Miami, July 14, 2015

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama,

The undersigned law professors write to you to express our collective concern and request you to take action to stop the ongoing mass deportation of Dominicans of Haitian descent by the government of the Dominican Republic. As legal experts and concerned members of our society, we consider this a human rights emergency, and we call upon you to act on the impending threat to the lives of hundreds of thousands of our brothers and sisters. The deportation policy of the Dominican Republic violates three interrelated and fundamental norms of international, human rights and Dominican Constitutional law. It is a renunciation of the principle of birthright citizenship; it threatens an entire class of people with the status of statelessness, claimed by neither the Dominican Republic nor Haiti; and it is implemented through a policy of racial profiling.

As is the case for most of us, the fact that we were born in this country allows us to possess certain rights--we are protected by our Constitution, and among other things, can vote, and certain liberties are not to be disregarded without due process. Sadly, that birthright is being denied in the Dominican Republic. Hundreds of thousands of our neighbors in that land recently learned that their rights as citizens vanished in large part because of the color of their skin. It is, for instance, as if someone arbitrarily determined that because our forefathers and mothers were brought here on slave ships, or perhaps because we are here because our ancestors were invited by a lax immigration system, we are no longer welcome.

What would we be expected to do?

What if both political leaders and our court system decided we had to leave this country? Now let's add to our problems--we were also part of your country's poorest people, a people with virtually no political clout and certainly little economic force. We would have immediately become stateless, and would have nowhere to turn to for redress. It couldn't happen, could it?

But as we are sure you know, in a 2013, decision widely decried as racially motivated, the Dominican Republic Constitutional Court ("DRCC") decided, despite the language of its relevant constitution, citizenship was no longer conferred by birth on Dominican soil. The DRCC, however, did not stop there; it held that its decision applied retroactively for nearly 100 years. In other words, despite the language of its constitution, human rights norms, and decades of reasonable practice, in one stroke of a pen, the DRCC held generations of Dominican citizens, who have only known the Dominican Republic as their home, are now stateless. The DRCC couched its decision as an attempt to gain control of a growing immigration problem; however,
this is not an immigration issue as these individuals were citizens, and no legal perversions should have ever changed that reality.

The DRCC's ruling was met with huge international outcry and debate. The Caribbean Community and Common Market ("CARICOM") and the United Nations decried the Dominican Republic for creating a stateless minority. Moreover, the ruling was condemned by, among others, the Congressional Black Caucus of the United States Congress, the Inter-American Commission on Human Rights, the United Nations Office of the High Commissioner for Human Rights, the Robert F. Kennedy Center for Justice and Human Rights, and the Open Society Justice Initiative for its creation of stateless individuals.

As you are also aware, statelessness is the lack of any nationality, or the absence of a recognized link between an individual and any state—in other words the complete lack of political, social, or cultural rights. By virtue of the DRCC's decision, the Dominican Republic created the largest group of stateless individuals in the Americas. To make matters worse, the government declared a June 17th deadline to commence mass round-ups, and mass deportations. Before deportations and expulsions began, reports indicate that roughly 3,000 people fled the Dominican Republic for fear of violence towards them. Since the June 17th deadline, there are accounts that approximately 4,000 Dominicans have been expelled to Haiti, and just this week, the Dominican Republic reported that 37,000 so-called undocumented have self-deported. As these numbers demonstrate, the governmental action at place is having its intended horrific results.

The Dominican government, prior to the DRCC's ruling in 2013 and since the ruling, has conducted expulsions by rounding up individuals who "look Haitian", have a last name that sounds French, or whose Spanish accent does not sound Dominican. As a result, many people, regardless of whether they have documentation demonstrating residency or citizenship, have been and will continue to be arbitrarily expelled to Haiti.

We are proud this country created the very notion of human rights and international law with among other things, the establishment of the League of Nations and the United Nations. Yet in this land, we often decry tyrannical violations of human rights from both our political and economic competitors—we are quick with Iran, China, and Russia, but just to our South, we turn a blind eye. We merely ask that you not forget your own powerful words:

"[L]aw can be disappointing at times, a matter of applying narrow rules and arcane procedure to an uncooperative reality; a sort of glorified accounting that serves to regulate the affairs of those who have power—and that all too often seeks to explain, to those who do not, the ultimate wisdom and justness of their condition."

Imagine if millions of Americans were told tomorrow that they were no longer Americans. Imagine if tomorrow millions of Americans were told that all they had lived for and worked for would be stripped from them. As one of the world's greatest persons reminded us, "Injustice anywhere is a threat to justice everywhere." The Dominican marginalization and denationalization of its people based on their ancestry reminds many of history's worst atrocities;
think the holocaust, think the Armenian genocide. While mass killings will hopefully not be revisited in the Dominican Republic, look up the Parsley Massacre. Something must be done soon.

As the leader of the country and of its people that cherish liberty and freedom, we cannot stand by and merely wait while hundreds of thousands of the world's poorest and most vulnerable people face mass deportations and potentially even mass killings. One of the world's gravest humanitarian crises is occurring just off our shores at this very moment. Please Mr. President, let us apply your guidance:

"I have seen, the desperation and disorder of the powerless: how it twists the lives of children on the streets of Jakarta or Nairobi in much the same way as it does the lives of children on Chicago’s South Side...I know that the response of the powerful to this disorder -- alternating as it does [with] dull complacency...."

Mr. President, let us not be complacent here, and let us use our faith in liberty and the force of our economic and political power to end this crisis. A simple public statement could affect a country in human rights abuses, and may lead that land to the negotiation table. Further, we ask that you call upon Secretary Kerry to convene a high-level working group to address this issue, to convene a summit to address the matter, and consider Temporary Protected Status for those left stateless by these horrific governmental actions.

Respectfully submitted,

(Institutional affiliations for identification purposes only)

Arthur Acevedo
Associate Professor
The John Marshall Law School

Stan Adelman
Visiting Professor of Law
University of New Mexico School of Law

Susan M. Akram
Clinical Professor and Supervising Attorney
International Human Rights Program

Raquel Aldana
Professor of Law
Pacific McGeorge School of Law
Claudia Angelos  
Clinical Professor of Law  
New York University School of Law

Michele Anglade  
Professor of Law  
Florida International University

Sahar F. Aziz  
Associate Professor  
Texas A&M University School of Law

Roxie Bacon  
Adjunct/lecturer  
U.S. Citizenship and Immigration Services

Jon Bauer  
Clinical Professor of Law  
Director, Asylum and Human Rights Clinic  
University of Connecticut School of Law

Steven W. Bender  
Professor and Associate Dean for Research and Faculty Development  
Seattle University School of Law

Virginia Benzan  
Supervising Attorney/Clinical Fellow  
Immigration Clinic  
Suffolk University Law School

Linda Bosniak  
Distinguished Professor of Law  
Rutgers Law–Camden

Tonya L. Brito  
Professor Law  
University of Wisconsin Law School

Patricia A. Broussard  
Professor of Law  
Florida A&M University College of Law
Eleanor Brown
Associate Professor of Law
George Washington University

Cheryl Nelson Butler
Assistant Professor of Law
Southern Methodist University Dedman School of Law

Janet M Calvo
Professor of Law
CUNY School of Law

Ann Cammett
Professor of Law
Director, Family Law Concentration
CUNY School of Law

W. Burlette Carter
Professor of Law
George Washington University Law School

Elaine Chiu
Director, The Ron Brown Center for Civil Rights and Economic Development
Professor of Law
St. John’s University School of Law

Carol Chomsky
Professor of Law
University of Minnesota Law School

Fernando Colon-Navarro
Professor of Law
Thurgood Marshall School of Law

Robert J. Cottrol
Harold Paul Green Research Professor of Law, and
Professor of History and Sociology
The George Washington University

Jane Ellen Cross
Associate Professor of Law and Director of the Caribbean Law Programs
Nova Southeastern University Shepard Broad College of Law
Rose Cuison Villazor  
Professor of Law & Martin Luther King Jr. Hall Research Scholar  
University of California at Davis School of Law

Angela J. Davis  
Professor of Law  
American University Washington College of Law

Benjamin G. Davis  
Associate Professor of Law  
University of Toledo College of Law

Jordan Dollar  
Adjunct Clinic Professor of Law  
FIU College of Law

Margareth Etienne  
Professor of Law  
University of Illinois College of Law

Silvia F. Faerman  
Associate Professor of Law and  
Director, Summer Law Program in Argentina  
Southwestern Law School

Anthony Paul Farley  
Andrew Jefferson Endowed Chair in Trial Advocacy (Visiting)  
Thurgood Marshall School of Law

Akilah Folami  
Professor of Law and Associate Dean of Intellectual Life at  
The Maurice A. Deane School of Law at Hofstra University

Denise D. Fort  
Professor Emeritus  
University of New Mexico School of Law

Tom Fritzsche  
Clinical Teaching Fellow  
Cardozo School of Law

José Gabilondo  
Professor of Law  
Florida International University College of Law
Alfredo Garcia  
Dean and Professor of Law  
St. Thomas University School of Law  

Lauren Gilbert, Esq.  
Professor of Law  
St. Thomas University School of Law  

Juan Carlos Gomez  
Professor of Law  
Florida International University  

Marc-Tizoc González  
Associate Professor of Law  
St. Thomas University School of Law  

Kaaryn Gustafson  
Professor of Law  
UC Irvine School of Law  

Susan Gzesh, J.D.  
Senior Lecturer in the College & Executive Director  
Pozen Family Center for Human Rights  
University of Chicago  

Susan Hazeldean  
Associate Clinical Professor of Law  
Director, LGBT Clinic  
Cornell Law School  

Tanya Hernandez  
Professor of Law  
Fordham University School of Law  

Charles Jalloh  
Associate Professor of Law  
Florida International University  

Jamila Jefferson-Jones  
Associate Professor of Law  
University of Missouri
Paula C. Johnson  
Professor of Law and Co-Director  
Cold Case Justice Initiative  
Syracuse University College of Law  

José Roberto Juárez, Jr.  
Professor of Law  
University of Denver Sturm College of Law  

Eileen Kaufman  
Professor of Law  
Director of Study Abroad Programs  
Touro Law School  

Ila J. Klion  
Associate Professor of Legal Skills & Values  
Florida International University College of Law  

Rogelio Lasso  
Professor of Law  
John Marshall Law School  

Donna H. Lee  
Professor of Law  
CUNY School of Law  

Patricia H. Lee  
Associate Professor and Director Lee Clinics  
Saint Louis University School of Law  

Jeremy I. Levitt, J.D., Ph.D.  
Vice Chancellor's Chair & former Dean  
Faculty of Law University of New Brunswick  
& Distinguished Professor of International Law  
Florida A&M University  

Ian F. Haney López  
John H. Boalt Professor of Law, UC Berkeley  
Senior Fellow, Demos  

Taunya Lovell Banks  
Jacob A. France Professor of Equality Jurisprudence  
Francis King Carey School of Law University of Maryland
María Pabón López  
Dean and Judge Adrian G. Duplantier Distinguished Professor of Law  
Loyola University New Orleans College of Law

Jeffrey S. Lubbers  
Professor of Practice in Administrative Law  
Washington College of Law American University

Guadalupe T. Luna  
Professor of Law  
Indiana Tech Law

Solangel Maldonado  
Joseph M. Lynch Professor of Law  
Seton Hall Law School

Elizabeth McCormick  
Associate Dean for Experiential Learning  
Associate Clinical Professor of Law  
University of Tulsa College of Law

Nathalie Martin  
Frederick M. Hart Chair in Consumer and Clinical Law  
University of New Mexico School of Law

S. David Mitchell  
Associate Professor of Law  
University of Missouri

Jonathan Miller  
Professor of Law  
Southwestern Law School

Margaret Montoya  
Professor Emerita of Law  
University of New Mexico

Jennifer Moore  
Professor of Law  
Weihofen Professorship  
University of New Mexico School of Law
Rev. Craig B. Mousin  
Adjunct Faculty  
DePaul University College of Law

Professor Odeana Neal  
Associate Professor of Law  
University of Baltimore School of Law

Kimberly Norwood  
Professor of Law & Israel Treiman Fellow  
Washington University School of Law

Kenneth B. Nunn  
Professor of Law  
University of Florida Levin College of Law

Fernando A. Nuñez  
Visiting Assistant Professor of Law  
Board Certified Specialist in Immigration and Nationality Law  
Charlotte School of Law

Angela Onwuachi-Willig  
Professor of Law  
University of Iowa College of Law

Sunita Patel  
Practitioner in Residence  
American University Washington College of Law

Cedric Merlin Powell  
Professor of Law  
University of Louisville

Carla D. Pratt  
Associate Dean for Academic Affairs and Educational Equity  
Nancy J. LaMont Faculty Scholar and Professor of Law  
The Pennsylvania State University

Vernellia R. Randall  
Professor Emerita of Law  
The University of Dayton School Of Law
Jamie Raskin  
Professor of Law  
American University Washington College of Law  

L. Song Richardson  
Professor of Law  
UC Irvine School of Law  

Ira P. Robbins  
Professor of Law  
American University Washington College of Law  

Ediberto Roman  
Professor of Law & Director of Immigration and Citizenship Initiatives  
Florida International University College of Law  

Elvia Rosales Arriola  
Professor of Law  
Northern Illinois University  

Carrie Rosenbaum  
Professor of Law  
Golden Gate University School of Law  

Lory D. Rosenberg, Esquire  
Former Member of the Board of Immigration Appeals  

Ezra Rosser  
Professor of Law  
American University Washington College of Law  

Galya Ruffer, J.D., Ph.D.  
Senior Lecturer and Director Center for Forced Migration Studies  
Buffett Institute for Global Studies, Northwestern University  

Rubén G. Rumbaut  
Distinguished Professor of Sociology  
University of California, Irvine
Andrea Saenz  
Clinical Teaching Fellow  
Kathryn O. Greenberg Immigration Justice Clinic  
Benjamin N. Cardozo School of Law  

Heather Scavone  
Elon University School of Law  
Director of the Humanitarian Immigration Law Clinic  
Assistant Professor of Law  

Irene Scharf  
Professor of Law  
Director, Immigration Law Clinic  
University of Massachusetts School of Law, Dartmouth  

Careen Shannon  
Adjunct Professor of Law  
Director, Immigration Law Field Clinic  
Benjamin N. Cardozo School of Law  

Anita Sinha  
Practitioner in Residence  
American University Washington College of Law  

Judith AM Scully  
The William Reese Smith Jr. Distinguished Professor of Law  
Stetson University College of Law  

Joseph Thome  
Emeritus Professor  
University of Wisconsin Law School  

Ryan B. Stoa  
Senior Scholar  
Florida International University College of Law  

Randolph N. Stone  
Clinical Professor of Law  
University of Chicago Law School  

Natsu Taylor Saito  
Professor of Law  
Georgia State University College of Law
Professor Gerald Torres  
Jane M.G. Foster Professor of Law  
Cornell University Law School

Enid Trucios-Haynes  
Professor of Law, Louis D. Brandeis School of Law  
University of Louisville

Dr. Victor M. Uribe-Uran  
Associate Professor of History and Law  
Chair Department of History  
Florida International University

Yolanda Vázquez  
Assistant Professor of Law  
University of Cincinnati College of Law

Sheila Velez  
Professor of Law  
University of Pittsburgh School of Law

Shoba Sivaprasad Wadhia  
Samuel Weiss Faculty Scholar  
Director Center for Immigrants' Rights  
Penn State Law

L. Darnell Weeden  
Professor of Law  
Thurgood Marshall School of Law

Jonathan Weinberg  
Professor of Law  
Wayne State University

Kaimipono David Wenger  
Thomas Jefferson School of Law

Virgil Wiebe  
Professor of Law  
Robins Kaplan Director of Clinical Education  
University of St. Thomas
Kenneth Williams
Professor of Law
South Texas College of Law

Erika K. Wilson
Assistant Professor of Law
UNC School of Law

Lauris Wren
Clinical Professor of Law
Maurice A. Deane School of Law at Hofstra University

Stephen Yale-Loehr
Adjunct Professor of Law
Cornell University Law School