

RESOLUTION NO. R2015-67

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, CONDEMNING THE DOMINICAN REPUBLIC'S DENATIONALIZATION OF DOMINICANS OF HAITIAN DESCENT AND IMPENDING MASS DEPORTATION; URGING THE DOMINICAN REPUBLIC TO COMPLY WITH INTERNATIONAL HUMAN RIGHTS LAW, RESTORE THE RIGHTS OF AFFECTED DOMINICANS, AND HALT ALL IMPENDING DEPORTATIONS; AND URGING THE UNITED STATES GOVERNMENT TO ENCOURAGE THE DOMINICAN REPUBLIC TO COMPLY.

WHEREAS, the Constitutional Court of the Dominican Republic issued a ruling on September 23, 2013, which retroactively stripped the citizenship of Dominicans born after 1929 to parents not of Dominican ancestry; and

WHEREAS, the decision's retroactive application is a blatant derogation of both international human rights law and the Dominican Republic's own legal norms; and

WHEREAS, the ruling conflicts with the Inter-American Court of Human Rights decision in *Yean and Bosico v. Dominican Republic*, which upheld the rights of all Dominicans regardless of race, color, or national origin, and found that the Dominican Republic violated the rights of Dominican born citizens of Haitian descent by denying them citizenship; and

WHEREAS, the ruling also conflicts with the Inter-American Court of Human Rights decision in *Case of Expelled Dominican and Haitian People v. Dominican Republic*, which found the detention, treatment, and mass expulsion of Haitians and Dominicans of Haitian descent to be in violation of human rights laws and customs; and

WHEREAS, prior to the ruling, the Dominican Republic amended its constitution's principle of *jus soli*, under which citizenship was the birthright of every person born on Dominican soil, to exclude citizenship for children of non-residents such as undocumented; and

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WHEREAS, under long-standing Dominican legal authority, the scope of “in transit” had been limited to a period of less than ten days, and only applied to diplomats entering the Dominican Republic with the principle objectives of traveling to another destination, engaging in business or leisure activities; and

WHEREAS, the 2013 ruling interpreted “in transit” to exclude individuals born in the Dominican Republic, regardless of how long they had been living in the country and regardless of their transitory intent; and

WHEREAS, the ruling effectively rendered people who had been born and lived in the country for generations effectively rendered them “stateless,” and impacts well over 200,000 Dominican citizens of Haitian descent, and

WHEREAS, stripping these individuals of their citizenship and the ability to obtain a national identity document known as a *cédula de identidad y electoral*, which is required to vote, to register for university education, to open a bank account, to acquire or transfer property, to apply for a passport, to make a sworn statement before the judicial system, to get married or divorced, and even to register the birth of one’s child; and

WHEREAS, in response to the international outcry following the 2013 court ruling, the Dominican Republic passed a Naturalization Law 169-14 in May 2014 creating naturalization and regularization processes, which required persons affected by the 2013 ruling to be re-recognized as citizens or apply to gain status; and

WHEREAS, as an act of defiance in response to the Inter-American Court of Human Rights two decisions deeming the 2013 and 2014 actions of the Dominican Republic to be a clear violation of its own constitution, the Constitutional Court of the Dominican Republic declared that the Dominican Republic no longer recognized the authority of the Inter-American Court, thereby removing one of the only avenues available to affected Dominicans to appeal to a higher power of judicial review; and

WHEREAS, under the regularization and naturalization plan, the Dominican government promised to implement a naturalization plan for Dominicans of Haitian descent to regain their citizenship, and undocumented migrant workers could register in a regularization process to regularize their status; and

WHEREAS, the regularization and naturalization process was fraught with problems, from under-resourced immigration processing centers, difficulties in obtaining appropriate paperwork and transportation to processing centers, and arbitrary refusal of some processing centers to issue or process documents for individuals who “looked Haitian”; and

WHEREAS, the Dominican Republic’s treatment of Haitians predates the recent events concerning the possible mass deportation of Haitians, as demonstrated by the 1937 Parsely Massacre that claimed the lives of thousands of Haitians after the Dominican Republic’s dictator ordered the killing of those believed to be Haitian; and

WHEREAS, both registration and deportation deadlines have passed; and under the threat of expulsion, thousands of Haitians have self-deported for fear of state-sponsored mass deportation and vigilante violence; and while temporarily delayed, the Dominican Republic has stated its intent to deport Haitians, regardless of whether they were born in the Dominican Republic; and

WHEREAS, the Mayor and City Council of the City of North Miami Beach condemn the Dominican Republic’s retroactive denationalization of Dominicans of Haitian descent, the impending mass deportation of Haitian immigrants given the human rights implications, and the current ineffectiveness of the registration and regularization process.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:

Section 1. The aforementioned recitals are true and correct.

Section 2. The Mayor and City Council of the City of North Miami Beach condemn the Dominican Republic's impending mass deportation of Haitian immigrants, and urge the Dominican Republic to:

(1) Overturn its 2013 decision and Migration Law 169-14 to the extent these laws retroactively stripped the citizenship from Dominicans born to parents not of Dominican ancestry after 1929, and restore the rights of such Dominicans.

(2) Issue *cédulas* and all appropriate legal identity to documents (e.g. birth certificates), or reissue such documents confiscated, from Dominican born citizens, regardless of race, ethnicity, status in its registry, or other impediment.

(3) Comply with their international human rights obligations, including:

(a) an obligation to guarantee the same rights to all Dominicans regardless of race, color, and national origin; and the prohibition of children inheriting the migratory status of their parents in particular under the Inter-American Court of Human Rights decisions, *Yean and Bosico v. Dominican Republic* and *Case of Expelled Dominican and Haitian People v. Dominican Republic*, and

(b) not derogate the right to nationality pursuant to Article 15 of the Universal Declarations of Human Rights and Article 24(3), Articles 2 and 26 of the International Covenant on Civil and Political Rights (ICCPR), and Article 20 of the American Convention on Human Rights (ACHR).

(4) Take proactive measures to protect the life and property of Dominicans of Haitian descent as well as prosecute and deter any vigilante or state-sponsored violence against them.

- (5) Implement an effective regularization scheme.
- (6) Invite independent observers to monitor the implementation of the regularization scheme to ensure due process.
- (7) Discontinue and indefinitely halt all impending deportations.

Section 3. Urges the United States, and in particular the President Obama and Secretary of State John Kerry, to use any and all appropriate means to encourage the Dominican Republic to restore the rights of Dominicans wrongfully stripped of their citizenship, resolve the temporarily delayed mass deportation of Haitians, and develop a plan to genuinely address the plight of Haitians in the Dominican Republic, rather than create unworkable regularization schemes that effectively deny equal protection to Dominicans of Haitian descent.

Section 4. The Mayor and City Council of the City of North Miami Beach hereby authorize and direct the City Clerk to transmit a certified copy of this resolution to United States President Barack Obama, Dominican Republic President Danilo Medina, and United States Ambassador to the Dominican Republic James Brewster.

APPROVED AND ADOPTED by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this 4th day of August, 2015.

ATTEST:


PAMELA L. LAHMORE
CITY CLERK


GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION


JOSE SMITH
CITY ATTORNEY DJ

SPONSORED BY: Councilman Frantz Pierre
Mayor and Council

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