

Human Rights Delegation Encounters Hundreds Fleeing the Dominican Republic into Haiti in Harrowing Conditions

On 25 June 2015, a delegation of nine human rights lawyers and law students from the United States, Haiti, and Canada visited the border between Haiti and the Dominican Republic (DR). Over just four hours, the delegation witnessed hundreds of people crossing between Eliás Piña (DR) and Belladère (Haiti), in the context of the continuing [DR citizenship crisis](#).

Delegation members were drawn from the *Bureau des Avocats Internationaux* (BAI) and the Institute for Justice & Democracy in Haiti (IJDH).

The delegation observed approximately 400 passengers aboard five buses entering into Haiti from the DR during the four hours it spent at a single border crossing. The passengers were overwhelmingly young men, although others were much older. The buses included a few young boys, girls, and infants. None of the adults the delegation spoke with were born in the DR. Nearly all of their children, however, were. Fewer than 10 percent of those aboard the buses were female.

Based on direct observations and interviews with approximately 30 persons, the delegation made the following findings:

1. **The majority of people were not leaving voluntarily.** People crossing the border tended to initially describe themselves as leaving voluntarily, but then also reported having experienced threats and other pressures to leave the DR, sometimes from DR authorities. These individualized fears were compounded by a broader climate of persecution of those perceived as Haitian by the Dominican government, which induced many of those with whom we spoke into states of panic. Most left their livelihoods and/or members of their families behind.
2. **The numbers suggested underreporting.** Haitian officials neither registered nor accounted for most of the passengers. This suggests that existing deportation and flight statistics do not account for the true numbers.
3. **Those exiting the DR had been there for many years.** Interviewees had generally spent two to eight years in the DR, although others had been there longer, for example one person had not left the DR since the 1970s. Many had children who had been born in the DR who were not accompanying them.

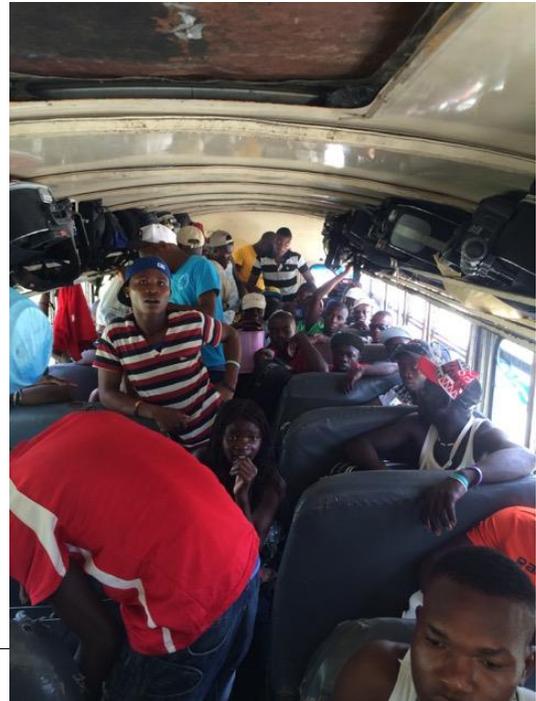


Two of the school buses the delegation encountered at the Belladère border



Haitian immigration officials processed a minority of those aboard the buses (photo: Etant Dupain, Kombit Productions)

4. **Despite apparent eligibility for regularization, no one could meet the documentary requirements.** Every adult the delegation spoke with had been born in Haiti; many showed delegation members their Haitian birth certificates. None reported having a passport. Although the DR's Decree 327-13 provides that applications for regularization may include any of five identification documents, the delegation heard that in practice DR officials were only willing to accept a passport. Many passengers had laminated cards showing that they had applied for regularization, but everyone complained their documents were considered unsatisfactory by DR authorities when they attempted to apply through the regularization program.
5. **Modes of travel were unsafe and unsanitary.** The delegation observed unsafe and unsanitary transport conditions, and in particular an open-air steel cargo truck designed to carry plantains was used to carry passengers into Haiti. The Haitian National Office of Migration had an office and three personnel at this border crossing, but a lack of resources prevented them from ensuring those arriving had access to medical care, food and water, safe means of travel, transitional housing, or employment placements. The vehicles observed were bound for a variety of Haitian cities and towns. An official on the DR side of the border who approached the delegation identifying himself as a human rights expert told the delegation that conditions on the buses were not a Dominican concern, but rather a Haitian one.



The inside of one of the school buses as it was stopped at the border (*photo: Etant Dupain, Kombit Productions*)

Further Discussion of the Delegation's Observations

1. Involuntariness of travel to Haiti

According to the DR government's own numbers, [nearly 40,000 people had left the country](#) as of 6 July. Border officials on both sides were adamant that the departures were voluntary and part of seasonal migration patterns. Many of the passengers described the departures as being "of their own accord," such as to visit family in Haiti. But they spoke of individualized threats, sometimes from DR authorities, as having triggered their departure. Some said they were told their houses would be burned down if they refused to leave the country. Many others fled from a climate of persecution and racism toward people in their community perceived as being Haitian. They feared they would be next and had no faith that the Dominican government would protect their human rights. Staff from Haiti's National Office of Immigration (*Office National de la Migration* or "ONM") located at the border crossing said they had heard stories of people being beaten, thrown into prison, or having their homes burned down if they didn't leave. They called it "volontè fòse" (forced voluntary). Their stories are consistent with [media reports of fear](#) and [attacks in communities](#) including people at risk of deportation in the DR.

2. Underreporting

An official from ONM estimated that three to five buses crossed into Haiti daily, each carrying roughly seventy to seventy-five people.

The delegation, however, observed five yellow school buses packed with people, as well as a cargo truck crossing into Haiti during only the four-hour period spent at the border, suggesting that many more people would cross on any given day. Each bus carried roughly sixty to eighty passengers. Their personal belongings — including large bags, mattresses, tarps, and bed-frames — were tied to the roof of each bus.

Each bus stopped at the border, but only a minority of the passengers disembarked to speak with border officials, sometimes as few as 25 percent. This also suggests that a large number of those crossing the border were not recorded by officials.



Only a minority of those aboard each bus entered the border office to be processed by Haitian authorities

3. Settlement in the DR for many years

Haitian officials told the delegation that the buses were filled with guest workers making “the usual” trip between the DR and Haiti, and thus suggesting that they were seasonal workers, and misleadingly referred to the departures as voluntary. One official, however, acknowledged that he had seen three times as many migrants crossing as the previous year, as a result of the June 18 deadline to apply for regularized status in the DR.

None of those that the delegation spoke with were seasonal workers. All had been in the DR for at least two consecutive years, most of them between four and eight years. Some had lived uninterrupted in the DR for much longer, occasionally even dating back to the 1970s.

Many of those entering Haiti had fathered children in the DR. Their children generally did not accompany them on the voyage.

4. Impossibility of meeting DR documentation requirements

Of the people interviewed, nearly all provided information suggesting that they would have been eligible to [apply for legal status](#) under one of the categories established in the DR’s General Migration Law by the end of February 2015. None of their applications were ultimately accepted, due to documentation requirements. All adults had been born in Haiti; many showed us their Haitian birth certificates. None among them had a passport.

Decree 327-13, the DR’s National Plan for the Regularization of Foreigners, established a regulatory framework to regularize foreigners in an irregular migratory situation. The decree provided that undocumented migrants or migrants who otherwise have an irregular status may file an application by presenting any of five identity documents, or even an application without any identity document at all if it is impossible to obtain one. The documentation, however, had to have been filed before the plan’s deadline to be considered.

Article 12 of Decree 327-13 requires applicants who wish to regularize their status to present any one of the following five documents:

1. Passport or equivalent travel document;
2. Identity document provided by consular authorities or any other authority in the country of origin;
3. Birth certificate from the country of origin;
4. For an applicant that is part of a family group, marriage license, document of “spinsterhood/bachelorhood” or proof of cohabitation
5. A document that can be verified as legitimate by authorities and that serves as a form of identification for the migrant applicant.

The delegation was repeatedly told, however, that a passport was the *only* document that DR officials were willing to accept in practice. As the DR must have been aware, [Haiti was unable to issue passports in time](#) to most of those who would have benefited from the plan. Earlier this month, hundreds of sugar cane workers held a [demonstration to reclaim 4.6 million pesos paid for identity documents](#) from the Haitian and Dominican governments that did not arrive in time to apply for the plan.

5. Unsafe and insanitary travel conditions

The bus trip from the DR to Haiti cost each passenger between US\$46 to US\$60. The bus transportation was offered by a private company run by both Dominicans and Haitians, which one passenger told us “Worked together to exploit us.” In return, each person received a spot on one of the overcrowded school buses. Passengers had to pay extra for space on the roof for their belongings.

On the DR side of the border, we observed a cargo truck – which had previously been used to transport plantains – pull up alongside one of the full school buses parked near the border.

We learned that the bus driver refused to continue on to Haiti, and had negotiated with the cargo truck to carry the passengers to Port-de-Paix, in the North of Haiti. The steel, open-air truck box was dirty, smaller in size than the school bus, and not designed for carrying people, especially for hours in the hot sun. Many passengers were angry, and yelled at the driver that they felt they were being treated like animals. The passengers tried to negotiate, but they had little bargaining power and ultimately no choice but to begin helping one another transfer their belongings from the roof of the bus into the bed of the truck. A few women with babies on their laps were allowed to sit in the front of the truck with the drivers. All others, including several small children, stood or sat on their luggage in the back of truck’s dusty steel box. Several individuals hung off the sides of the truck.



Illustration 1: The passengers of one of the buses were loaded into a cargo truck before crossing the border

Once they reached the border, those entering Haiti were not provided with any social services. Haiti's ONM has an office with three personnel on site during our visit. One of the agents boarded the buses and inquired about whether the passengers' re-entry was voluntary. An interview with ONM's staff revealed a lack of resources and authority from the Haitian government to offer social services. According to ONM's staff, a shelter with 33 beds was built at this border crossing in 2008 for victims of trafficking and involuntary return, but the beds were used to house the customs officers instead. Earlier in the week, ONM staff had identified a family of two adult women and three children crossing the border at 10 p.m. One member of the staff we interviewed took the family into his home that night to keep them safe. The other two staffers reported regularly taking people into their homes. ONM reported receiving 100,000 Gourdes (US\$2,000) and 100 amenity kits (with toothbrush, toothpaste, etc.) from the Haitian government on 22 June 2015. This money allows ONM to give families in need approximately 1500 Gourdes (US\$30) as they enter Haiti. But the total amount only allows for this money to be given 67 times before it runs out. We saw hundreds of people crossing the border in just the few hours we were there, and ONM does not know when they will receive another instalment. ONM also complained about the lack of security to patrol the border and ensure the safety of vulnerable women and children. An office of the Haitian National Police (*Police nationale d'Haïti*) is located at the border, but we did not see any officers patrolling the border. In general, the delegation observed that ONM did not maintain records on most of the people crossing the border, and was unable to provide them with any medical, food, water, transitional housing arrangements, or safe and sanitary transportation.

For further information, please see the facts and figures appended to this document, and IJDH's web page on the continuing [DR citizenship crisis](#).

Timeline of the DR statelessness situationⁱ

Prior to 2010: Every person born in the DR – unless their parents were diplomats or in transit – was entitled to DR citizenship.

During 2010: The DR Constitution was amended to exclude those born to undocumented migrants from automatically obtaining citizenship.

September 2013: DR's Constitutional Tribunal issued decision 168-13, which retroactively stripped approximately 250,000 Dominicans of Haitian decent (DHD) born in the DR between 1929 – 2010 of their citizenship.

May 2014: Naturalization Law (169-14) for denationalized Dominicans provides a path to citizenship.

- **Group A:** Any DHD whose birth was registered with the national civil registry (who possessed a birth certificate or other form of identification recognizing their Dominican nationality) could apply to have citizenship recognized. There is no deadline to apply, but many have not received citizenship papers because their documentation is routinely rejected by DR authorities under pretext of irregularities. The DR claims there have been 54,000 successful applicants. It's unclear whether they have equal citizenship.
- **Group B:** Any DHD whose birth was not registered had 180 days, until 1 February 2015, to register to obtain residency permit. The law allows them to apply for naturalization within 2 years. There were serious implementation problems, including an inadequate information campaign, delayed establishment of offices to process enrolment, and arbitrarily demands of applicants to submit additional documents. The result was that there were fewer than 9,000 applicants by the deadline. All others are stripped of their citizenship, according to the law.

October 2014: – The Inter-American Court of Human Rights ruled that the Constitutional Tribunal decision and part of Law 169-14 relating to Group B violated the American Convention on Human Rights. DR authorities rejected the ruling.

The DR also adopted a **National Regularization Plan** for undocumented foreigners “residing irregularly in the DR,” meaning migrants born outside of the DR and their children, if their children were born in the DR after the 2010 Constitutional Amendment.

- The plan began in June 3, 2014, and expired on June 17, 2015. A person who begins the regularization process has 45 days to provide complete documentation for their file.
- The DR government set up registration centers. The DR government has stated that 240,000 people have initiated an application process.
- Most potential applications remained unable to apply due to hurdles in the process. The offices are overcrowded and understaffed, and lack the necessary paperwork.
- There are an estimated 524,000 foreign-born migrant workers in the DR.

The following news articles provide further background to the ongoing crisis:

- [“We Regret to Inform You That in 4 Days You and Your Family Will Be Deported to Haiti”](#) (12 June 2015) *The Nation*
- [“Haitian Workers Facing Deportation by Dominican Neighbors”](#) (16 June 2015) *New York Times*

This information is drawn from the following sources: *Denationalized Dominicans and Haitian Migrants at Risk of Discriminatory Expulsions in Dominican Republic: Briefing Paper – June 2015*, Robert F. Kennedy Center for Justice & Human Rights, available at <http://rfkcenter.org/rfk-human-rights-releases-briefing-on-situation-in-dominican-republic> ; *Justice Derailed: The Uncertain Fate of Haitian Migrants and Dominicans of Haitian Descent in the Dominican Republic*, Johns Hopkins School of Advanced International Studies, available at <https://www.sais-jhu.edu/sites/default/files/Final-Report-Justice-Derailed-The-Uncertain-Fate-2015-v1.pdf>.