March 28, 2016, <http://bit.ly/1WT8Ayj>.

506 Brandon Marks, “The Haitian Relief Effort,” *Yale Economic Review*, February 24, 2015, accessed March 29, 2016, <http://www.yaleeconomicreview.org/archives/2290>.

507 “Haïti-Politique : Laurent Lamothe présente au sénat sa déclaration de politique générale,” *Alter Presse*, May 8, 2012, accessed April 2, 2016, <http://bit.ly/1VPu3cl>.

508 France Diplomatie, “Composition du gouvernement de la République d’Haïti,” October 6, 2015, accessed April 2, 2016, <http://bit.ly/1T5RCKt>.

509 Jaqueline Charles, “Interim Haiti prime minister, government finally take charge,” *Miami Herald*, accessed April 2, 2016, <http://hrlid.us/1YgC6N9>.

510 “Haiti - FLASH : Composition of the new Ministerial Cabinet,” *Haiti Libre*, January 19, 2015, accessed April 2, 2016, <http://www.haitilibre.com/en/news-12975-haiti-flash-composition-of-the-new-ministerial-cabinet-update-5-53-pm.html>.

511 “Haiti - Politic : Installation of 3 ministers and one Secretary of State,” *Haiti Libre*, September 12, 2015, accessed April 2, 2016, <http://bit.ly/1O8EIMR>.

512 “Haïti - FLASH : Membres du cabinet ministériel d’Enex Jean-Charles,” *Haiti Libre*, March 24, 2016, accessed April 2, 2016, <http://bit.ly/1QVUCVr>.

513 “Haiti - FLASH : François Anick Joseph, named Minister of the Interior (confirmed),” *Haiti Libre*, April 1, 2016, accessed April 2, 2016, <http://bit.ly/1TxgFDG>.

514 “Issuing Passports,” *Embassy of the Republic of Haiti, Washington DC*, accessed March 08, 2016, <http://www.haiti.org/issuing-passports/>.

515 The World Bank, “Haiti – Overview – Economy,” 2016, accessed April 15, 2016, <http://www.worldbank.org/en/country/haiti/overview>.

516 Anonymous individuals, field interviews.

Ambassador to the Dominican Republic, Daniel Supplice describes best the documentation efforts made by the Haitian government: “Haiti’s Immigrant Documentation Program (PIDIH) to help Haitian compatriots in the Dominican Republic regularize their status, had failed miserably.”⁵¹⁷ The ambassador added that his government was also responsible for many Haitians living in the Dominican Republic who were not able to register under the Regularization Plan before the mid-June deadline, due to the lack of providing documentation. After Ambassador Supplice made this statement, he was removed from his post by the Haitian government.⁵¹⁸ During our meeting with the Batey Relief Alliance we were told that the Haitian government has no interest in solving this crisis, as it presents a bad image for the Dominican Government and makes the international community aware of this issue.⁵¹⁹

Haitian Government Resources for Returning Migrants

The majority of aid, which is provided to the people who live along the border, comes from civil society and international organizations. In the beginning of April 2016, the Haitian government and the Humanitarian Country Team launched the Humanitarian Response Plan 2016, aiming to mobilize funds in order to support the most vulnerable in the country.⁵²⁰ The report outlines several response strategies and strategic objectives

to address the key issues in Haiti such as the migration crisis. However, the report also criticizes the (inadequate) efforts of the Haitian government as the country “remains accountable to the Haitian population with regard to the provision of life-saving and basic services and the respect of human rights.”⁵²¹ For example, the Haitian government has not been able to monitor movements at the border due to its lack of resources and limited reception capacity at the border.⁵²² Furthermore, the authors of the report stated that the “government’s specialized institutions have not been active in the response to the crisis, nor in the elaboration of this plan, which causes uncertainty among the humanitarian partners that are responding to this issue.”⁵²³

Private Sector Responses to the Border Crisis

The urgency of and need for private sector involvement in this issue cannot be emphasized enough. In a press release from OCHA, the organization stressed the need for a coordinated approach between the humanitarian community, civil society and the private sector in improving the health conditions of the camps where Haitian migrants and Dominicans of Haitian descent have settled.⁵²⁴ While an earlier section recommended the private sector improve its treatment of migrant workers, this section will outline ways the private sector can become more involved in developing the border region. The lack of hospitals and basic services on the Haitian side of the border (as described in the section on health supra) spurs a lot of the day-to-day migration that occurs from Haiti to the Dominican

517 “Haiti Ambassador Daniel Supplice Removed From Post,” *Haiti Observer*, August 19, 2015, accessed on April 26, 2016, <http://www.haitiobserver.com/blog/haiti-ambassador-daniel-supplice-removed-from-post.html>.

518 Ibid.

519 Gaillard, interview.

520 United Nations Office for the Coordination of Humanitarian Affairs, Press Release, “6 years after the earthquake, OCHA highlights progress but alerts the plight of thousands of displaced still living in camps,” Ref. : PIO/PR/1/2016, January 14, 2016, accessed May 8, 2016, <http://bit.ly/275sZVu>.

521 Ibid., 12

522 Ibid., 8

523 Ibid., 21

524 Ibid.

Republic. Between June 2015 and April 2016, 89,538 individuals have crossed the border into Haitian territory, and the three communes that are most commonly cited as their intended destinations are in the border region.⁵²⁵ Based on IOM's figures, it is estimated that 120,000 individuals will cross over into Haiti by the end of 2016.⁵²⁶ Developing infrastructure at the border – and particularly in the camps – will improve the living conditions of those in that region, many of whom are displaced Haitian migrants and Dominicans of Haitian descent.

Not surprisingly, the individuals we spoke with in the camps seemed to want an active part in developing the border, and in finding innovative ways to do this. During our visit to the Parc Cadeau 2 in Anse-à-Pitres, we came across a large hole in the ground similar to a small-sized swimming pool, although deprived of water. Upon further investigation, we discovered that a resident of the camp had worked on a project to build this pool with the help of local NGOs, hoping to eventually breed fish to be sold in the binational market. Although this small artificial lake (approximately the size of a car) lacked water, its creator has been operating a minor puddle, where he is testing the feasibility of the project on a smaller scale in the hopes of one-day raising eels and shrimp to sell in Anse-à-Pitres.

Although one might not expect to witness this sort of behavior in such desperate situations as we found in the camps, the human drive to succeed is present and thriving there. Local politicians should facilitate and incentivize these behaviors, and the private sector should be brought in to

provide the infrastructure necessary to make these kinds of developments possible.

Private Sector Investment Along the Border

Due to the critical economic and political situation in Haiti, it was granted duty-free status for textile exports to the United States. Following this development, Grupo M created a complex of textile factories – known as CODEVI – in the north of the country in the vicinity of Ouanaminthe, Haiti.⁵²⁷ Currently, the company has four plants that make jeans, T-shirts and synthetic garments for a wide variety of international brands, including Levi's, Under Armour and Gap. Thus far, the project has provided an estimated 7,000 jobs to the local Haitian community along with 4,000 jobs for Dominicans.⁵²⁸ Considering that the local population has few alternative sources of employment, every day hundreds of Haitians show up looking for employment at the small bridge that connects the complex to Haiti.

Importantly, the success of Grupo M's venture has begun to attract more companies. Hopes are that the duty free export regime into the US, which is the economic basis for much of the border area potential investment, might be extended until 2030. However, the extreme poverty in Haiti and the lack of education means that such schemes need not only provide jobs and training, but also basic health services and childcare. Grupo M has created its own

525 “5,145 households indicated an intent to go to the Cornillons/Grand Bois commune, 3,488 to Anse-a-Pitres, and 2,785 to Fonds-Verettes,” “IOM Border Monitoring Situation Report.”

526 United Nations Office for the Coordination of Humanitarian Affairs (OCHA), “Haiti Humanitarian Response Plan 2016,” 8.

527 “Codevi II,” *International Financial Corporation*, accessed April 29, 2016, <http://ifcextapps.ifc.org/ifcext/spiwebsite1.nsf/651aeb16abd09c1f8525797d006976ba/d3f41476c5ef481d85257ce100651c5b?opendocument>.

528 Rob Dwyer, “Dominican Republic Guide,” *Euromoney*, March 2016, accessed April 29, 2016, <http://www.euromoney.com/Article/3536536/Dominican-Republic-guide-2016-Foreign-direct-investment.html?p=2>.

TV station to promote awareness and education.⁵²⁹ Nonetheless, the extent to which such projects are successful in addressing or at least alleviating outward migration from Haiti remains highly uncertain. Parallel measures must be taken in order to make sure that Haitians do indeed have access and are able to compete on equitable grounds for jobs generated from border investment ventures.

Lastly, the success of CODEVI so far has led to ambitious plans for expanding binational developments along the corridor of the two countries' border. For instance, further expansion of manufacturing is planned for the north with the reconstruction of the port of Manzanillo, which would facilitate faster shipment to the US and elsewhere. Additionally, there are three other projects awaiting government approval in the following areas: 1) power generation; 2) agriculture; and 3) the leisure sector.⁵³⁰ The idea is to start in the north where a business culture and some business infrastructure is already present and develop along the border by replicating this model in the south.⁵³¹

The potential is clearly present, and hopes are high that the border between the Dominican Republic and Haiti will provide an important source of economic growth for both countries. However, what remains uncertain is the potential of collaboration on investment projects spilling over to an improved bilateral relationship, especially with regards to addressing the migration issues.

⁵²⁹ "Codevi", *Clinton Bush Haiti Fund*, accessed April 29, 2016, <http://www.clintonbushhaitifund.org/programs/entry/codevi/>

⁵³⁰ "Haiti – Economy: CODEVI Industrial Park, 11 years of successful economic development," *Haiti Libre*, July 25, 2014, accessed April 29, 2016 <http://www.haitilibre.com/en/news-11669-haiti-economy-codevi-industrial-park-11-years-of-successful-economic-development.html>

⁵³¹ Embassy of the Dominican Republic in United States of America, interview by Johns Hopkins University – SAIS International Human Rights Clinic, Washington, D.C., April 1, 2016.

Public-Private Partnerships

Many of the examples that have been lauded as successful ways to address this problem are public-private partnerships. A successful PPP is a partnership between a banana trade association that sells to markets in the EU and the US, IOM, and UNDP. In response to the strict labor laws in the EU and US, the trade association has worked with IOM and UNDP to obtain documentation for its workers. The IOM office in the Dominican Republic cited this collaboration as a successful case where the private sector has partnered with international organizations and the government.⁵³² With an issue this complicated, involving such diverse stakeholders with a wide range of interests, it makes sense that PPPs would be the most viable solution.

Both Araceli Azuara, a representative from the Organization of American States, and Enzo di Taranto, head of the OCHA Haiti Office, pointed to the Quisqueya Economic Binational Council (CEBQ) as an example of how the private sector could help develop the border region.^{533,534} It is a direct response to the Haiti Haitian Hemispheric Opportunity through Partnership Encouragement (HOPE) Act, which was passed in the U.S. in 2008. The HOPE Act gives preferential tariff-free and quota-free treatment to imports into the U.S. from Haiti. Because of this Act, Dominican companies have started a co-production model with Haiti, where inputs from the Dominican Republic are made into a final product in the Dominican Republic and then exported to the U.S. This has given Dominican companies an incentive to develop the

⁵³² Baca Vaughan, interview.

⁵³³ Araceli Azuara Ferreiro, Organization of American States, interview; interview by Johns Hopkins University – SAIS International Human Rights Clinic, Santo Domingo, January 19, 2016.

⁵³⁴ di Taranto, interview.

border region, and government and private sector stakeholders on both sides of the border should use it as an opportunity to create jobs and investment in a region that has previously lacked this.⁵³⁵ Thus, CEBQ is one of the first binational collaborative border development organizations founded by Haitian and Dominican representatives which involves a number of employers from both countries. Their aim is to develop additional projects in various parts of the border in order to apply their business ideas on renewable energy, transportation logistics, raw materials, and utilization of both countries work forces.

The first projects of the Quisqueya Binational Economic Council (CEBQ) were launched in December 15, 2015 in the presence of the Dominican entrepreneur Juan Vicini Lluberes and the members of CEBQ. The project has been funded with an initial investment of \$31 million to build 600 housing units for the textile plant workers and 400 housing units for the workers of the finished product plant.⁵³⁶ This economic development program is a step in the right direction and was initiated in 2013 in Miami by the presidents of Haiti and the Dominican Republic, Michel Martelly and Danilo Medina, respectively. The main objective of this joint effort is to generate 100,000 new jobs in the textile sector by 2030.⁵³⁷ So far, four development zones have been defined and are awaiting action for further establishment.

Zone 1 is an international free economic trade zone, concentrating mainly on two cities, Dajabón, Dominican Republic and Ounamithe, Haiti, with Manzanillo port serving as an exchange platform. The Council plans to begin Zone 1 in this already prosperous northern part of the border, and then move south as it develops the next three zones, eventually developing a majority of the border region.⁵³⁸ Zone 2 consists mainly of activities for production, agro-industry and the respective transit zones. Zone 3 is responsible for renewable energy storage and pumping, using the Caribbean, Enriquillo and Azuei Lakes. Lastly, Zone 4 is a platform devoted to more cultural activities, such as international festivals and developing the tourism industry. If successful, this project will bring improved living conditions and commercial activity to the region, and on both sides of the border.

From a cost perspective, the estimated investment for developing these four zones over a period of 15 years has been calculated as \$5 billion. The majority of the investment will be funded by private entrepreneurs and benefit around four million people living on both sides of the border.⁵³⁹ However, it is not clear if the beneficiary population includes the migrant worker population or stateless individuals. With further clarification and potential extension of this opportunity to people who are living in temporary shelters across the border, a better future can be assured not only for the general population, but also for the marginalized group stuck in between the two countries.

While these projects point to successful collaboration between the public and private sectors, there are still many parts of the border that are underdeveloped. In many cases, these areas

535 "Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008," *United States Trade Representative*, accessed April 29, 2016, <https://ustr.gov/sites/default/files/06182014%20USTR%20Report%20Haiti%20HOPE%20II%202014.pdf>.

536 "First Haiti Dominican Bilateral Investment," *Haiti Observer*, December 20, 2016, accessed April 29, 2016, <http://www.haitiobserver.com/blog/first-haiti-dominican-republic-bilateral-investment.html>.

537 "First bilateral investment for the economic development of the border," *Haiti Libre*, December 16, 2015, <http://www.haitilibre.com/en/news-16078-haiti-economy-first-bilateral-investment-for-the-economic-development-of-the-border.html>.

538 Embassy of the Dominican Republic in United States of America, interview.

539 "First Haiti Dominican Bilateral Investment."

are where the most vulnerable populations are living, for example in Anse-à-Pitres. The private sector should seek out partnerships with the government and international organizations to develop these border areas. In an interview with SJM, representatives stressed the need to use the border as an opportunity.⁵⁴⁰ Establishing markets and spaces for vendors to sell things is one way that areas such as Anse-à-Pitres could be further developed. Partnering with the government to improve the water and sanitation facilities in these areas is another way the private sector can get involved. In fact, the private sector can perhaps be more influential than any other stakeholder group in solving this problem, as it has more breathing space and flexibility to have a forward-looking mission than do the governments and non-governmental organizations that are working in the region.

⁵⁴⁰ SJM, interview by Johns Hopkins University-SAIS International Human Rights Clinic, Anse-à-Pitres, January 21, 2016.



Part E

Responses to the Migrant Crisis

Intergovernmental Organizations

United Nations High Commissioner for Refugees (UNHCR)

The United Nations High Commissioner for Refugees (UNHCR) has followed the situation very closely from the beginning. In summer 2015, UNHCR published a press release urging the Dominican Republic not to deport thousands of stateless people “whose citizenship was thrown into question by a 2013 ruling of the country’s Constitutional Court.”⁵⁴¹ The UN agency has offered its support in identifying and registering affected individuals, and has called on the Dominican government to avoid “creating a new refugee situation.”⁵⁴²

With regards to identification, UNHCR recommended “that for people who claim to be Dominican, but do not have the required documents, the authorities can use other screening approaches, such as knowledge of Spanish, which would distinguish them from more recent arrivals.”⁵⁴³ However, such a recommendation is fraught with potential difficulties. Former Haitian Ambassador to the Dominican Republic, Daniel Suplice, observed the ambiguity of both race and language in border screenings, noting “[s]omebody comes to the border. He’s black, OK. He speaks a little, Creole, OK. He speaks a little Spanish and they say he’s Haitian. But the man says he’s ‘Dominican, I was born in the Dominican Republic.’ How are we going to know that

when he doesn’t have any papers to prove that?”⁵⁴⁴ Given the history between the two countries and the potential inaccuracies or biases in using language skills to determine national origin, such suggestions are risky and deeply concerning. As such, we would caution that any policies or practices to determine an individual’s national origin be objective.

International Organization for Migration (IOM)

The International Organization for Migration (IOM) is active in Haiti as well as in the Dominican Republic. The office in Haiti is mainly funded by the United States,⁵⁴⁵ and primarily collects data along the border to monitor migration flows.⁵⁴⁶ The monitoring of border movements is published in weekly reports and provides detailed information about movement trends, age, gender, documentation, destination, and intentions of affected people.⁵⁴⁷ The IOM in the Dominican Republic focuses more on technical assistance to migration offices and the Ministry of Interior and Police. For instance, they informed migrants about options under the Regularization Plan by providing information material and they have trained military officers on the new documentation laws.⁵⁴⁸

Organization of American States (OAS)

The Organization of American States (OAS) serves as a platform and a mediator for the Dominican Republic and Haiti to communicate

⁵⁴⁴ Charles, “Deportations Loom in Dominican Republic for Haitian Migrants who Failed to Register.”

⁵⁴⁵ “Deportations from the Dominican Republic: The IOM Changes its Tune,” *Center for Economic and Policy Research: Haiti Relief and Reconstruction Watch*, July 22, 2015, accessed March 28, 2016, <http://bit.ly/1IoaVMW>.

⁵⁴⁶ Baca Vaughan, interview.

⁵⁴⁷ “IOM Haiti: Border Monitoring Situation Report.”

⁵⁴⁸ Baca Vaughan, interview.

⁵⁴¹ “Dominican Republic Urged Not to Deport Stateless Dominicans,” *UNHCR*, June 19, 2015, accessed March 27, 2016, <http://www.unhcr.org/5584221a6.html>.

⁵⁴² *Ibid.*

⁵⁴³ *Ibid.*

in addition to trying to contribute to a solution. For instance, the organization undertook a special mission to Haiti and the Dominican Republic in summer 2015 to investigate the situation of Haitian migrants. The findings along with recommendations were combined in a report and presented to the Secretary General of the OAS, Luis Almagro.⁵⁴⁹ Furthermore, the organization provides assistance to Haiti in many different ways. For example, the OAS is working with the identification office of Haiti to provide documents for Haitian migrants. The project aims to help Haiti develop its identification process of migrants throughout the Caribbean, though the Dominican Republic is the biggest hub.⁵⁵⁰

Nevertheless, Secretary General Almagro has also criticized the political system in Haiti as a hindrance to this process. Almagro stated “the problem is that the electoral process in Haiti does not offer minimum guarantees to the voters. The political system as a whole, the government and the opposition, does not cooperate to make it work in a better way. The system has no commitment nor solutions that are necessary for the people is expressed with confidence in the polls [...] it is necessary to give much more important measures to legitimize the next election of a President.”⁵⁵¹

In December 2013, the OAS Inter-American Commission on Human Rights (IACHR) also conducted an observer mission to the Dominican Republic in order to investigate the situation of

rights to nationality and identity.⁵⁵² The delegation met with government officials, international organizations, NGOs, and affected individuals. Improvements of the right to nationality and access to justice were the main recommendations of the mission, concluding, “[...] that the Constitutional Court’s ruling implies an arbitrary deprivation of nationality. The ruling has a discriminatory effect [...] and leads to statelessness when it comes to those individuals who are not considered by any State to be their own nationals, under their laws.”⁵⁵³ In February 2016, following the one-side visit to the Dominican Republic, the IACHR published a full report on the “Situation of Human Rights in the Dominican Republic” with a wide range of recommendations and stating that the Constitutional Tribunal ruling 168-13 “[...] has denationalized and created a situation of statelessness of a magnitude never before seen in the Americas.”⁵⁵⁴

Foreign Governments

The United States of America

The United States has strong ties with the Dominican Republic⁵⁵⁵ and is following the situation very closely to ensure human rights are

549 “OAS Deploys Mission to Assess Situation of Haitian Migrants,” *OAS*, July 09, 2015, accessed March 27, 2016, http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-205/15.

550 Azuara Ferreiro, interview.

551 “Haiti - Elections: A Haitian Electoral System Deficient, According to OAS,” *Haiti Libre*, February 02, 2016, accessed March 26, 2016, <http://www.haitilibre.com/en/news-16629-haiti-elections-a-haitian-electoral-system-deficient-according-to-oas.html>.

552 “Preliminary Observations from the IACHR’s Visit to the Dominican Republic,” *IACHR*, December 06, 2013, accessed March 27, 2016, <http://www.oas.org/es/cidh/actividades/visitas/2013RD/Preliminary-Observations-DR-2013.pdf>.

553 *Ibid*, 9.

554 *Ibid*, 21-22.

555 OAS, “IACHR Publishes Report on the Human Rights Situation in Dominican Republic,” Press Release, February 9, 2016, accessed on April 2, 2016, http://www.oas.org/en/iachr/media_center/PReleases/2016/010.asp.

protected.⁵⁵⁶ Moreover, the US funds many civil society and international organizations (such as IOM) in addressing this issue. Thomas C. Adams, Haiti Special Coordinator at the U.S. Department of State, said that “we continue to encourage the Governments of the Dominican Republic and Haiti to consult and collaborate with each other and with civil society groups and international organizations to develop processes that uphold the rule of law, provide procedural safeguards, and are consistent with each country’s international obligations and commitments.”⁵⁵⁷

Local politicians and organizations in the U.S. also harshly criticized the actions taken by the Dominican Government. For instance, the Institute for Justice and Democracy in Haiti (IJDH), based in Massachusetts, called for a boycott of the Dominican tourism sector.⁵⁵⁸ New York City’s Mayor, Bill de Blasio, has also come out against the Dominican Republic’s actions, stating, “It is clearly an illegal act. It is an immoral act. It is a racist act by the Dominican government. And it’s happening because these people are black. I call on the government [...] to cease these expulsions immediately, to end the detentions of innocent people, and to stop the cultivation of fear. It’s unimaginable to me that a lot of Americans [...] are going to want to travel to the Dominican Republic if this issue is unresolved.”⁵⁵⁹

It is not surprising that local politicians, especially in New York City, Miami, and Boston, have spoken up on the issue, as the Haitian community is seen as one of the fastest growing ethnic groups in the US.⁵⁶⁰

Furthermore, the U.S. government has used mechanisms such as the Dominican Republic-Central American Free Trade Agreement (CAFTA-DR) to address the failure of the Dominican government to enforce its labor laws.⁵⁶¹ If the Dominican Republic is not meeting its labor commitments as stipulated in the CAFTA-DR provisions, a party can bring its grievance to the agreement’s dispute settlement body. Father Christopher Hartley – a Catholic missionary priest who worked among Haitian sugarcane workers in the bateyes from 1997-2006 – did this in December 2011 when he submitted a Formal Public Submission to the US Department of Labor (USDOL) regarding the failure of the Government of the Dominican Republic to enforce its labor laws.⁵⁶²

Father Hartley wanted to call attention to the labor abuses committed on sugarcane plantations. Specific to the issue of migrant labor in this report, Father Hartley sought to address: 1) forced labor; 2) deplorable and unsanitary living conditions; 3) denial of medical and pension benefits; 4) refusal to inform and publish the current rate and terms of pay; 5) hazardous working conditions; and 6) refusal to issue written contracts.⁵⁶³ In September 2013, the USDOL issued a public report in response to Father

⁵⁵⁶ “U.S. Monitoring Haiti/DR Deportation Issue Closely,” *News Americas*, July 15, 2015, accessed April 02, 2016, <http://www.newsamericasnow.com/u-s-monitoring-haitidr-deportation-issue-closely/>.

⁵⁵⁷ *Ibid.*

⁵⁵⁸ “A Tourist Boycott of the Dominican Republic: A Road that Does Not Help the Struggle,” August 31, 2015, accessed on April 23, 2016, *Socialism.com*, <http://www.socialism.com/drupal-6.8/statements/tourist-boycott-dominican-republic-road-does-not-help-struggle>.

⁵⁵⁹ Bill de Blasio “Transcript: Mayor de Blasio Hosts Press Conference to Discuss Humanitarian Situation in the Dominican Republic,” *NYC.gov*, June 21, 2015, accessed on April 24, 2016, <http://www1.nyc.gov/office-of-the-mayor/news/429-15/transcript-mayor-de-blasio-hosts-press-conference-discuss-humanitarian-situation-the/#/0>.

⁵⁶⁰ Nichol Bryan, “Haitian Americans,” Edina, MI: Abdo Publishing Company, (2004): 15, accessed April 24, 2016, <http://bit.ly/1QVou4b>.

⁵⁶¹ “CAFTA-DR Legal Text,” *Office of United States Trade Representative: Free Trade Agreements*, August 5, 2004, accessed on April 28, 2016, <https://ustr.gov/trade-agreements/free-trade-agreements/cafta-dr-dominican-republic-central-america-fta/final-text>.

⁵⁶² “Formal Public Submission,” *United States Government*, December 22, 2011, accessed on April 2, 2016, <http://www.dol.gov/ilab/reports/pdf/DRSubmission2011.pdf>.

⁵⁶³ *Ibid.*

Hartley's submission under Chapter 16 (the Labor Chapter) of CAFTA-DR. The review was compiled as a result of two missions to the Dominican Republic and numerous consultations with the Dominican government, sugarcane workers, and employers and found labor violations in all of the above issues Father Hartley sought to address.⁵⁶⁴ Subsequently, the USDOL committed to working with the Dominican government to develop time-bound measures to address the recommendations it made in the report. The USDOL has since issued reviews of the Dominican Republic's progress every six months.

The resulting actions by the sugarcane industry and the Dominican government over the past two years indicate substantial improvement in labor practices and a concerted effort by employers and the government to address the USDOL's concerns. Most remarkably, the Dominican Republic issued a resolution to its social security law in November 2015 such that all persons with a regularized migratory status in the Dominican Republic could participate in the Dominican Social Security System (SDSS). The Dominican government reported that 239,956 people were granted regularized temporary status as a result of the Regularization Law. The resolution stipulates that employers are required to enroll all these workers in the SDSS by showing they have regularized migratory status and by providing workers' current employment contracts.⁵⁶⁵ While this is a commendable step that the Dominican

government has taken, this leaves the private sector with a great deal of responsibility to provide adequate documentation to its employees, which is an area the private sector has previously faltered in.

The European Union

The European Union (EU) has a big influence on Haiti and the Dominican Republic. The Europeans have annual bilateral meetings with both countries and signed an Economic Partnership Agreement (EPA). According to the European Commission, Haiti is the biggest receiver of EU aid in the Caribbean.⁵⁶⁶ In regard to the refugee crisis, the Spokesperson of the EU High Representative issued a statement in 2014, saying that the EU recognizes "the sovereign right of the Dominican Republic to determine its policies on nationality and migration, [but] encourages a rapid implementation of [...] necessary measures in line with universal human rights standards."⁵⁶⁷ Therefore, while the EU has not made strong statements in this regard, it has maintained strong economic relationships with both countries. According to the OAS in Santo Domingo, the EU has also offered financial support to the OAS to help provide documentation (birth certificates and identification cards) to Haitian citizens who applied for the Regularization Plan.⁵⁶⁸

564 "Dominican Republic Submission Under CAFTA-DR," *United States Department of Labor*, accessed on April 28, 2016, <http://www.dol.gov/ilab/trade/agreements/dominicanrepub.htm>.

565 "Twenty-Four-Month Review of Implementation of Recommendations in the U.S. Department of Labor's Public Report of Review of Submission 2011-03 (Dominican Republic)," *United States Department of Labor*, accessed on April 28, 2016, <http://www.dol.gov/ilab/reports/pdf/Dominican%20Republic%2024-month%20review%20statement.pdf>

566 "Humanitarian Aid and Civil Protection – Haiti," *European Commission*, December 09, 2015, accessed March 29, 2016 http://ec.europa.eu/echo/where/latin-america-caribbean/haiti_en.

567 "Statement by the Spokesperson of EU High Representative Catherine Ashton on the Occasion of the 2nd High Level Binational Dialogue between Dominican Republic and Haiti," *European External Action Service*, February 04, 2014, accessed April 02, 2016, http://www.eeas.europa.eu/statements/docs/2014/140204_01_en.pdf.

568 Azuara Ferreiro, interview.

Other Caribbean States

The Caribbean Community and Common Market (CARICOM) has harshly criticized the Dominican Constitutional Tribunal sentence.⁵⁶⁹ CARICOM is an organization of Caribbean countries promoting regional cooperation.⁵⁷⁰ Haiti has been a member since 2002 and the Dominican Republic is an observer.⁵⁷¹ In its criticism, CARICOM “called on the Dominican Republic not to engage in the expulsion of Dominicans of Haitian descent and avoid creating a humanitarian crisis in our Region,” and “to take steps to ‘right the wrong’ resulting from [this] ruling.”^{572,573} In November 2013, CARICOM published a press release and stated that it “will suspend consideration of the request by the Dominican Republic for membership of the Caribbean Community [and] will review its relationship with the Dominican Republic [as] it cannot be business as usual.”⁵⁷⁴

Furthermore, during the UN General Assembly in September 2015, the Prime Minister of Saint Vincent and the Grenadines said that the

“the subject of retroactive stripping of citizenship of persons of Haitian descent born in the Dominican Republic, and their forcible deportations to Haiti [...] is an international human rights issue of the gravest kind upon which United Nations must pronounce unambiguously. The Caribbean Community [is] pledged to work with [...] the Dominican Republic to assist in ending this tragedy at the heart of our Caribbean civilization, but the [...] Dominican Republic must demonstrate a good faith not merely in words but in deeds.”⁵⁷⁵

Media

Given the poverty and lack of infrastructure in Haiti, the majority of information is accessed through the radio. Over 375 FM stations operate without a license, many of which are affiliated with political organizations or parties.⁵⁷⁶ While more than 90 percent of the Haitian population has access to a radio, access to television and the internet are restricted to roughly ten percent of the population.⁵⁷⁷ Newspaper distribution is limited as well due to an adult literacy rate of 48.7 percent. There are only two daily newspapers and only several more weekly newspapers. Despite the fact that almost every Haitian speaks Creole and only about 20 percent of Haitians speak French, most newspapers and several radio and television

⁵⁶⁹ “Statement on the ruling of the Dominican Republic Constitutional Court on Nationality,” *CARICOM*, October 17, 2013, accessed April 02, 2016, http://www.caricom.org/jsp/pressreleases/press_releases_2013/pres222_13.jsp.

⁵⁷⁰ “Objectives of the Community,” *CARICOM*, 2011, accessed April 02, 2016, <http://www.caricom.org/jsp/community/objectives.jsp?menu=community>.

⁵⁷¹ “CARICOM Member States – Haiti,” *CARICOM*, 2011, accessed April 02, 2016, <http://www.caricom.org/jsp/community/haiti.jsp?menu=community>.

⁵⁷² “Caricom Appeals To Dominican Republic To Halt Expulsions,” *CARICOM*, June 19, 2015, accessed April 03, 2016, http://www.caricom.org/jsp/pressreleases/press_releases_2015/pres97_15.jsp.

⁵⁷³ “CARICOM Secretary General reiterates call on Dominican Republic to ‘right terrible wrong,’” *CARICOM*, January 10, 2014, accessed April 02, 2016, http://www.caricom.org/jsp/pressreleases/press_releases_2014/pres04_14.jsp.

⁵⁷⁴ “CARICOM Statement on Developments in the Aftermath of the Ruling of the Constitutional Court of the Dominican Republic on Nationality,” *CARICOM*, November 26, 2013, accessed April 02, 2016, http://www.caricom.org/jsp/pressreleases/press_releases_2013/pres265_13.jsp.

⁵⁷⁵ Ralph E. Gonsalves, “Statement by The Honourable Dr. Ralph E. Gonsalves - Prime Minister of Saint Vincent and the Grenadines At the General Debate of the 70th Session of the United Nations General Assembly,” page 4, United Nations, September 29, 2015, accessed on April 24, 2016, http://gadebate.un.org/sites/default/files/gastatements/70/70_VC_en.pdf.

⁵⁷⁶ “Freedom in the World 2013 – Haiti,” *Freedom House*, April 10, 2013, accessed on April 28, 2016, <http://www.refworld.org/docid/51710494f.html>.

⁵⁷⁷ “2013 Country Reports on Human Rights Practices – Haiti,” *United States Department of State*, February 27, 2014, accessed on April 28, 2016, <http://www.refworld.org/docid/53284ad014.html>.

programs are conducted in French.⁵⁷⁸ As such, to effectively communicate information of public interest in Haiti, radio programming is the most important tool.

In the Dominican Republic, there are over 50 newspapers and more than 200 radio stations in addition to a number of local and cable TV stations. Three daily newspapers also provide information in English – *El Caribe*, *Diario Libre*, and *Dominican Today*. Concerning the public ownership of media outlets, the Dominican government owns a state TV and radio, which are broadcasted through the state TV channel – *Corporacion Estatal de Radio y Television (CERTV)*. While the law guarantees freedom of speech and press for all, journalists often face intimidation and violence when investigating certain issues such as drug trafficking and corruption. Three journalists were injured in September while covering clashes between police and demonstrators over the shooting death of a man of Haitian origin.⁵⁷⁹

Written Media, Newspapers, Journals

Overall, the migration issue has not received much domestic media attention in either affected country. Strong anti-Haitian sentiment in the Dominican Republic has created a perilous environment for journalists as well as human rights advocates involved in the migration discussion. Moreover, the Dominican government has expressed concerns with human rights activists and journalists unfairly portraying its policies in a very

negative light. Journalists have been threatened in public spaces for advocating for Dominicans of Haitian descent. Indeed, four journalists in the Dominican Republic have filed lawsuits against an outspoken nationalist, Luis Díaz, who threatened them for covering their country's increasingly contentious citizenship and immigration debate.⁵⁸⁰ One of the journalists, Juan Bolívar Díaz stated that, "there's racism and a historic Anti-Haitianism in this country [Dominican Republic], so these people [nationalists] want to silence the media who are defending human rights [...] some people promote a veritable apartheid."⁵⁸¹ The Dominican government needs to take these issues seriously to ensure that information on migration issues is accessible and transparent and that the rights of journalists and activists are protected.

From the beginning of the regularization process, there was a lack of organization to make public information available in a transparent and timely manner in the Dominican Republic. The media's role in informing and educating the public about the Regularization Plan and Naturalization Law could have been more effective – particularly in informing the affected population about their available options. In May 2014, the Ministry of Interior and the National Immigration Council (*Consejo Nacional de Migración*) announced that there would be a media campaign⁵⁸² to guarantee that people would be informed as to where they should go and that the process was not an attempt to produce irregular or abusive deportations or disrespect of the dignity of human

578 "World Press Freedom Index," *Reporters without Borders* 2014, accessed on April 28, 2016, <https://rsf.org/index2014/en-index2014.php>.

579 "Freedom House 2015 World Report – Dominican Republic," *Freedom House*, 2015, accessed on April 28, 2016, <https://freedomhouse.org/report/freedom-world/2015/dominican-republic>.

580 Planas, "Dominican Journalists Claim Death Threats for Covering Citizenship Debate."

581 Ibid.

582 "National Migration Board Dictates Resolution on Seasonal Workers," *El Nacional*, January 10, 2014, accessed on April 28, 2016, <http://bit.ly/1hiGeWZ>.

beings.⁵⁸³ The awareness campaign was supposed to be communication through mediums including radios, newspapers, brochures, working groups, and megaphone announcements in areas with high concentrations of migrants. Nonetheless, these media campaigns were delayed and their effectiveness is very questionable.

On the Haitian side, the issues have also not been sufficiently covered by the media. Given the aftermath of the 2010 earthquake, and the political and economic turmoil in the country, the migration problem has been sidelined. The Haitian government has not been actively involved with trying to address the issue due to the aforementioned factors, but also because they do not consider Dominican citizens to be their responsibility. This perspective has affected how much coverage and publicity the issue has received from the press. However, Haiti has called the attention and intervention of the international community on several occasions, especially within OAS forums.⁵⁸⁴

Photojournalism

Much of the coverage for the migration issue at the international level has taken the form of photojournalism. In terms of geography, the majority of the reporting has been targeting the Anse-à-Pitres, Haiti area where the camps are located. Similar to reasons why the affected populations have established in the camps, media coverage of them has also been prompted by the camps' geographic location, proximity to highways,⁵⁸⁵ and the fact that relocation efforts have begun in many

of the camps, including those in Malpasse, Haiti.⁵⁸⁶ While photojournalism often lacks substance with regard to the analysis of root causes driving the migration problem between Haiti and the Dominican Republic, it has masterfully portrayed the humanitarian situation on the ground. The most noteworthy photojournalist projects are the New York Times' (NYT) ongoing reporting of Parc Cadeau, the photo-essay work of Etant Dupain and Bahare Khodadande, and the work of Amy S. Martin.

Celebrities, Hashtags, and Popular Media

Social media has been used as a tool to advocate for the rights and to portray the struggles of the affected population. A series of articles and photo series are shared through Instagram (#haitianmigrants, #stateless), and Pinterest (Haitian migrants), and Twitter (#haiti, #haitidr, #migrants). Several civil society organizations are also active on social media sites such as Facebook and LinkedIn.

The Haitian and Dominican diasporas have also been active in expressing their stance toward the decision of the Constitutional Tribunal and the resulting events result. Junot Díaz and Edwidge Danticat – two well-known contemporary authors from Hispaniola – have been relentless in their condemnation of the sentence.⁵⁸⁷ Both are appalled by the political scapegoating of migrants and recognize the long-standing struggle between the two nations. Diaz emphasizes that, “[neither side understands] we’re sisters and brothers, that we share a poor, fragile island, and that without true solidarity we won’t make it.”⁵⁸⁸

583 Adriana Peguero, “Foreign Government Plan begin on June Regularization,” *Listindiario.com*, May 14, 2015, accessed on April 28, 2016, <http://bit.ly/1rBTf9T>.

584 “Haiti Urges Global Intervention in Dominican Migration Crisis,” *Telesurtv.net*, July 8, 2015, accessed on April 28, 2016, <http://bit.ly/1Xf7OMt>.

585 Terrill, e-mail.

586 “Haiti - Humanitarian : Food For the Poor Relocates 76 Haitian Families with Dignity.”

587 Richard Andre, “The Dominican Republic and Haiti: A Shared View from the Diaspora,” *Americasquarterly.org*, (Summer 2014), accessed April 28, 2016, <http://bit.ly/1o9DCTc>.

588 Ibid.

RECOMMENDATIONS

Throughout the report, we've identified major gaps that inhibit the ability of all actors to effectively address the migration crisis and stated our own ideas for alleviating those problems. But we recognize that not all of these are achievable or realistic, given the political and economic constraints of both governments and the international community. In this section, we highlight recommendations that we find particularly important or effective, and explore methods of execution that still respect these constraints. Ultimately, adversity cannot be an excuse for inaction. These constraints must be overcome and concrete steps must be taken, by all actors involved. Otherwise, the seam of Hispaniola will remain torn for decades to come.

Recommendations for Haiti

I. Increase Haitian Government Revenue through Border Enforcement, as well as Tariff and Tax Reform

The lack of control over goods crossing the porous border between the two countries costs Haiti approximately \$400 million each year in lost tariffs on Dominican imports. Rather than implementing counter-productive bans on Dominican goods, the GOH should focus on repairing its own internal tariff system, in order to earn much needed government revenue. Haiti's decision to contract with the Israeli security company, HLSI, to improve border control was a step in the right direction.^{589,590,591} Nonetheless, more must be done.

Haiti possesses the political leverage to obtain the cooperation of the Dominican Republic, given the Dominican government's desire to curb informal migration. Haiti could thus adopt a strategy similar to that of Turkey in its recent deal with the European Union, or that of Mexico in its work with the United States.^{592,593} If bilateral negotiations proceed well, the Haitian government could earn the support of the Dominican government to improve its tariff collection, in exchange for blocking migrants from illegally

⁵⁸⁹ Gaillard, interview.

⁵⁹⁰ "Dominican Republic Lawmakers Welcome Haiti's Wall at Border," *Dominican Today*, October 15, 2013, accessed April 15, 2016, <http://www.dominicantoday.com/dr/local/2013/10/15/49286/Dominican-Republic-lawmakers-welcome-Haitis-wall-at-border>.

⁵⁹¹ "Haiti – Economy: the Monitoring of Our Borders Assigned to an Israeli Firm."

⁵⁹² "Migrant Crisis: EU-Turkey Deal Comes into Effect," *BBC*, March 20, 2016, accessed April 29, 2016, <http://www.bbc.com/news/world-europe-35854413>.

⁵⁹³ Adam Isaacson, Maureen Meyer, and Gabriela Morales, "Mexico's Other Border: Security, Migration, and the Humanitarian Crisis at the Line with Central America," *Washington Office on Latin America (WOLA)*, June 2014, accessed April 29, 2016, <http://www.wola.org/files/mxgt/report/>.

entering the Dominican Republic.

Haiti should also implement a thorough reform of its tariff system. In its 2013 recommendations, the IMF suggested that the Haitian government should increase tariffs on its imports, as it only levied an average of three percent for custom duties, a much lower level than in other Caribbean and Central American countries.⁵⁹⁴ Following the Fund's recommendation, Haiti increased taxes on numerous imports. Tariffs on imported corn and beans have increased from 3.5 percent to 15 percent; tariffs on imported rum are now 25 percent from 15 percent previously; and pasta products' duties increased from 10 percent to 20 percent.⁵⁹⁵ Still, gaps in tariff policy remain. The current ban on Dominican imports is particularly detrimental, reducing potential revenue, souring political relations, and most importantly harming the Haitian people. These bans should be replaced with high tariffs. While tariffs certainly have a distortionary effect on free trade, they are far less detrimental than the current ban, both economically and diplomatically.

Another source of government revenue can be found domestically. The Haitian government should consider replacing its ten percent turnover tax (tax applied to a product at a specific stage of production, rather than at the point of sale), with a value added tax (VAT) (tax applied every time a good is sold during the supply chain, from the manufacturers all the way to the retailers).^{596,597} As of 2013, only two other countries in the world maintain a turnover tax: North Korea and the Netherlands Antilles.⁵⁹⁸ Adopting a VAT could potentially increase the Haitian tax base, as more companies would need to formally register with the country's taxation system in order to claim back taxes paid on inputs.⁵⁹⁹

II. Reduce Push Factors for Outward Migration from Haiti to the Dominican Republic through Targeted Development Projects

As was highlighted in Part A of the Report, migration into the Dominican Republic can be attributed to many push factors that make life in Haiti untenable. These factors include: underdevelopment, low-wage job market, poor healthcare, low-quality, high-cost education; and continuing political unrest. We acknowledge that economic underdevelopment and political instability has affected the ability of the Government of Haiti ("GOH") to engage in long-term planning, but these challenges cannot paralyze government action completely. The GOH must take concrete steps towards facilitating the development of Haiti, thus reducing the push factors that drive outward migration. Two examples of targeted projects that could reduce outward migration and facilitate development are included below:

⁵⁹⁴ International Monetary Fund, "Haiti – Selected Issues," February 21, 2013, accessed April 29, 2016, <https://www.imf.org/external/pubs/ft/scr/2013/cr1391.pdf>.

⁵⁹⁵ Rachel Belt, "Haiti Raises Import Tariffs to Protect National Production," *Haitian-Caribbean News Network*, November 14, 2013, accessed April 29, 2016, http://hcnr.ht/en/2013_08/Politics/151/Haiti-raises-import-tariffs-to-protect-national-production.htm.

⁵⁹⁶ International Monetary Fund, "Haiti – Selected Issues," 5.

⁵⁹⁷ U.S. Department of State, "Doing Business in Haiti: 2014 Country Commercial Guide for U.S. Companies," 25, 2014, accessed April 30, 2016, <http://photos.state.gov/libraries/haiti/231771/PDFs/ccgfinalcopy.pdf>

⁵⁹⁸ International Monetary Fund, "Haiti – Selected Issues," 5.

⁵⁹⁹ *Ibid.*

Improving Maternity Health Services

Poor healthcare is an important driver of migration from Haiti to the Dominican Republic, particularly for women seeking maternal health services. While lack of funding constrains the ability of the GOH to drastically improve its healthcare system, there are still steps it can and should take to create incremental change. Specifically, the GOH should increase its training and deployment of midwives or community health workers to identify and support women with high-risk pregnancies. Midwives or community health workers can be trained to provide low-cost drugs and simple services, and to recognize the signs that a labor is not going well. Furthermore, these workers usually come from the villages they serve, meaning they are better accepted by the community and understand their needs.

Notably, this system of community health workers should ideally be supported by increased access to emergency health services, such as hospitals. One reason why women in rural areas cannot access hospitals during labor is due to poor transportation infrastructure, including a lack of roads and vehicles. To compensate for these gaps, the government could create maternity waiting homes near hospitals, where women with high-risk pregnancies can stay as they approach their due dates. Additionally, the government could provide small subsidies to pregnant women to cover the cost of travel to the hospital and lost productivity.

Expanding Road Infrastructure

Haiti's weak infrastructure, particularly after the damage caused by the 2010 earthquake, has impeded effective administration, development, and aid efforts, especially along the border areas. Many NGOs, international actors, and even private businesses operate out of the Dominican Republic purely because of these infrastructural gaps, arguing that operations in Haiti would cost significantly more.⁶⁰⁰ Accordingly, the GOH should concentrate investment in building primary infrastructure. One major step would be to widen and repave the primary road to Anse-à-Pitres from Port-au-Prince. Infrastructural development in this region will strengthen provision of social services, improve the capacity of agriculture and industry, make international aid dissemination more streamlined, and decrease dependence on the Dominican Republic. Moreover, stronger infrastructure will then encourage private sector investment, which will ensure continued employment and growth.

This type of a project would have a multiplier effect, as it is a source of significant job creation. The construction of the road to Anse-à-Pitres would require large amounts of unskilled labor. By recruiting and using unemployed Haitians, the government can keep the project costs low while providing employment to large numbers of residents. Unfortunately, Haiti's economic instability could prevent the government from making the necessary investment on its own. Accordingly, aid and technical assistance from multilateral and bilateral donors may be necessary to prompt infrastructural development.

⁶⁰⁰ Terrill, email.

Recommendations for the Dominican Republic

I. Improve Deportation Practices in the Dominican Republic

Condition US funding of CESFRONT on adherence to an established Code of Conduct

CESFRONT forces are primarily trained and funded by border patrol agencies of the United States.⁶⁰¹ In fact, a 2015 open letter from ex-Peace Corps volunteers to Secretary John Kerry noted that the U.S. has provided CESFRONT with \$17.5 million in support since 2013.⁶⁰² However, as we indicate in our research, CESFRONT and Dominican authorities have reportedly threatened and violated the human rights of the affected population while managing Hispaniola's border.

In its letter, Peace Corps affiliates called for the suspension of all aid and funding to the Dominican Republic.⁶⁰³ For legal justification, they cited the Leahy Amendment, which forbids the U.S. from giving military assistance to forces that violate human rights.⁶⁰⁴ However, considering the precariousness of conditions in the border areas, such a response may not be constructive or ideal at this point.

Instead, the United States should work with the Dominican government to establish a comprehensive Code of Conduct for migration-related forces, and condition its funding of CESFRONT upon proven adherence to this code. This should include topics such as the use of unnecessary force, respect for human rights, sensitivity training and training on following protocol; this includes avoiding racial profiling and responsible use of documentation. By using its funding as leverage, the government of the U.S. has a unique opportunity to prompt greater oversight over CESFRONT and other border forces.

Monitor and Track Non-Admittances

Organizations like the IOM have taken the lead on monitoring migration at both formal and known informal border crossings. Similarly, many organizations track the number of formal deportations in the Dominican Republic, a number that the Dominican government tracks and make publicly available. However, the majority of the movement from the Dominican Republic back into Haiti constitutes voluntary departures and non-admittances, which are explained in detail in Part C of this Report. There is little

⁶⁰¹ Miller, "Wait -What are US Border Patrol Agents Doing in the Dominican Republic?"

⁶⁰² Greg Grandin, "Former Peace Corps Volunteers to John Kerry: Stop Sending Military Aid to the Dominican Republic," *The Nation*, August 12, 2015, accessed April 30, 2016, <http://www.thenation.com/article/former-peace-corps-volunteers-to-john-kerry-stop-sending-military-aid-to-the-dominican-republic/>.

⁶⁰³ Marlano Castillo. "Ex-Peace Corps Volunteers Unite for U.S. Action on Dominican immigration policies," *CNN*, August 10, 2015, accessed on April 30, 2016, <http://www.cnn.com/2015/08/10/politics/state-department-dominican-republic-haiti-crisis/>.

⁶⁰⁴ Ibid.

reporting on non-admittances and the factors that contribute to them.

Along with the IOM, other international organizations could assist in monitoring non-admittances, and encourage the Dominican government to record those cases. Without this information, it is difficult to know if border forces are adhering to non-admittance policies. This information is vital to combating corruption and other abuses of power as otherwise, officials may continue mischaracterization of forms of migration as non-admittance. Furthermore, greater monitoring efforts would allow for better tracking of migration flows and primary routes of entry into the Dominican Republic.

Increase Salaries of Security Forces to Combat Corruption

Corruption is a major factor in the ability of Haitian migrants to cross informally into the Dominican Republic. Combating a culture of corruption is extraordinarily difficult. Beyond the steps outlined previously, the Dominican government should increase the baseline pay of border officials and prosecute instances of corruption. We recognize that increasing the pay of officials is difficult, and constrained by the Dominican national budget. For this, we recommend that the Dominican government pressure the U.S. government to increase pay as part of their aid to organizations like CESFRONT. If the U.S. makes the funding for CESFRONT conditional on adherence to a Code of Conduct, it should also pay security forces more, recognizing that their jobs involve more training, restraint, and professionalism.

II. Enacting Active Labor Market Programs in the Dominican Republic to Facilitate Labor Absorption and Job Creation in Higher-Value Added Sectors

A recent IMF study identified two closely related labor market challenges for the Dominican Republic.⁶⁰⁵ First, the dynamics of real earnings and employment composition indicate stagnant job quality in the country. The study specifically points out that real earnings have been declining consistently across all economic sectors and most of the new jobs have been created in low-productivity industries. Additionally, a large share of the population remains inactive, which according to the authors can be explained by low or “inadequate” average skill levels and scant employment opportunities at attractive wages. These inherent developmental labor market inefficiencies also affect the population of regularized Haitian migrants, which as indicated in the economic analysis in Part A of this Report are mainly employed in the agriculture sector.

Such structural labor inefficiencies can be addressed through the implementation of Active Labor Market Programs (ALMPs).⁶⁰⁶ The generation of more and better jobs will require, on the one

⁶⁰⁵ Umidjon Abdullaev and Marcello Estevão, “Growth and Employment in the Dominican Republic: Options for a Job-Rich Growth,” *IMF Working Paper*, February 2013, accessed May 1, 2016, <https://www.imf.org/external/pubs/ft/wp/2013/wp1340.pdf>.

⁶⁰⁶ ALMPs are important instruments aimed at reducing unemployment, facilitating the school-to-work transition among youth and increasing the level of activity of the working-age population. They have traditionally been used in OECD countries, but during the past two decades developing and emerging economies have also resorted to them to spur job creation and employment.

hand, successful productive transformation and incentives to business to invest in higher value-added manufacturing and services. On the other hand, this process will also require a well performing labor market and significant investment in education and training, health services, and social protection to upgrade human capital and narrow inequality of opportunity in general as well as for regularized migrant workers specifically. Such an extensive task cannot be accomplished without collective action and substantial coherence of public policies. What follows are some preliminary suggestions for prioritizing the agenda for reform, calling for focused action to promote economic diversification, labor absorption, and job quality.

Design education and training programs that are coordinated with business needs, allowing for the development of more productive economic activities.

In this context, the education and training systems of the country should be aligned to meet the development needs. Additional resources should be leveraged to expand and diversify the Instituto Nacional de Formación Técnico Profesional (INFOTEP) training capacity to induce job creation both among the formal enterprises as well as individuals that want to enhance their employability. Additionally, expanding the 2011 agreement⁶⁰⁷ between INFOTEP and the Secretaria de Estado de Educación could be a significant step forward in using INFOTEP's know-how to upgrade the quality of technical education.

Strengthen policies and institutions to increase efficiency, participation, and inclusiveness of labor markets.

Besides training and education, a number of policies can be implemented to ensure adequate remuneration as well as protection from discrimination and unfair treatment. The territorial scope of the National Employment Service (*Servicio Nacional de Empleo – SENA E*) – established through Inter-American Development Bank (“IDB”) funding⁶⁰⁸ - should be expanded while at the same time trying to reduce its dependence on foreign financial assistance. If properly supported, SENA E could further facilitate labor market intermediation, job search, manpower projections, labor market assessment, and monitoring for labor as well as social policies to ensure that efficiency, participation, and inclusiveness are adequately enhanced.

⁶⁰⁷ Idionis Pérez, “La Formación Técnico Profesional y el Empleo,” November 2011, accessed May 1, 2016, http://www.infotep.gov.do/pdf_prog_form/FTP_y_Empleo.pdf.

⁶⁰⁸ “Growth, Employment and Social Cohesion in the Dominican Republic,” ILO-IMF Tripartite Consultation on Job-rich and Inclusive Growth in the Dominican Republic, January 30, 2013, accessed May 1, 2016, <https://www.imf.org/external/country/DOM/tr/2013/013113.pdf>.

Recommendations for Both Haiti and the Dominican Republic

I. Take Steps to Close the Protection Gap for Stateless Individuals

Both the Dominican Republic and Haiti recognize the right to nationality under international human rights law. As such, it is their responsibility to work together to ensure that individuals and nationals, who are either born and/or live in their sovereign territories, have access to and proof of nationality and citizenship status.

Although international human rights law confirms the right to a nationality, there are still gaps regarding what that means in practice. The absence of processes and rules of law regarding the realization of the right to nationality has contributed to issues of statelessness throughout the world, including in the Dominican Republic and Haiti. As an attempt to address these gaps, states have developed a series of additional standards, adopted in the 1954 Convention relating to the Status of Stateless Persons (1954 Convention) and 1961 Convention on the Reduction of Statelessness (1961 Convention), which neither the Dominican Republic, nor Haiti has ratified.

The 1954 Convention is a guide for States to understand the issue of “statelessness.” It is used to encourage fair and just treatment of these individuals, for the protection of their human rights through administrative measures and judicial proceedings. This convention upholds stateless persons’ rights “to choose their place of residence and to move freely within its territory” (Article 26); to the access of “identity papers” (Article 27); and encourages States to refrain from the expulsion of statelessness individuals (Article 31). Furthermore, States must facilitate their naturalization and assimilation processes (Article 32) until a nationality for these individuals have been achieved.⁶⁰⁹

The 1961 Convention is equally important because it outlines processes fundamental to identifying those who are stateless, and provides guidance to States in providing nationality to stateless individuals through legislation and programming. Therefore, it is imperative that the Dominican Republic and Haiti ratify this convention in order to address issues of statelessness. In doing so, they will be able to productively address the issue of statelessness and gain the support and assistance of the international community in addressing these issues. Furthermore, the United Nations and the international community have been integral in helping multiple states including Sri Lanka, Thailand, Germany, and other member

⁶⁰⁹ 1954 Convention relating to the Status of Stateless persons, articles 26, 27, 31, 32.

states in addressing issues of statelessness that can provide guidance and set examples for Haiti and Dominican Republic.

In 2003, the Sri Lankan parliament approved the “Grant of Citizenship to Persons of Indian Origin Act.” The Act automatically grants citizenship to any person of Indian origin who has been a permanent resident of Sri Lanka since October 30, 1964 or is a descendant of those permanent residents of Sri Lanka who have resided there since October 30, 1964. This addressed the statelessness of “Tamils of Recent Indian Origin,” individuals who are descendants of laborers brought from India by the British administration that ruled the island nation between 1815 and 1948.⁶¹⁰ Similarly, the Thai government addressed the issue of statelessness through the 2005 National Strategy on Administration of Legal Status and Rights of Persons and made important legislative reforms in 2008 which enhanced access to nationality for some groups that maintained a long residence in Thailand.⁶¹¹ Many of Thailand’s stateless are from hill tribes, with ancestral ties to their territory. They are also ethnically different from the Thai majority. Others are children of illegal migrants who fled to Thailand, particularly from Myanmar. In changing their Nationality Bill, the Thai government was successful in granting nationality to more than 18,770 people over the course of 2012-2015. These improvements in nationality law have also been instrumental in the development and reduction in poverty in the hill tribe areas. Since 2000, Germany has also made modifications to its citizenship and naturalization law including allowing a child of foreign parents born in Germany to receive German citizenship if at least one of the parents had their main place of residence as Germany for at least eight years.⁶¹² Similarly, The Dominican Republic and Haiti have the potential to create legal solutions to the crisis.

Ratifying the 1954 and 1961 Convention will be a positive step forward, but will not be enough to address issues of statelessness of Dominicans of Haitian descent and their children. Haiti and the Dominican Republic should also work to fulfill their duties pursuant to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC) in order to address issues in statelessness of children at birth. In order to address institutional discrimination against Haitian women in the registration of children in the Dominican Republic, especially in cases where the father is a Dominican citizen, it is important for the Dominican Republic to fulfill their duties as per the 1957 Convention on the Nationality of Married Women, and the Convention on the Elimination of All Forms of Discrimination against Women (1979).⁶¹³ These bilateral efforts, with the support of the international community, will help in identifying stateless individuals and providing them with official nationalities.

610 Nationality and Statelessness: A Handbook for Parliamentarians 2005, *Inter-Parliamentary Union*, (2005): 47, *Inter-Parliamentary Union*, http://www.ipu.org/pdf/publications/nationality_en.pdf.

611 “Thousands of Stateless People Given Nationality in Thailand,” UNHCR, December 1, 2015, accessed May 6, 2016, <http://www.unhcr.org/565db8939.html>.

612 Kay Hailbronner, “Country Report: Germany,” EUDO Citizenship Observatory, October 2012, 7, accessed May 6, 2016, <http://eudo-citizenship.eu/docs/CountryReports/Germany.pdf>.

613 “Nationality and Statelessness: A Handbook for Parliamentarians,” p. 29-32.

II. Enhance the Relocation Process and Create Long-Term Opportunities Along the Border

During our visit to the border camps in Anse-à-Pitres in January 2016, improved basic services and a coordinated international aid effort were visibly needed. From a lack of safe drinking water and sanitation facilities to adequate food supply and basic shelter, it was observable that these camps should not become permanent. Even if conditions improved through enhanced awareness by the international community allocating more funding and direct aid, the question would remain what would happen if aid ceases? Indeed, the only recommendation and solution to improving the conditions for those living in the camps from a humanitarian long-term perspective can be found in the relocation of the families, the allocation of aid to the new relocation sites and the promotion of strategies for future livelihood development.

By March 2016, the IOM in coordination with OCHA and the Delegation of the Southeast Department, started this relocation process with \$2 million from a United Nations emergency fund.⁶¹⁴ Aware of the precarious conditions and need for immediate help, the international community agreed to establish this fund to pay for the relocation of the 587 families in the six border camps. As of April 15th 2016, most of the families were relocated;⁶¹⁵ thus, the focus should now shift to creating future opportunities in the new relocation sites.

The current funding is structured as one year for each of the relocated families in their location of choice. This is a good start but should be enhanced and supported by strategies to create long-term solutions for those relocated. The chosen relocation sites of Anse-à-Pitres, Belle Anse, Fonds des Nègres and Thiotte, with a large majority of 286 families remaining in Anse-à-Pitres, themselves are in need of improvements of basic services that next steps should focus on.⁶¹⁶ The GOH, with help of the international community, should strive to develop basic services, improve access to these towns and deploy personnel to keep the necessary social infrastructure in place. This is highly needed to successfully integrate the new population and ensure that those 2,300 people are not merely relocated but given real access to better conditions and long-term opportunities. In this regard, there is a need to strategize on types of support to further integrate the new population in those relocations sides in terms of enhanced economic opportunities. With the funding limited and currently only able to support relocation,⁶¹⁷ the international community is asked to bring more attention to the issue to raise efforts to support these strategies. Asking those relocated to take active steps towards rebuilding their lives is clearly needed, but it remains questionable if a year of financial aid is enough time to identify economic opportunities to help

614 “Haiti Migrants no Longer Stranded on Desolate Border,” *Associated Press*, March 30, 2016, accessed April 30, 2016, <http://www.dailymail.co.uk/wires/ap/article-3516147/Haiti-migrants-no-longer-stranded-desolate-border.html>.

615 “Haiti - Humanitarian: Relocation of returnees from DR is underway,” *Haiti Libre*, April 15, 2016, accessed April 30, 2016, <http://www.haitilibre.com/en/news-17178-haiti-humanitarian-relocation-of-returnees-from-dr-is-underway.html>.

616 *Ibid.*

617 “Haiti Migrants no Longer Stranded on Desolate Border”, *Associated Press*, March 30, 2016, accessed April 30, 2016, <http://www.dailymail.co.uk/wires/ap/article-3516147/Haiti-migrants-no-longer-stranded-desolate-border.html>.

support themselves in the near future. It is an especially difficult task for them with the continued struggle for most basic services in day-to-day life in the new relocation sites without additional help.

One example of aid with a long-term positive externality can be found in the efforts following the 2010 earthquake. The Red Cross Red Crescent for example had used a so-called 'Integrated Neighborhood Approach' in which those relocated benefited first from shelter and basic help and then obtained financial support for the establishment and promotion of micro-businesses. The project supported livelihood training regarding entrepreneurship strategies, discussed saving mechanisms and elaborated business plans and received in the following conditional cash grants.⁶¹⁸ This Report calls for the international community to offer additional funding besides the relocation fund, as offering similar types of programs to the whole community in those relocation sites can facilitate the successful integration of the newly arrived and help to promote their search for finding long-term economic opportunities.

These actions are furthermore not only needed for those relocated but can have a positive impact by indirectly enhancing the livelihood of everyone living in the relocation sites and by promoting overall livelihood development along the Haitian side of the border. One of the newly relocated people, Germain, was standing by a pile of her family's only possessions: plastic buckets, tin cups and pots⁶¹⁹ at the end of March 2016, and exemplifies the long road ahead: she is safe from the even more precarious conditions in the camps but serves as the call to recommend a continuation of efforts to develop and strengthen integrated community development plans for the four relocation sites.

⁶¹⁸ IFRC (2013), "Haiti Earthquake – Three-Year Progress Report", January 2013, pp. 8-10, http://www.ifrc.org/PageFiles/102543/1232500-IFRC-Haiti_3_years_report-EN.PDF.

⁶¹⁹ "Haiti Migrants no Longer Stranded on Desolate Border", *Associated Press*, March 30, 2016, accessed April 30, 2016, <http://www.dailymail.co.uk/wires/ap/article-3516147/Haiti-migrants-no-longer-stranded-desolate-border.html>.

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ABBREVIATIONS

ACHR	American Convention on Human Rights
ALMPs	Active Labor Market Programs
AVRR	Assisted Voluntary Return and Reintegration
BRA	Batey Relief Alliance
CAFTA-DR	Dominican Republic-Central America Free Trade Agreement
CARICOM	Caribbean Community and Common Market
CEA	State Sugar Council
CEBQ	Quisqueya Economic Binational Council
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEDESO	El Centro de Desarrollo Sostenible
CEP	Provisional Electoral Council
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CERF	Central Emergency Relief Fund
CERTV	Corporación Estatal de Radio y Televisión
CESFRONT	Cuerpo Especializado de Seguridad Fronteriza Terrestre
CMW	Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DGM	Directorate General of Migration
DINEPA	National Directorate of Water Supply and Sanitation
EPA	Economic Partnership Agreement
EU	European Union
GARR	Le Groupe d'Appui aux Rapatriés et Réfugiés
GDP	Gross Domestic Product
GOH	Government of Haiti
HELP	Haiti Economic Lift Program
HH-I	Heart to Heart International
HIRB	Johns Hopkins University Homewood Institutional Review Board
HNP	Haitian National Police
HOPE II	Haitian Hemispheric Opportunity through Partnership Encouragement
IACHR	Inter-American Commission on Human Rights
IBESR	Institut du Bien Etre Social et de Recherches
ICCPR	International Covenant on Civil and Political Rights

ID4D	Identification for Development
IDB	Inter-American Development Bank
IJDH	Institute for Justice and Democracy in Haiti
IMF	International Monetary Fund
INFOTEP	Instituto Nacional de Formación Técnico Profesional
IOM	International Organization for Migration
JAC	Junta de Aviacion Civil
JCE	Junta Central Electoral
LAC	Latin America & the Caribbean
LAPEH	Ligue Alternative pour le Progres et L'Emancipation Haitienne
MDGs	Millennium Development Goals
MENFP	Ministre de l'Éducation Nationale et de la Formation Professionnelle
MOSCTHA	Movimiento Social-Cultural de los Trabajadores Haitianos
MOU	Memorandum of Understanding
MSPP	Ministry of Public Health
MUDHA	El Movimiento de Mujeres Dominico-Haitiana
NAFTA	North American Free Trade Agreement
NGO	Non-governmental organization
OAS	Organization of American States
OCHA	United Nations Office for the Coordination of Humanitarian Assistance
PIDIH	Programme d'Identification et de Documentations aux Immigrants Haïtiens
PNRE	Plan Nacional De Regularización De Extranjeros En Situación Migratoria Irregular
PRM	United States State Department, Bureau for Population, Refugees, and Migration
SDSS	Dominican Social Security System
SENAE	Servicio Nacional de Empleo/ National Employment Service
SJM	Service Jesuite aux Migrants
U.S.	United States of America
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNHCR	United Nations High Commissioner for Refugees
USAID	United States Agency for International Development
USDOL	United States Department of Labor
VAT	Value Added Tax
VCLT	Vienna Convention on the Law of Treaties
WASH	Water, Sanitation, and Hygiene
WTO	World Trade Organization

APPENDIX

PNRE Chart – Group B versus General Applicants

	Special Registration to the PNRE for Group B under Law 169-14	General Application to the PNRE
Individuals Eligible	Individuals whose parents were irregularly in the Dominican Republic at the time of their birth and were not recorded on the Dominican Civil Registry (“Group B”)	Individuals who entered the Dominican Republic irregularly or individuals that have entered regularly, but have either violated the conditions granting their residency or overstayed their visa ²
Documents Required for Application	<ul style="list-style-type: none"> • Proof of birth provided by public hospital or private clinic with name of mother, gender date of birth • Seven testimonies from Dominicans verifying date and place of birth, name of child, and parents. Must be notarized by Public Notary Services • Judge Declaration before Public Notary for proof of date and place of birth of child, as well as name of mother • Judge Declaration before Public Notary of Dominican families in first or second grade that have Dominican citizenship.³ 	<ul style="list-style-type: none"> • Passport • Identification documents issued by the consular authorities or any other authority from the country of origin • Birth certificate from the country of origin • Certificate of marriage, certificate of singleness, proof of cohabitation • A document that could be verified as legitimate by the authority, and that could be used for the identification of the applicant.⁴
Number of Applicants	8,755 ⁵	288,466 ⁶
Deadline to Apply	February 1, 2015 ⁷	June 17, 2015 ⁸
Numbers of Years until Eligible for Naturalization	2 (as permanent resident)	7 (5 as temporary resident, 2 as permanent resident)

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