

**From Trujillo to Today:
State Discretion and the Denationalization of Dominican Citizens**

Honors College Thesis

Submitted in partial fulfillment of the requirements for
graduation from the Honors College of Adelphi University

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2024

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Acknowledgements

First and foremost, I would like to express my deepest gratitude for my advisor, Dr. Jacqueline Olvera, for her invaluable guidance, patience, and support. Her expertise and encouragement were instrumental in helping me develop as a researcher and scholar throughout my undergraduate studies. I could not thank her enough for all that she has done for me during my time at Adelphi.

I would also like to extend my thanks to the members of my thesis committee, Dr. Micah Oelze and Dr. Maggie Gray, for their insightful feedback and constructive suggestions. Their perspectives have greatly enriched my work and strengthened my confidence during the thesis process.

Another special thanks to Dr. Katie Laatikainen for her support throughout my time at Adelphi. I am deeply grateful for her counsel from the very beginning of my undergraduate career as my academic advisor, and the contributions she made to the body of this work from her expertise in international institutions.

Additionally, I would like to acknowledge the faculty in the Political Science and International Relations Department and the Honors College for their support during the course of my studies. I would especially like to thank Dr. Dong Wook Lee for his wisdom, patience, and reassurance as my professor for several courses at Adelphi. I would also like to thank Dean Rudolph and Dean Carson for their guidance throughout my final two years at Adelphi.

I also thank my family and friends for their endless love, encouragement, and understanding. Thank you Luis and Angelica for believing in me and being there for me when I needed you most. I am grateful to have you both in my life as my chosen family.

Finally, I would like to recognize the efforts of domestic and international organizations working on the ground to advocate for the rights of Dominicans of Haitian descent and Haitians in the Dominican Republic. They serve as an inspiration for my steps moving forward in continuing to defend human rights through legal and political channels. This project would not have been possible without their hard work and dedication.

Abstract

This thesis explores how the Dominican state excluded Dominicans of Haitian descent and Haitian migrants from citizenship and residency. It begins by examining the political and legal events leading up to 2013, the year in which the Constitutional Tribunal retroactively stripped citizenship from individuals born between 1929 and 2010 to undocumented parents in the Dominican Republic. Then, it assesses the implications of this ruling by evaluating the impact on affected individuals who have not had their citizenship restored and those who were expelled by the Dominican state. Through a historical analysis of the creation of the modern Dominican state, this study aims to explain the state's rationale behind the marginalization of individuals of Haitian origin. This research adds on to the existing literature by evaluating the effectiveness of human rights conventions, non-governmental organizations, and the Human Rights Council in holding the Dominican state accountable to its legal obligations. Through examining the mechanisms and incentives behind domestic and international law and its implementation, this thesis aims to advocate for comprehensive policy reform in addressing the ongoing challenges of statelessness and expulsion in the Dominican Republic.

Introduction

In its 1999 *Report on the Situation of Human Rights in the Dominican Republic*, the Inter-American Commission on Human Rights (IACHR) described the status of Haitians and Dominicans of Haitian descent without legal documents as living in a state of “permanent illegality” (IACHR, 1999). However, this notion of permanent illegality is a misnomer, as it overlooks how the Dominican state perpetuates illegality through its discretionary powers. State discretion, in this context, refers to the state’s authority to interpret and apply the law within its domestic framework (Forowicz, 2011). An example of the Dominican state’s practice of discretion is revealed in archival documents, such as the 1967 Letter from the General Directorate of Migration and the 1969 Memorandum from the Secretary of State, both of which affirmed that Dominicans of Haitian descent had the right to Dominican nationality. Thus, the current status of Dominicans of Haitian descent and Haitians is not a static, inherent condition of illegality but one shaped by shifting political and socioeconomic factors.

By examining the intersection of state power, ethnic politics, and legal frameworks, this thesis explores how state discretion is practiced in the case of Dominicans of Haitian descent and Haitians living in the Dominican Republic. Dominicans of Haitian descent and Haitian immigrants make up the largest ethnic minority in the Dominican Republic (Oficina Nacional de Estadística, 2013). However, anti-Haitian sentiment and the economic incentive for undocumented labor have resulted in increasingly discriminatory policies against Dominicans of Haitian descent and Haitian migrants. In 2013, the Dominican state no longer recognized Dominicans of Haitian descent as Dominicans due to changes in the legal definitions of Dominican nationality and citizenship. This decision rendered thousands of people with a “stateless” status, meaning they were no longer considered Haitian or Dominican nationals

(Rojas, 2013). Despite a subsequent legal remedy in 2014, over 100,000 Dominicans remain stateless and cannot restore their Dominican citizenship (Amnesty International, 2015; IACHR, 2018; Hunter & Reece, 2022). As a result, Dominicans of Haitian descent are at risk of expulsion to a country amid a political crisis, jeopardizing their livelihood and safety.

This vulnerability is further exacerbated by broader trends in migration control and ethnonationalism¹. In 2022, the Dominican government announced the construction of a 164-kilometer border wall to stop “irregular migration” from Haiti, paralleling the ambitions of the Trump Administration in 2016 (Jorgic, 2022). The case in the Dominican Republic sets a dangerous precedent for other countries, such as the United States, to redefine their birthright citizenship laws and retroactively exclude ethnic groups deemed unworthy of Dominican nationality. Hence, the enforcement of the Dominican state’s legal obligations are necessary to uphold the human rights of migrants and their children, not just in the Dominican Republic, but around the globe.

Considering the global implications of such actions, this thesis examines the role of state discretion in the enforcement of international human rights law, arguing that it often enables states to circumvent human rights obligations. Using the Dominican state’s denationalization of Dominicans of Haitian descent as a case study, this thesis investigates how state discretion allows the Dominican state to evade its obligations in relation to the right to nationality and protection against statelessness. Through an analysis of legal and political frameworks, the study demonstrates how selective interpretation of national laws and the exercise of sovereignty have facilitated the exclusion and marginalization of Haitians and Dominicans of Haitian descent. Therefore, this study highlights the tension between state sovereignty and international human

¹ Ethnonationalism is a form of nationalism that identifies a particular ethnicity and ethnic ties as the central aspect of a nation's identity, which usually includes a shared language, faith, and ancestry (Muller, 2008).

rights norms, emphasizing the need for stronger mechanisms to hold states accountable for violations and safeguard human rights globally.

Methodology and Notes on Terminology

This project was inspired by a one-man show written and performed by Dr. Edward Paulino on the Parsley Massacre. Dr. Paulino came to Adelphi at the invitation of the Latin American and Latinx Studies program in February 2022 that brought history and drama together. As a Dominican-American, I related to the emotions Dr. Paulino expressed when he first confronted the brutal reality of this genocide against Haitians as a college student. I was moved by the candle-lighting memorial at the end of the show and sought to learn more about Dominican-Haitian history and its effects in the present. A year later, I had the opportunity to visit the Memorial Museum of Dominican Resistance in Santo Domingo to learn about the impact of Rafael Trujillo's dictatorship in modern-day relations between Haitians and Dominicans.

My research began through several visits to the CUNY Dominican Studies Institute in Hamilton Heights. I conducted archival research on the following primary sources: The 1967 Letter from the General Directorate of Migration and the 1969 Memorandum from the Secretary of State. For the purposes of legal and statistical analysis, I downloaded governmental records from agencies such as the Dirección General de Migración and the Consultoría Jurídica del Poder Ejecutivo to gather figures on expulsions and draw on legal arguments from the Constitutions. Additionally, I focused on secondary sources that would allow me to understand the history of anti-Haitianism in the Dominican Republic. I grew my bibliography with the help of my committee on the areas of migration, Caribbean history, international law, and non-citizen workers.

In evaluating human rights violations against Dominicans of Haitian descent and Haitian nationals, I analyzed reports and newsletters published between 1990 to 2024 from organizations

such as the Inter-American Commission on Human Rights (IACHR), the Inter-American Court of Human Rights (IACtHR), Amnesty International, and Human Rights Watch. These include the *Report on the Situation of Human Rights in the Dominican Republic* (IACHR, 1999), *Case of the Girls Yean and Bosico v. Dominican Republic* (IACtHR, 2005), *A life in transit—The plight of Haitian migrants and Dominicans of Haitian descent* (Amnesty International, 2007), *Case of Expelled Dominicans and Haitians v. Dominican Republic* (IACtHR, 2014), “*Without paper, I am no one*”: *Stateless people in the Dominican Republic* (Amnesty International, 2015), *Situation of Human Rights in the Dominican Republic* (IACHR, 2015), and “Haiti: Stateless People Trapped in Poverty” (Human Rights Watch, 2016). Additionally, I accessed several online databases and libraries, such as the Universal Periodic Review, the UN Treaty Collection, and Refworld to examine documents related to international and domestic law. In an effort to engage in original research, remain authentic to the source, and make the legal jargon more accessible to readers, all translations from government documents presented in the paper are my own translations from Spanish to English.

Furthermore, I used the knowledge gained from my experience as a participant in the Junior Summer Institute for Public Policy and International Affairs to draft recommendations on this issue. Although I criticize the weakness of international human rights enforcement mechanisms, I argue that finding ways to encourage the Dominican state to implement recommendations is an effective way to dismantle their rationale for maintaining the status quo. Additionally, in combating the status quo, I take on a restorative justice approach in my writing on the subject.

Throughout the thesis, I refer to individuals born on Dominican soil with Haitian ancestry through blood relatives as “Dominicans of Haitian descent,” and “Dominico-Haitains.” As

Dominicans of Haitian descent remain a marginalized group due to their status, I identify them as Dominicans in reference to their nationality and membership in the Dominican community, as well as their ethnic background to avoid confusion. In addition, I use the terms “anti-Haitian sentiment” and “anti-Haitianism” to describe the discrimination and prejudice by the Dominican state and state officials against individuals with a Haitian background. Lastly, I use the Dominican term “batey” to refer to the work camps in sugar mill complexes, where sugar-cane cutters, called “braceros” in Spanish, and their families reside (Martínez, 2003).

Chapter 1. The Making of the Dominican State

The Haitian “Invasion”

The island, named “Hispaniola” by Spanish colonial settlers in the late fifteenth century, was divided into two regions of control. The French controlled the Western part of the island (modern-day Haiti) and the Spanish controlled the East (modern-day Dominican Republic). In 1804, Haiti became “the Americas’ first independent Black nation” after a revolt led by slaves against French colonial rule (Fouron, 2020). However, in exchange for independence, the French forced Haiti to pay an indemnity in compensation for the loss of slave labor. This resulted in a 21 billion dollar debt which took 122 years for the Haitian government to pay, cementing the seeds for Haiti’s economic hardship (Roy & Cara Labrador, 2024). After the French were expelled, Haiti faced political turmoil due to power struggles and authoritarian rule of law under various regimes. Haitian political leaders, including Jean-Pierre Boyer, feared the return of colonial rule, which prompted them to take control of the whole island of Hispaniola from 1822-1844 to protect Haitian liberation (Moya Pons, 1972, pp. 22–23, as cited in Martínez, 2003).

Haitian rule was welcomed by other Dominican leaders and by much of the population, especially among Afro-Dominicans who were previously enslaved by the Spanish and freed by the Haitians (Martínez, 2003). However, the Haitian government began to impose heavy taxes on the residents of the Eastern side of Hispaniola to pay off their debt, which eventually made them lose favor after a global economic recession made their taxes seem “unbearable” (Franco, 1993, pp. 189–191, as cited in Martínez, 2003).

A revolution led by Juan Pablo Duarte and other Dominican nationalists established sovereign control of the eastern side of Hispaniola in 1844, eventually forming the present-day Dominican Republic. Although the Dominican nationalists who founded the Dominican state

disagreed with Haitian rule, they did not hold negative views toward the Haitian people (Duarte, 1994, p. 31, as cited in Torres-Saillant, 2010). In the revised historical narrative, Dominican politicians describe this period as an “invasion” of Haitian forces into the country, marking the beginning of tensions between Dominicans and Haitians. However, anti-Haitianism as an institutionalized practice within the Dominican state did not emerge until the early twentieth century, particularly during the U.S. occupation of both sides of the island and the dictatorship of Rafael Trujillo from 1930 to 1961. The tensions between Dominicans and Haitians are a modern phenomenon, not a historical one, as asserted by some Dominican elitists today.

Promoting Anti-Haitianism in the Dominican Republic

The U.S. invaded and occupied the Dominican Republic from 1916 to 1924 and Haiti from 1915 to 1934 under the guise of consolidating political stability (Wilson, 2023). Both countries struggled to pay off debt to foreign powers, and U.S. foreign policy sought to curb foreign influence in the Western Hemisphere amid the First World War (U.S. Department of State, 2009; U.S. Department of State, 2024). Prior to the occupation, American corporations invested in the sugar industry in the Caribbean, but took full control of sugar plantations under the occupation. Military officials, corporate business leaders, plantation owners, and American-allied presidential figures established the sugar industry that would dominate the Dominican economy for decades after the occupation. In both Haiti and the Dominican Republic, U.S. government officials and corporate actors dispossessed peasants from their land to develop the land for sugar plantations (Wilson, 2023). However, land reforms following the Haitian Revolution did not permit the establishment of large plantations like those in the Dominican Republic (Palsson, 2021). As a result, U.S. business leaders centered their operations in the Dominican Republic, but looked to import cheap, foreign labor as opposed to raising the wages

of Dominican workers (Calder, 1984). Following the dispossession of land and poor economic conditions, Haitian peasants became an “exploitable population in desperate need of work” (Wilson, 2023, p. 6). Around 10,000 Haitians were brought from the border each year to cut sugar cane for very low wages (Wilson, 2023). As seasonal migrants, sugar cane cutters could not advocate for better wages and working conditions (Calder, 1984). Long after the U.S. occupiers left, Haitian labor in the agricultural sector remained a cheap labor source in the Dominican Republic without regulation until the latter half of the twentieth century.

American influence and occupation established the foundation for this system of exploitation and state-sponsored anti-Haitianism. In the Dominican Republic, U.S. military officials established racial divisions by promoting a hierarchical view of race, with Haitians viewed as inferior, while introducing a system of exploited, racialized labor in the sugar industry. U.S. officials held the Dominican Republic in a higher regard than Haiti, perceiving it as a mixed-race nation closer to whiteness, in contrast to Haiti’s association with blackness (Hintzen, 2016). Under the occupation, U.S. officials and Dominican elites became concerned with the lack of regulation on the Dominican-Haitian border due to the perception that increased Haitian migration would impede the Dominican state’s chances of becoming a civilized nation (Hintzen, 2016). Thus, U.S. military officials attempted to control the migrant population through deportations (Hintzen, 2016). Additionally, Dominicans perceived the influx of cheap labor from Haitian agricultural workers as a threat to their wages and employment within the state, fostering resentment toward Haitians (Calder, 1984). While anti-Haitianism was fostered by the U.S. occupation and the Dominican elite, it became widespread under the Trujillo regime.

It was during the U.S. occupation that Rafael Trujillo started to gain power in the Dominican Republic (Turits, 2002). Trujillo was born to a lower-middle class family of mixed

Dominican-Haitian ancestry in the city of San Cristóbal near the capital of Santo Domingo. As a young adult, he worked as a guard in a sugar plantation, but later joined the newly formed Dominican National Guard under the U.S. military (Hintzen, 2016). Between 1918 and 1927, Trujillo rose to high-ranking positions until he became in charge of the Guard (Hintzen, 2016). A few years after the end of the U.S. occupation, Trujillo staged a coup with a rebel group to seize the presidency, beginning his long and brutal dictatorial rule over the country in 1930. During his dictatorship, Trujillo cemented nativist ideology as a widespread practice that has continued nearly a century later in the Dominican Republic. Between 1930 and 1937, the government expanded public schools and churches in Haitian-Dominican border towns, emphasizing the Spanish language, catholic practices, national holidays, and other aspects of Dominican culture (Hintzen, 2016). Prior to 1937, Trujillo sought to assimilate ethnic Haitians into Dominican society, rather than eliminate them (Turits, 2002). While Trujillo did not express the same vitriolic views against Haitians like the urban elite in his cabinet, he recognized that a monocultural state would be much easier to control.

Trujillo's primary object was to remove any threat to his authority. As a dictator seeking to consolidate full political power over the population, Trujillo became concerned with Haitian influence in rural areas and the free movement across the Haitian-Dominican border (Turits, 2002; Hintzen, 2016). Until the Trujillo era, the border was never successfully regulated, militarized, or even officially demarcated (Turits, 2002). During the nineteenth century, Haitian migration to Dominican communities increased in response to land and population pressures attributed to post-revolution reforms regarding land distribution (Turits, 2002). As a result, the rural frontier class became composed of Dominican and Haitian residents in border communities, particularly in the Dominican northwest (Turits, 2002). Contrary to modern beliefs on

Dominican-Haitian relations, Haitian-Dominican communities along the border were linguistically, economically, and culturally integrated without restriction (Turits, 2002). Before the Trujillo regime, Dominicans of Haitian descent, and even Haitian-born long-term residents, were recognized as citizens by frontier officials and integrated into Dominican society (Turits, 2002). Compared to the frontier residents, only the foreign-educated urban elite held prejudiced views towards Haitians and their blackness (Turits, 2002)². The Dominican elite identified the nation's proximity to blackness as an obstacle toward economic progress, which led to the passage of Migration Law 5074 in 1912 (Hintzen, 2016; Paredes et al., 2021). Law 5074 imposed a racial restriction on migration, stating that all migrants of "another race other than Caucasian" needed to obtain permission from the state to enter the country, while calling for the promotion of migration from Europe, the United States and former Spanish colonies in the Caribbean. These restrictions eased as the sugar industry boomed under U.S. occupation and were hardly enforced by the frontier due to the transitional nature of the border. While the urban elite held racist attitudes toward Haitians and other non-whites, frontier residents celebrated blackness through music and dance (Martínez, 2003). The socioeconomic inequality between frontier residents and the urban ruling class was more significant to them than the ethnic and cultural differences between Dominicans and Haitians (Hintzen, 2016). In fact, testimonies from frontier residents indicated that ethnically mixed families were very common and that both Dominicans and Haitians alike crossed the border every day (Turits, 2002).

To maintain their economic and political independence, the rural frontier claimed to have more authority within regional operations than the central government (Hintzen, 2016). For a

² The Dominican state mainly identifies as a mixed country with African, European, and Indigenous ancestry, in comparison to Haiti with predominantly African roots. This influenced the views of U.S. occupiers in both countries, who saw the Dominican Republic as more "civilized" than Haiti (Hintzen, 2016, p. 33). The educated urban elite adopted the racist and xenophobic sentiment popularized in academic discourse towards non-whites at the time, which informed subsequent political decisions (Turits, 2002).

personalistic dictator in need of absolute authority, the independence of the frontier was unfavorable and potentially threatening to the dictatorship. Trujillo's move to securitize the border came out of fear that individuals who opposed his regime would flee across the border, and potentially oust him out of power (Vega, 1988, as cited in Turits, 2002). Additionally, the cosmopolitan nature of the frontier was harder to control than a monoethnic population. In the early 1930s, the Trujillo regime sought to securitize and demarcate the border to maintain full control of the nation and its population. Trujillo forced civilians to obtain identification cards and conducted mass expulsions of Haitians (including citizens) in the frontier region, but was met with opposition from local governments (Hintzen, 2016).

In response to this opposition, Trujillo ordered the massacre of all Haitians and individuals of Haitian descent on the Dominican frontier in 1937. Trujillo had the support of his cabinet at the time of the massacre, which consisted of anti-Haitian elites, including Joaquín Balaguer, who would later become the next president after Trujillo's assassination in 1961 (Johnson, 2006). Some military officials who carried out the massacre shared similar views to the elites, but many were compliant due to fears of retaliation (Turits, 2002). Balaguer and other anti-Haitian elites justified the 1937 massacre by framing it as a response to "illegal and unwanted" Haitian immigrants and Dominican-Haitian tensions (Johnson, 2006, p. 129). In reality, the massacre was used to demonstrate Trujillo's exercise of authority, as many people killed in the massacre at the frontier were not recent immigrants (Turits, 2002). In less than a week, the Parsley Massacre claimed the lives of an estimated 17,000 people and displaced another 12,168, with many others having fled before the start of the killings (New York Times, 1937, Taller, 1985, as cited in Turits, 2002). Trujillo's order of the Parsley Massacre is an example of a state of exception—the sovereign's ability to transcend the rule of law by declaring

an emergency to suspend the legal rights of civilians and exercise control over them (Agamben, 1998, 2005, as cited in De León, 2015). Trujillo proclaimed that the massacre was necessary to protect Dominicans from Haitian migrants, but in truth, used this event to assert state power on the frontier. To limit opposition and international backlash, Trujillo created a narrative of Haitian-Dominican tension to justify the massacre:

To the Dominicans who were complaining of the depredations by Haitians living among them, thefts of cattle, provisions, fruits, etc., and were thus prevented from enjoying in peace the products of their labor, I have responded, 'I will fix this.' And we have already begun to remedy the situation. Three hundred Haitians are now dead in Bánica. This remedy will continue" (Jan, 1967, as cited in Turits, 2002, p. 613).

The contradiction between the public and private justification for the massacre is evident by the fact that most of those killed during the massacre were born in the Dominican Republic, held Dominican citizenship, and were considered Dominicans despite their Haitian ancestry (Listín Diario, 1937, as cited in Turits, 2002). Other evidence includes testimonies from Dominican frontier residents who stated that they were unaware at the time that the massacre targeted Haitians and Dominicans of Haitian descent and feared for their safety as well (Turits, 2002)³. Furthermore, the amicable relations between both countries and the peaceful coexistence between Haitians and Dominicans on the frontier refuted the arguments presented by Trujillo and his cabinet. In response to this discrepancy, Trujillo sought to reshape the narrative of Dominican-Haitian relations. Interviews with older Dominicans reveal that during the Trujillo period, subsequent generations of Dominicans were taught to view Haitians as "outsiders and anti-Haitian violence as legitimate" (Turits, 2002, p. 634). Thus, the massacre and its

³ As Turits (2002) writes, the massacre was sudden and unexpected, as there was no sign of escalating tension or conflicts that would normally prelude such a level of state violence.

consequences were integral parts of Trujillo's strategy to create a controlled, ethnonationalist Dominican state loyal to his dictatorship.

Who is Dominican?

In the establishment of the ethnonationalist Dominican state, Trujillo and the urban elite welcomed immigrants from Europe after the end of World War II to pave the way for socioeconomic ““progress”” (Turits, 2002, p. 602). Influenced by their foreign education and the racism stemming from the U.S. occupation, Dominican elites believed that proximity to Haitian and African culture would hinder their ability to modernize the nation. Thus, anti-Haitian sentiment was promoted through revised historical events in schools (e.g., the Haitian “Occupation” from 1822-1844), speeches by government officials, and other broadcasted and printed media (Bernardo Vega, 1995, Moya Pons, 1999, as cited in Turits, 2002; Martínez, 2003). The marginalization of Dominicans of Haitian descent and Haitians were further propagated through their state-sponsored seclusion in the bateyes, in which the sugar industry continued to employ Haitian labor after the Parsley Massacre (Dore Cabral, 1987, as cited in Martínez, 2003). This included the annual recruitment of Haitian migrants and the forced relocation of Haitians within the country to the bateyes, in which officials often stripped them of their documentation to ensure their confinement to the bateyes (Hintzen, 2014).

Despite the erasure of Dominico-Haitian communities after the massacre, there is evidence that government officials acknowledged, albeit begrudgingly, the citizenship of Dominican-born children of Haitian descent after the end of Trujillo's dictatorship. Between 1967 and 1969, correspondence between several government officials, including former President Joaquín Balaguer, revealed that Haitian nationals qualified under the law for permanent residency if they married Dominican women or had Dominican-born children, in which these

children were considered Dominicans (Estrella, 1967; Estrada, 1969). Under the Trujillo era, citizenship, residency, and documentation were extended to Haitians and Dominicans of Haitian descent to exercise control over the border and the population. However, Balaguer, one of the most vocal anti-Haitian politicians in Dominican history who wrote a book titled *La Isla al Reves* (The Backwards Island) on the inferiority of Haitians, sought to revoke the right to citizenship and residency under these clauses. These views were espoused by the Secretary of State in the 1969 Memorandum, which described the acquisition of citizenship status for Dominicans of Haitian descent as an “invasion” on Dominican territory. Thus, to avoid granting residency to Haitian nationals and citizenship to Dominicans of Haitian descent, government officials introduced a legal “project” to restrict Dominicans of Haitian descent and Haitian nationals from qualifying for citizenship under the Constitution (Beauchamp, 1976, p. 1)⁴. These attempts to deny the citizenship of established citizens under the law demonstrate how the Dominican state selectively uses its discretion to restrict the rights of Haitians and Dominicans of Haitian descent.

Although legal and political decisions dating back to 1980 began excluding Dominicans of Haitian descent from citizenship, polls conducted by *Hoy*, a Dominican Newspaper, in collaboration with Gallup News indicated that public opinion favored the regularization and citizenship of Dominicans of Haitian descent. According to the poll, 68% of respondents agreed that those who worked in sugar plantations should be granted amnesty to regularize their status and 58.2% regarded Dominicans of Haitian descent as Dominicans (Hoy, 2014). However, 83% responded that the government should prohibit the entry of more Haitian immigrants (Hoy, 2014). Through ethnographic fieldwork conducted in Haiti and the Dominican Republic, Martínez (2003) concurred that the relationships between Dominicans and Haitians are usually amicable, especially when they have regular interactions as neighbors. As a result, Martínez

⁴ This refers to the “in transit” clause, which is defined further in Chapter 2.

(2003) argues that the current relationship between Haiti and the Dominican Republic is focused on the economic and political aspects of migration rather than inherent hostility, with stakeholders exploiting ethno-nationalistic sentiment for their benefit. This is supported by the same poll conducted by Hoy-Gallup (2014), in which 70.2% of respondents blamed the government and business employers for the presence of undocumented migrants of Haitian origin in the country. Undocumented migrants are generally unwanted by the public due to the assumption that Haitians pose a threat to Dominican society as outsiders, competitors for jobs, and carriers of disease and crime from Haiti (Hoberman, 2010). This assumption developed under the Trujillo regime, but gradually intensified in response to migration pressures that emerged in the latter half of the twentieth century⁵.

Since the Trujillo era, the presence of Haitians has been linked to a weak economy. Indeed, economic interests and attempts to institute political authority have informed the Dominican government's expulsion, migration, and denationalization policies. In the 1980s, regional bodies in charge of issuing documentation refused to register birth certificates to Dominican-born children of Haitian descent (IACHR, 2015). This refusal to document Dominican-born children in the 1980s coincided with the aforementioned letters from government officials that sought to strip citizenship and residency from Haitian nationals and Dominicans of Haitian descent. Beyond anti-Haitian sentiment in the government, the economic decline of the sugar industry motivated the Balaguer Administration to conduct mass expulsions of Haitians from the bateyes throughout the 1980s and 1990s. The United States, one of the biggest importers of Dominican sugar, replaced cane sugar with homegrown high fructose corn syrup in the mid-1970s (White, 2008). High fructose corn syrup was much cheaper than

⁵ These migration pressures were a product of internal economic changes within the Dominican Republic during the 1980s, as well as economic and political strife in Haiti in the early 1990s.

imported sugar due to U.S. government subsidies on corn, in which it quickly replaced the demand for sugar in processed foods (Dilk & Savaiano, 2017). Additionally, the Dominican Republic received criticism by non-governmental organizations for human rights violations against Haitian laborers and children in bateyes, including forced labor practices (IACHR, 1999). Shortly after a hearing on the conditions of bateyes in the U.S. House of Representatives, Balaguer signed Decree 233 in June 1991, which ordered the repatriation of Haitian workers in the Dominican Republic over the age of 16 and under age 60 (IACHR, 1999). Furthermore, political instability in Haiti caused a refugee crisis between 1991 and 1994, leading to an influx of refugees and migrants from Haiti to the Dominican Republic, who were then expelled by Dominican Military forces (Gavigan, 1997).

In addition to the economy, the state associated urbanization as a symbol of a “Haitian invasion.” After a series of economic reforms in the 1990s, the Dominican state’s newly industrialized, urban economy shifted demographic patterns, in which Dominicans of Haitian descent and Haitian migrants were no longer restricted to bateyes and were made much more visible to the public eye (Volz, 2011). Several sectors in the Dominican Republic rely on undocumented labor, including domestic work, construction, tourism, and agriculture (L’Heureux, 2023). However, expulsions continued under following administrations, which Martínez (2003) claims was an attempt to control the public’s perception of political and socioeconomic issues in the Dominican Republic by emphasizing nativist sentiments. Bernardo Vega, a Dominican Historian and Former Ambassador, stated that expulsions are conducted with the awareness that the net inflow of Haitians is greater than those expelled (Volz, 2011). Therefore, the refusal to document those present in the Dominican Republic have allowed the

Dominican state to exploit these individuals and expel them at any moment without guaranteeing them rights and protections under domestic and international law (L'Heureux, 2023).

The deprivation of nationality for Dominicans of Haitian descent and the act of expulsion exist as political and economic tools to keep a steady supply of exploitable labor without any room for social mobility and acceptance into Dominican society. In interviews with survivors and witnesses of the Parsley Massacre, a Dominican of Haitian descent stated the following:

When they started killing people, they were no longer interested in whether or not you had a baptismal record (Turits, 2002, p. 613)

Denying Dominicans of Haitian descent as Dominicans during the Parsley Massacre is parallel to current refusals to acknowledge and legally claim Dominicans of Haitian descent as Dominicans. The political elite of today continue to exploit Dominicans of Haitian descent and Haitian migrants as disposable labor and scapegoats for political and socioeconomic problems in the country. As a result, individuals of Haitian descent and origin face marginalization in a state that does not recognize them as full members of society.

Chapter 2. Second-Class Citizenship: The Case of Dominico-Haitians

As indicated in the archival documents, the Dominican state has exercised the principles of *jus soli* (right of the soil), *jus sanguinis* (right of blood), and naturalization at its discretion when granting or denying citizenship to individuals of Haitian origin. This chapter examines the principle of *jus soli* and how the Dominican state selectively interpreted and retroactively applied national law to exclude Dominico-Haitians from citizenship. To further explain the situation of Dominico-Haitians, the chapter addresses three key concepts: citizenship, denationalization, and statelessness.

On Citizenship

Theoretical frameworks of citizenship and governance began in the city-states of Greece, in which citizenship denoted political rights and civic participation to those who obtained citizen status (Bellamy, 2008). Although democracy was born out of the Athenian system, Bellamy (2008) notes that this system of citizenship was exclusive to a select group of people by their age, class, gender, and ethnic background. However, the growth of the Roman Empire required a shift in eligibility requirements for an increasingly expansive population. Peoples of conquered territories were granted “legal” citizenship from Rome, meaning that they would be ineligible to vote, but would be legally protected under Roman law and regarded as “subjects” of the Empire (Bellamy, 2008; Acosta-Pumarejo, 2023). This legal recognition of individuals from all territories within the Roman Empire would inform modern-day concepts of nationality, while the Athenian democratic system would shape modern-day citizenship (Acosta-Pumarejo, 2023).

Although citizenship and nationality tend to be used synonymously, citizens and nationals hold different statuses depending on the state’s laws. Nationality is broadly defined as “the legal and political link” that binds an individual to a state, which encompasses cultural, historical, and

legal claims to membership (Acosta-Pumarejo, 2023, p. 283). Similar to nationals, citizens are legally recognized by the state, but as members of a “political community” who typically possess more civil and political rights than nationals (Peña, 2000, as cited in Acosta-Pumarejo, 2023, p. 284). The driving frameworks for the acquisition of citizenship include Jus Sanguinis, Jus Soli, and Naturalization. Jus Sanguinis means “right of blood,” referring to the passage of citizenship through blood relatives who are citizens of the state, while Jus Soli refers to “right of the soil,” meaning that citizenship is granted to those born within the territory of the state (Middleton, 2011). Naturalization is another passageway for citizenship for individuals who would not be eligible under Jus Soli or Jus Sanguinis, but can apply for citizenship, usually by residing in the country for a period of time or some other criteria identified by the state. In some cases, this status can be revoked by the state, which leaves individuals without a recognized nationality or citizenship.

On Denationalization and Statelessness

Denationalization is defined as the “non-consensual” process of a state rescinding an individual's nationality and citizenship status, resulting in the loss of previously guaranteed rights and protections (Gibney, 2020, p. 2551). The justification for denationalization of individuals varies in domestic law, but has increasingly been reserved for individuals convicted of crimes against the state and individuals with claims to dual citizenship (Barry & Ferracioli, 2015)⁶. A recent example of denationalization against an individual occurred in 2024, when the United Kingdom revoked the citizenship of a British-born citizen, Shamima Begum, after she traveled to Syria to join the Islamic state of Iraq and Syria (ISIS) as a teenager (European Network on

⁶ Historically, those with dual citizenship were seen as disloyal or threats to the state in times of high political tension (e.g., Naturalized Germans in the United States during World War I) (Gibney, 2020). In modern-day, states such as the United Kingdom and the Dominican Republic, have used the argument of dual citizenship to denationalize citizens on the basis that they would not be rendered “stateless.”

Statelessness, 2024). According to British law, any British citizen can be deprived of citizenship if the Secretary of State determines that “it would be conducive to the public good and they would not become stateless as a result of the deprivation” (The National Archives, 1981). British officials deprived Begum of her citizenship due to “national security” concerns while claiming she would not be stateless as she had access to Bangladeshi citizenship through her parents (European Network on Statelessness, 2024)⁷.

Despite arguments from Begum and UN experts that she would not be able to enter Bangladesh and would be subject to “de facto statelessness,” the British Supreme Court upheld the decision in favor of the Secretary of State (European Network on Statelessness, 2024; OHCHR, 2024)⁸. In theory, British law applies this denationalization law to all British citizens, but the provision clearly states that those who would be rendered stateless cannot be denationalized. Thus, in practice, this provision mainly applies to individuals of dual nationality, who would not be stateless if revoked of their British citizenship. However, Begum demonstrated that she could not effectively access Bangladeshi citizenship, and was still denied the appeal to regain her British citizenship.

As Gibney (2013, 2020) notes, this disproportionate application of denationalization to dual citizens and citizens with potential claims to another nationality leads to concerns about “second-class citizenship” associated with people of a foreign background. An extreme example of wide-spread denationalization concerning this issue includes Nazi Germany, in which the state denationalized Jews and Gypsies before they were sent to concentration camps to justify violence against a “foreign” threat (Agamben 2015, p. 117, as cited in Gibney, 2020). Although

⁷ Under international law, a stateless individual is “a person who is not considered as a national by any state under the operation of its law” (UNHCR, 2024).

⁸ De facto statelessness refers to individuals who are not effectively recognized as citizens by any state, even with lawful claims of citizenship (US Department of State, 2024).

the practice of denationalization lost favor in the mid-twentieth century after the devastation from the Second World War, globalization has reignited fears against “foreigners” and their presumed “disloyalty” to the state, despite their equal claim to citizenship through birthright or naturalization (Barry & Ferracioli, 2015, p. 9)

Denationalization is a controversial procedure due to the severity of its consequences (i.e. “civic death”) but is permissible under international law as long as it does not violate the state’s human rights obligations (Gibney, 2013, p. 647). Under international law, the state has the right to determine its nationals, but there are limitations to this principle when it comes to denationalization (Prener, 2022). Universal principles on denationalization and statelessness include Article 15 from the United Nations’ Universal Declaration of Human Rights (UDHR), in which “no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality” (United Nations, 1948). According to the Human Rights Committee on Civil and Political Rights (2014), actions informed by domestic law are “arbitrary” if they are unjust, unreasonable, unnecessary, disproportionality and inappropriately applied, and violate the individual’s right to due process. Prener (2022) notes that within the context of Article 15 in the UDHR, this prohibits the state from depriving an individual of nationality in a discriminatory manner or in a way that would result in statelessness. Although the UDHR is a non-binding document, there are binding treaties under international law that prohibit discrimination and statelessness, including the Convention on the Reduction of Statelessness and the International Convention on Civil and Political Rights. Therefore, while states have the authority to regulate citizenship status within their jurisdiction, provisions under international law limit their ability to revoke citizenship in situations that would infringe upon human rights.

The Contemporary Denationalization of Dominico-Haitians

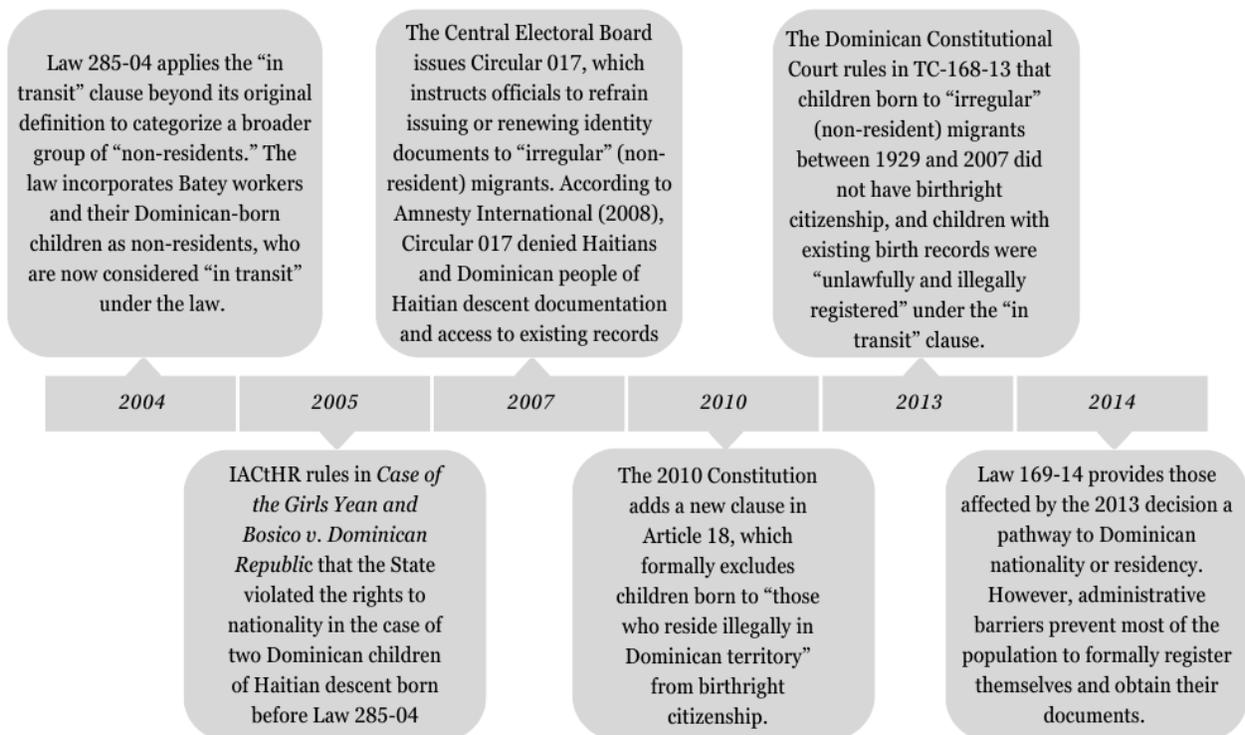
In the decade leading up to the 2013 Constitutional Tribunal ruling, the interpretation of Dominican citizenship and nationality was revised to justify anti-Haitian political and legal decisions. In the 1934 Constitution, Dominican nationality was extended to those born within the territory of the Dominican Republic “with the exception of the legitimate children of foreigners residing in the Republic in diplomatic representation or that are in transit” (La Asamblea Revisora, 1934, Art. 8). The “in transit” clause is defined in a 1939 Migration law (No. 279), which upheld that foreigners traveling through the Dominican Republic to reach another destination (i.e. “in transit”) would be granted a permit for up to ten days or less (El Congreso Nacional, 1939). Thus, the 1934 Constitution states that *jus soli*, or birthright citizenship, applies to all persons born within the territory except the children of diplomats or children of parents traveling through the country. This clause remained consistent until the National Assembly added a new clause in the Constitution of 2010, which revised the principle of *jus soli* to exclude children of parents who “reside illegally in Dominican territory” (La Asamblea Nacional, 2010, Art. 18).

Between 2004 and 2014, the Dominican government passed multiple laws that excluded Haitian migrants and their Dominican-born children from legal residency and citizenship, as noted in Figure 1. The 2010 Constitution was the first legal document to explicitly bar children of parents without legal residency from acquiring birthright citizenship. However, the “in transit” clause stated in previous constitutions was interpreted to apply to all “non-immigrants” before this revision, regardless of its original meaning (IACHR, 2015, p. 71)⁹. Prior to the passage of the 2010 Constitution, the National Congress officially applied the “in transit” clause in Law

⁹ The 1939 Migration Law identified four groups that would be classified as “non-immigrants,” including temporary day workers and their families (Congreso Nacional, 1939). In 2013, the Constitutional Court interpreted the “in transit” clause Constitutions between 1929 and 2010 to refer to all non-immigrants, and not just those who were traveling through the country as stated in the 1939 Law (IACHR, 2015).

285-04 to apply to all non-residents and foreigners in Dominican territory “without legal immigration status” (Ministerio de Interior y Policía, 2012, Art. 68). This included temporary workers, who were now considered to be “in transit,” even if they had lived in the country for several years or decades. Under this interpretation of the “in transit” clause, their children would no longer qualify for Dominican nationality as per the Constitution, even if their births had been registered in the Civil Registry Office prior to the new legislation. The re-interpretation of the “in transit” clause in Law 285-04 resulted in the retroactive denationalization of Dominicans with Haitian ancestry, which was upheld by the Constitutional Court in the 2013 Decision (TC-168-13).

Figure 1. The Denationalization Process Between 2004 and 2014 (Hunter & Reece, 2022)



This re-interpretation was considered “restrictive” and unconstitutional by the Inter-American Commission on Human Rights (IACHR) in its 1999 Report on the Situation of Human Rights in the Dominican Republic¹⁰. As stated in the IACHR’s report, “it is not possible to consider persons who have resided for several years in a country in which they have developed innumerable contacts of all types to be in transit,” nor does it fit the legal definition of the “in transit” clause as stated in the 1939 Migration Regulation No. 279 (IACHR, 1999, par. 363). The comment from the IACHR not only criticizes the Dominican state’s interpretation of the “in transit” clause, but emphasizes the impact of prolonged residency on an individual’s status and identity. In other words, those who have resided in the country for years or were born and raised within the country have developed a sense of membership and belonging to the state, as was argued by various actors in support of Juliana Deguis Pierre in her appeal against the Dominican state.

The 2013 Constitutional Tribunal Decision

The case of Juliana Deguis Pierre demonstrates how state discretion operates and results in denationalization. Juliana Deguis Pierre, a Dominican woman of Haitian descent born in the Municipality of Yamasá, brought this issue of birthright citizenship for children of temporary workers in a lawsuit against the Dominican Central Election Board in 2013. When Pierre attempted to apply for a cédula (identity and voter card) in 2008 after the passage of Circular No. 17, her birth certificate was confiscated by the officers at the Identification and Documentation Center in Yamasá on the basis that “an identity card would not be issued to her because her surnames are Haitian” (Tribunal Constitucional, 2013, p. 3)¹¹.

¹⁰ The IACHR observed that the Civil Registry Office had repeatedly denied Dominicans of Haitian descent the ability to register their births or access documentation on this principle prior to the law’s passage in 2004 (IACHR, 1999).

¹¹ The cédula is an identification card granted to legal residents and Dominican citizens, which is required by the Central Electoral Board to identify Dominican citizens for “all civil and commercial activities in the Dominican

Deguis Pierre's case was part of a larger movement by the Central Electoral Board to suspend any registered birth certificates to children of parents who "have not proven their legal residency or status in the Dominican Republic," thus passing the status of the parents to their children (Junta Central Electoral, 2007, par. 3). According to the legal argument, Pierre was "illegally" registered in the Civil Registry Office of Yamasá "as the daughter of Haitian Nationals," which the Court claimed was in "clear violation of the Constitution in effect at the time of the affidavit of birth" (Tribunal Constitucional, 2013, p. 6). According to the most recent Constitution (1966) at the time of her birth in 1984, the language remained consistent with the 1934 Constitution's exceptions of birthright citizenship. The majority of the Court argued in favor of the Central Electoral Board and agreed that the "in transit" clause applied to children born to Haitian migrants within Dominican territory (Tribunal Constitucional, 2013, p. 11). However, two justices dissented from the majority opinion against the interpretation of the "in transit" clause and its application to children born to foreign nationals before 2010 (IACHR, 2015). In this case, not only did the Constitutional Court unconstitutionally apply this clause, they applied it retroactively, stripping thousands of individuals who had claimed birthright citizenship between 1929 and 2010 (Hintzen, 2014; Hunter & Reece, 2022).

Statelessness in the Dominican Republic

Denationalization has resulted in the statelessness of Haitians and Dominicans of Haitian. After the 2013 decision, four generations of Dominican citizens were no longer recognized by the state. According to the 2012 National Survey, there were 244,151 Dominican-born children of foreign nationals in the country, of which 209,912 (85.98%) were of Haitian descent (Oficina

Republic" (Consulate General of the Dominican Republic in Frankfurt, 2024). This includes accessing education, employment, and medical care (Amnesty International, 2015).

Nacional de Estadística, 2013)¹². Additionally, 55.3% of the total Dominican-born population reported that they had Dominican birth certificates (Oficina Nacional de Estadística, 2013). After TC-168-13 rendered them with a denationalized status, these individuals would either have to prove their status or face “repatriation” to a country unfamiliar to them after living in the Dominican Republic from the time they were born (Rojas, 2013). The Dominican state received an outpour of negative press and attention from both international and regional organizations, including the United Nations High Commissioner for Refugees, the Inter-American Commission on Human Rights, the Caribbean Community (CARICOM), and from the United States (Hunter & Reece, 2022). Former President Danilo Medina worried that potential retaliation from the international community would affect the country’s economy, resulting in the passage of the 2014 Naturalization Law (Hunter & Reece, 2022).

The 2014 Naturalization Law sought to counter negative media by allowing individuals affected by the decision to either reinstate their citizenship or become naturalized. Individuals who were born in the Dominican Republic to “nonresidents” (i.e. temporary foreign workers and undocumented migrants) were divided into two groups. Those who had been registered in the civil registry at birth between 1929 and 2007 (Group A) had to go through the Central Electoral Board to have their documents validated and restore their citizenship (Hunter & Reece, 2022, p. 599). Meanwhile, those not registered at birth (Group B), would have to register themselves as foreigners and prove their birth in the Dominican Republic to become naturalized after two years (El Congreso Nacional, 2014).

Among the affected groups were individuals who were born between Circular No. 17 (2007) and the 2010 Constitution, and as a result were registered at birth as foreigners (Sagás, 2017, p. 10). Although the 2014 Naturalization Law seemingly provided this pathway towards

¹² This estimate of the population does not include subsequent generations of Dominicans of Haitian descent.

citizenship and naturalization, the fact remains that individuals born between 1929 and 2010 had birthright citizenship in accordance with the Constitutional provisions before 2010. This is especially important in the aftermath of the 2014 Naturalization Law, in which most of the individuals impacted by this decision were unable to become naturalized and regain their citizenship due to administrative barriers (Hunter & Reece, 2022).

Despite the legal remedy, administrative barriers associated with registration resulted in very few applicants in comparison to the population the decision impacted (Hunter & Reece, 2022). These obstacles included expenses associated with notarizing documents, traveling to civil registry offices, and legal support for both Groups A and B (Sagás 2017, p. 10). However, Group B had extensive requirements in comparison to Group A, in that they were required to prove their birth in the Dominican Republic and register their births in the book for foreigners within 90 days of the 2014 law's passage (El Congreso Nacional, 2014). According to the Central Electoral Board, individuals between the ages of 16-60 had to provide proof of birth through notarized testimonies, identification cards or documents from the parents, a marriage certificate from the parents (if applicable), a certificate from the civil status office of the place of birth, a baptism certificate, and biometric data identification (Junta Central Electoral, 2024).

The notion of requiring arbitrary documentation for late birth registration was discussed nine years before the 2014 Naturalization Law, when the Inter-American Court of Human Rights (IACtHR) had argued in *Case of the Girls Yean and Bosico v. Dominican Republic* that administrative barriers prevented Dominicans of Haitian descent from receiving their documents. In 1997, the Registry Office of Sabana Grande de Boyá denied the late registration of birth to two Dominican children of Haitian descent, Dilcia Yean and Violeta Bosico, due to not having “all the documents that [the] Central Electoral Board required for this procedure” (IACtHR,

2005, p. 41). Frederick John Packer, a lawyer and professor, weighed in the opinion of the case suggesting that it was unreasonable and unlawful for the Dominican state to request similar documents for the same purpose all at once (e.g., birth certificate, midwife testimony, and baptism certificate) and the documentation status of the applicant's parents due to financial burdens, time constraints, and discriminatory biases (IACtHR, 2005). Thus, the Dominican state not only denationalized its citizens in legal proceedings, but created administrative barriers to discourage and prevent those who qualified for citizenship and naturalization from completing their applications in the given time frame.

This administrative exclusion not only affected the legal standing of individuals affected by the decision, but also led to significant discrepancies in the restoration of citizenship across different groups. The estimated population of Group A is 56,224 according to the government's civil registry (Hunter & Reece, 2022)¹³. The estimated population of Group B varied from 53,438 in government records from the 2012 National Survey to 145,000 in the estimates of non-governmental organizations (Amnesty International, 2015; IACHR, 2018). Out of the 56,224 in Group A, only 24,890 were authorized to restore their citizenship (Hunter & Reece, 2022)¹⁴. From Group B, only 8,755 applied (IACHR, 2015). Out of the Group B applicants, 5,401 individuals received birth certificates and regularization cards for foreigners, but only 750 had their citizenship restored after the two-year naturalization period (Amnesty International, 2018; Listin Diario, 2020, as cited in Hunter & Reece, 2022). From these numbers, we can

¹³ This information was requested by Hunter and Reece from the Dominican Embassy in Washington D.C.

¹⁴ Group A did not have the same "application" process as Group B as their birth records were already within the system. The Medina Administration tasked the Central Electoral Board with auditing and approving Group A's birth records, in which 24,890 were authorized, 27,735 were transcribed but not approved, and 3,599 were pending. (Congreso Nacional, 2014; Hunter & Reece, 2022). According to Amnesty International (2015), the Central Electoral Board "transcribed" the registered births into a separate register from other Dominican nationals for undisclosed reasons. Consequently, individuals whose births were "transcribed" were unable to access their identification documents as other offices do not recognize certificates from the transcription book (Amnesty International, 2015).

conclude that the majority of individuals from Group B did not apply, and those that did apply or qualified from both Groups A and B did not end up restoring their citizenship (See Figure 2).

Some of the reasons for the low application rate from Group B were indicated in Amnesty International's 2015 report, in which they interviewed dozens of people from this population:

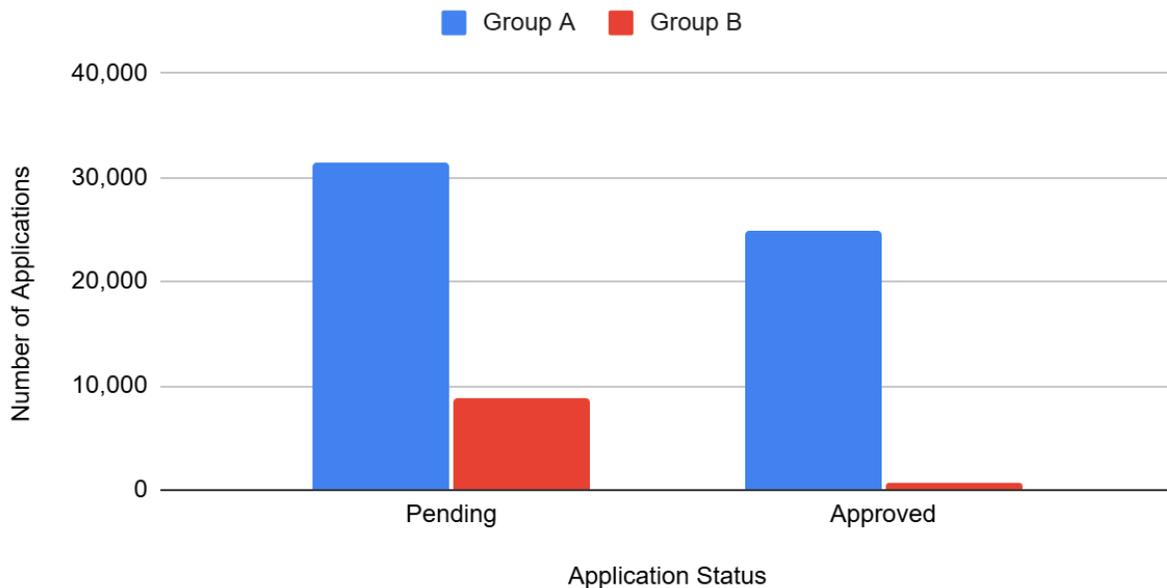
Some people did not know about the process, others could not afford to get the documents requested. Some could not meet the deadline, while others could not obtain their parents' identity documents....A few people interviewed by Amnesty International said that they were aware of the naturalization plan, but had opted not to apply because they did not consider the scheme appropriate as they were already Dominicans (Amnesty International, 2015, p. 31).

Others who applied and qualified under the law were not issued identification (Amnesty International, 2015)¹⁵. The discrepancies between the number of people affected by the decision and those that had regained citizenship demonstrate that this policy was not designed to help those affected by the decision but was instead implemented as a band aid-solution to remedy the outcry from international organizations that criticized the Dominican state. As Hunter and Reece (2022) illustrate, international news coverage dwindled significantly after 2015. However, despite the legal remedy, thousands of individuals remain stateless in the Dominican Republic and are treated as "foreigners in their own country" (Petrozziello 2019, as cited in Joseph & Louis, 2022, p. 392).

¹⁵ This includes those from Group A whose certificates were transcribed and those from Groups A and B who had applied, but whose cases were pending for unspecified reasons.

Figure 2. Citizenship Status Approval for Groups A and B

Source: (IACHR, 2018; Amnesty International, 2019; Hunter & Reece, 2022)



Violations of Legal Obligations

How has the state's discretionary application of citizenship been viewed by international bodies? To answer this question, it is important to understand the role of international law and norms. International human rights law is codified by both customary rules and treaties (Neier, 2012). Customary international law refers to widely accepted principles that inform the behaviors of state actors and is binding, even if the state in question has not signed a convention or treaty related to the principle (Neier, 2012; UNHCR, 1994). On the other hand, treaty law is only binding on the parties to the treaty (Neier, 2012). After the Constitutional Tribunal decision in 2013, the Dominican state was widely criticized by international bodies and member states for violating international law and their legal obligations. A week after the ruling, a spokesperson for the Office of the United Nations High Commissioner for Human Rights (OHCHR) stated the following:

We urge the Dominican Government to take all necessary measures to ensure that Dominican citizens of Haitian origin are not deprived of their right to nationality in accordance with the country's international human rights obligations (UN News, 2013). This claim of violating international law is not unfounded, as the Dominican Republic signed and ratified multiple treaties with provisions that were explicitly violated by the denationalization of Dominicans of Haitian descent. For example, in both *Case of the Girls Yean and Bosico v. Dominican Republic* (2005) and *Case of Expelled Dominicans and Haitians v. Dominican Republic* (2014), the Inter-American Court of Human Rights ruled that the Dominican state violated several articles in the American Convention on Human Rights¹⁶. In *Case of Expelled Dominicans and Haitians v. Dominican Republic*, the Court claimed that the 2013 Tribunal Decision and the subsequent legal remedy following the decision (Law 169-14), violated the right to nationality for unregistered Dominican-born children of Haitian descent by making it “conditional on an administrative requirement that had never before been established in any Constitution” prior to 2010 (i.e. naturalization) (IACtHR, 2014, p. 4).

The Dominican government rejected these decisions and withdrew from the Court's jurisdiction, which violated the American Convention on Human Rights and demonstrated a lack of respect for international human rights law (OAS, 1969; Hunter & Reece, 2022). In addition to the American Convention on Human Rights, the Dominican Republic ratified the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, and the International Covenant on Civil and Political Rights, which

¹⁶ This included the Right to Nationality, Right to a Name, Right to Juridical Personality, Right to Identity, Right to Equal Protection, Rights of the Child, and Obligations to Respect Rights (IACtHR, 2005; IACtHR, 2014). These rights correlated with the Dominican state's role in the suspension of birth certificates and identification for individuals born between 1929-2010 (IACtHR, 2005). According to the Inter-American Court (2005), this was applied in a discriminatory manner and resulted in the lack of state protections and rights guaranteed to these individuals (e.g., education, identity, and legal recognition).

acknowledge the right to nationality (OHCHR, 1965; OHCHR, 1966; OHCHR, 1989; OHCHR, 2024). While the Dominican Republic has not yet ratified the 1961 Convention on the Reduction of Statelessness, it is expected as a signatory state to uphold the principles outlined in the Convention, even if the treaty is not legally binding (United Nations, 2024)¹⁷.

However, the Dominican state argues that its legal and political decisions concerning nationality have not resulted in a stateless population of Dominicans of Haitian descent, as they can obtain Haitian nationality through their parents¹⁸. The state has failed to consider that while Haiti offers citizenship through the principle of *Jus Sanguinis*, it is not automatic or applicable for Dominicans of Haitian descent who were not born to native-born Haitians. According to Article 11 of the 1987 Haitian Constitution, “any 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” (Constitute Project, 2012, Art. 11). Thus, the Dominican-born grand-children and great-grandchildren of native-born Haitian migrants would be ineligible for Haitian nationality under this clause. As for second-generation individuals who may qualify for Haitian nationality, ethnographic research conducted in a Haitian border town (Anse-à-Pitres) identified several obstacles in the acquisition of Haitian nationality for Dominicans of Haitian descent (Joseph & Louis, 2022). Joseph (2022) notes that the absence of a birth certificate from the Dominican state and insufficient state funding for civil registry offices in Haiti render these individuals unable to obtain the necessary legal documentation to access services and Haitian citizenship. This notion that Dominicans of Haitian descent could obtain Haitian nationality in place of Dominican nationality is not only misguided, but further

¹⁷ These principles include granting nationality to a person born in the state’s territory who would otherwise be stateless (OHCHR, 1961).

¹⁸ This was mentioned in TC-168-13, in which the Constitutional Court argued that Deguis Pierre and others in a similar situation could apply for Haitian nationality through their parents. In the 2019 session of the Universal Periodic Review, the Dominican state maintained its stance “that there is no statelessness in the country” in response to recommendations from other member states (Human Rights Council, 2019, p. 3).

perpetuates the marginalization of Dominicans of Haitian descent. Furthermore, the Dominican state has a legal obligation encoded in the 2010 Constitution to restore the nationality of Dominicans of Haitian descent. Article 18 of the 2010 Constitution states that “[Dominicans are] those who enjoyed Dominican nationality before the entry into force of this Constitution” (La Asamblea Nacional, 2010, Art. 18). Thus, the Dominican state is compelled by international and domestic law to recognize all individuals born before the revision of the *jus soli* principle as Dominicans.

Loss of Cultural Citizenship as a Consequence of Denationalization

While citizenship is traditionally associated with legal recognition by the state and civic participation through political rights, cultural citizenship is equally important in the individual’s identity and feelings of belonging within a membership community. Cultural citizenship refers to the full social inclusion and belonging of citizens, regardless of ethnic, racial, and linguistic differences (Renato, 1994, as cited in Beaman, 2016). As further defined below by Anthropologist Samuel Martínez, Dominicans of Haitian descent are subject to social exclusion from Dominican society which has adverse effects on their well-being and livelihood:

Dominican-Haitians are struggling not only for legal citizenship but also for cultural citizenship, for a more widespread recognition that they are part of the Dominican Republic and so that, legally, they are part of this country...exclusion from cultural citizenship can have negative social, economic and psychological consequences for those who are internally colonized or the underprivileged ethnic-racial minorities who are relegated to an enduring situation as second class citizens or who are totally denied citizenship. (IACtHR, 2005, p. 24).

Psychologist Débora E. Soler Munczek shared similar sentiments in her assessment of interviews she conducted with Dilcia Yean and Violeta Bosico, in which she found that their self-esteem, self-perception, and sense of security were affected significantly by an “environment of discrimination and stigmatization” (IACtHR, 2005, p. 28). Interviews conducted by Amnesty International (2015) and the IACHR (2015) further support this claim, as several interviewees expressed feeling discouraged and exhausted from the multiple visits to local civil registry offices to obtain documentation. Along with adverse psychological effects, individuals who are neither recognized as nationals or residents by the Dominican state are unable to obtain a passport, receive an education, establish a family, and access healthcare and other public services (IACtHR, 2005; Joseph & Louis, 2022). While the Dominican state provided a legal pathway to restore citizenship, bureaucratic and social exclusion ensures that their marginalization will pass onto subsequent generations of Dominicans of Haitian descent. However, the most publicized concern and severe consequence of denationalization is expulsion, in which the state fully absolves itself of all responsibility for the individual.

Chapter 3. Anti-Haitianism and Mass Expulsions

As discussed in Chapter 2, Dominicans of Haitian descent are excluded from the formal and cultural structures of Dominican society. Expulsions, or the forcible removal from the state, represent the final severance of these ties. Over the span of three decades, the Dominican state has progressively marginalized Dominicans of Haitian descent through various legal, political, and social mechanisms, culminating in the adoption of mass expulsions as a state-sponsored strategy. This chapter analyzes the Dominican state's implementation of this strategy and the consequences of expulsions for Haitians and Dominicans of Haitian descent.

State-Sponsored Expulsion

On October 2, 2024, the Abinader Administration announced an operation under the National Security and Defense Council to repatriate up to 10,000 migrants per week in response to an “excess of [Haitian] migrant population in Dominican communities” (Presidencia de la República Dominicana, 2024, para. 2-3). The policy announcement prompted an immediate response from the international community, including a special meeting on October 8, 2024, under the Permanent Council of the Organization of American States¹⁹. In the meeting, Haiti's representative, Gandy Thomas, declared this operation to be an “ethnic cleansing strategy” and urged the Dominican state to respect international conventions and bilateral agreements on the rights of migrants (OAS OEA Videos, 2024, 9:32). The representative for the Dominican Republic, Radhafil Rodriguez, denied these accusations and emphasized that the purpose of the operation was to maintain security and “ensure the sustainability of public goods and services” (OAS OEA Videos, 2024, 45:33)²⁰. Rodriguez highlighted statistics presented by President Luis

¹⁹ The Permanent Council includes a representative of each member state, in which they engage in dialogue and provide recommendations to resolve disputes and other issues within the Americas (OAS, 2024).

²⁰ As reflected by President Luis Abinader, the Dominican Republic argues that persons of Haitian origin are overrepresented in public services provided by the state.

Abinader during the 79th Session of the United Nations General Assembly, just a week before the operation announcement. In his address to the General Assembly, Abinader stated that Dominican state bears a “burden” in providing public services to individuals of Haitian origin, indicated by the following statistics (UN Web TV, 2024, 11:10):

In 2023, medical appointments to Haitian immigrants represented 9.9% of the total medical appointments provided in our national health system. There are currently around 200,000 foreign minors in our Dominican public education system, of which it is thought that 147,000 are Haitian in origin (UN Web TV, 2024, 11:35).

However, this claim that Haitians are a “burden” to public services is questionable considering that Haitian migrants receive less social assistance from the state and generate more government revenue through taxes than Dominican citizens (OECD/ILO, 2018). The Dominican state argued that these statistics represent an influx of “illegal migration from Haiti,” but makes no distinction between Dominicans of Haitian descent, Haitian nationals who entered with documents and have resided in the country for longer periods of time, and newly arrived Haitian migrants (Presidencia de la República Dominicana, October 2024, para. 3). The lack of distinction between these groups, coupled with the instability in Haiti, has generated international concern on the legal processes behind expulsion.

The Dominican state uses the terms “deportation” and “repatriation” to define the process of expelling and returning an individual to Haiti. The terms “deportation” and “repatriation” are misleading, as they refer to legal procedures, whereas expulsions are generally executed without due process. Various international organizations have criticized the Dominican state’s repatriation process as unlawful, using the terms “collective” or “mass” expulsion interchangeably with deportation to refer to the forced removal of many individuals at a given

time (United Nations, 2006; Amnesty International, 2007; IACtHR, 2014)²¹. Under international law, the state has the right to expel foreigners from its territory, with some exceptions and limitations on the process (United Nations, 2006). One of these exceptions is collective expulsion, which the International Organization for Migration (IOM) defines as the forced removal of members of an ethnic group from a state, “regardless of their nationality” (IOM, 2011, p. 35). The Dominican state is obligated to refrain from collective expulsion, as Article 22(9) of the American Convention on Human Rights states that the “collective expulsion of aliens is prohibited” (OAS, 1969). Additionally, Article 22(5) states that nationals cannot be expelled from the state (OAS, 1969). However, statistical evidence and documented reports from 1990 to 2024 indicate that the Dominican state has violated its legal obligations by conducting collective expulsions and deporting Dominicans of Haitian descent.

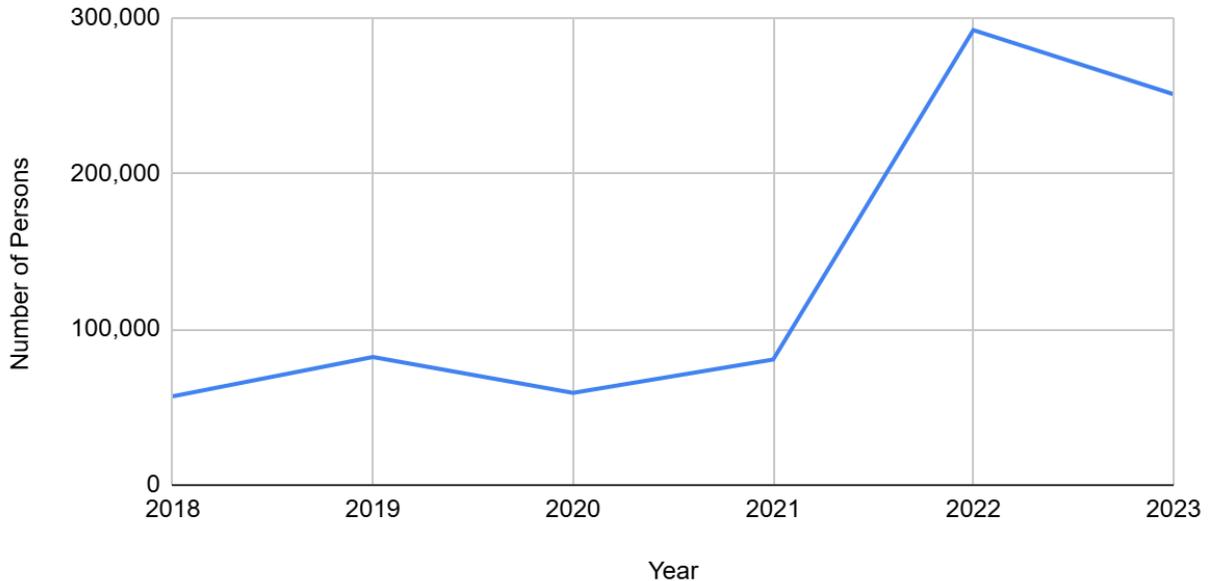
Interestingly, its own government reports support the IOM’s definition of collective expulsion. Figure 3 demonstrates that between 2018 and 2023, the Dominican state deported 500,432 and repatriated 321,849 individuals of Haitian origin (See Figure 3)²². Furthermore, there was a spike in expulsions in 2022. This spike may be attributed to the displacement of Haitians after the assassination of Former President Jovenel Moïse in 2021.

²¹ The United Nations (2006) makes a distinction between expulsion and deportation, in that expulsion is the given order to remove an individual from the state and deportation is the implementation of the procedure by the state. However, the United Nations notes that this is often used interchangeably (United Nations, 2006).

²² These figures were taken from the Dirección General de Migración’s Institutional Memories from the years 2018-2023. Due to inconsistencies with the data, those who were “voluntarily repatriated,” meaning individuals who left the Dominican Republic on their own accord, were not included in the graph.

Figure 3. Repatriations and Deportations (2018-2023)

Source: Dirección General de Migración



The Dominican state's expulsion policies are not unique to the Abinader Administration. However, the deportation figures have risen dramatically in recent years. Indeed, from 2020 to 2023, the Dominican government increased its deportation numbers sevenfold, despite the United Nations High Commissioner for Refugees' call for states to withhold expulsions of Haitian nationals during the country's political crisis (UNHCR, 2022)²³.

The Dominican state claims that expulsions are executed with respect to domestic and international law and has stated that anyone born in Dominican territory is protected from deportation (Embassy of the Dominican Republic in the United States, 2014). However, in 2014, the Inter-American Court of Human Rights responded to allegations that the Dominican state engaged in collective expulsions without verifying the nationality or familial ties of expelled

²³ The Dominican state has asserted on multiple occasions that migration flows resulting from the ongoing political crisis in Haiti, which began in 2021 following the assassination of the former president, pose a threat to national security (Univision Noticias, 2024, 0:57). In Figure 3, there is a dramatic increase between 2020 and 2023, most likely as a result of the pandemic and increased measures to control migration.

individuals. In *Case of Expelled Dominicans and Haitians v. Dominican Republic*, the Court reviewed testimonies from multiple families that were expelled from the Dominican Republic, including Dominican-born children of Haitian descent, Dominican-born parents of Haitian descent, and Haitian parents. As reported in their testimonies, the documentation of family members were either ignored or ripped by migration officials, in which they were then sent to detention centers in vehicles full of other expelled individuals to be transported to Haitian territory (IACtHR, 2014). Some of these families were reportedly separated for years, as they were expelled without prior notice on their way to work or at home (IACtHR, 2014). According to the Court, the Dominican state did not record many of these expulsions, indicating a lack of due process (IACtHR, 2014).

As discussed in Chapter 1, the Parsley Massacre was carried out under the pretext of a national security threat, serving as an example of a state of exception. Nearly a century later, collective expulsions represent another instance of a state of exception, where the Dominican state justifies the expulsion of Haitians by citing national security concerns and disregards their legal rights in the process. By framing these expulsions as necessary measures for preserving national security, the Dominican state exercises its discretion to implement policies that reflect its legal and political priorities, irrespective of international human rights standards.

The U.S. Department of State (2023) and Amnesty International have addressed the Dominican state's continued practice of mass expulsions and human rights abuses. In the 1999 bilateral agreement on repatriation between Haiti and Dominican Republic, immigration officials are prohibited from conducting repatriations at night and separating children from their parents (Dirección General de Migración, 1999). The State Department's 2023 report noted that immigration officers target and conduct illegal immigration raids in communities and workplaces

with a high concentration of Haitian migrants. These often occurred at night, in which immigration officers entered residences without a warrant and either immediately expelled individuals or sent them to detention centers where they were unable to recover their belongings or notify family members (U.S. Department of State, 2023). Furthermore, individuals with darker skin faced unfair detention and harassment by immigration officers, regardless of their status and nationality (U.S. Department of State, 2023).

In its open letter to the Dominican government, Amnesty International (2024) demanded that the state adhere to domestic and international laws that observe protections for individuals against detention and expulsion. Under Law 285-04, minors, pregnant or nursing women, elderly, and asylum seekers are protected from detention (Ministerio de Interior y Policía, 2012, Art. 1). The IACHR (2021), the U.S. State Department (2023), and Amnesty International (2024) have recorded instances of pregnant women who were detained and expelled from the Dominican Republic. During a hearing before the IACHR, the Dominican state responded to statistical data regarding the repatriation of 2,252 pregnant women between 2021 and 2023, saying that it represented a small amount of the total women repatriated (Comisión Interamericana de Derechos Humanos, 2023, 33:55). Although pregnant women represent 3.23% of the 69,810 women repatriated during this time, the state disregards the fact that it is obligated to protect pregnant women and other vulnerable groups from detention. Furthermore, this statistic challenges the Abinader Administration's argument for expulsion. In his address to the United Nations, Abinader claims that individuals of Haitian origin overburden public services, including healthcare. Roberto Álvarez, the Minister of Foreign Relations, stated that this includes Haitian women in need of maternity care (France24, 2024, 5:00). However, during the IACHR meeting, state representatives noted that pregnant women using health services constitute a small

percentage of those expelled. The inconsistency between the two statements highlights the state's hypocritical justifications for expelling individuals of Haitian descent. Mass expulsion initiatives, such as the operation announced in October, deprive individuals of the right to defend their status and receive a fair assessment given the short amount of time they have before they are collectively expelled. This is likely to result in similar cases described by the Inter-American Court in 2014, but with the current political state of Haiti, arbitrary expulsion warrants even worse odds in obtaining documentation and protections from the Haitian government.

Life After Expulsion

Determining the total population of Dominicans of Haitian descent expelled is challenging due to inconsistencies in the documentation of these expulsions (OAS, 2014). However, ethnographic research conducted in Anse-à-Pitres between 2015 and 2017 recorded statistics and testimonies from individuals affected by expulsion²⁴. Anse-à-Pitres is a Haitian commune across the border from the Dominican city of Pedernales, which is the site of many camps for expelled Dominicans of Haitian descent and Haitian migrants.

Anse-à-Pitres-Pedernales is one of the four official entry and exit points along the Haitian-Dominican border, in which state law mandates immigration officials to expel people at these designated posts (Instituto Nacional de Migración de la República Dominicana, 2018). As a result, those expelled from the Dominican Republic who had no home to return to in Haiti began making informal settlements along the border²⁵. A survey conducted by the United Nations in 2016 found that 2,203 people expelled by the Dominican state were living in the

²⁴ This research was conducted separately by several organizations and academics, as reported in Human Rights Watch (2016), the Institute for Justice & Democracy in Haiti (2016), and Daniel Joseph of Eastern Kentucky University (Joseph & Louis, 2022).

²⁵ Based on existing research at the time of writing, informal settlements in Haitian border towns other than Anse-à-Pitres are unknown. However, The Haitian Times reported on the conditions of temporary public spaces along the Ouanaminthe-Dajabón border designed to help expelled Haitian migrants and Dominicans of Haitian descent (Francisque, 2024).

camps of Anse-à-Pitres, 45.7% of whom were born in the Dominican Republic (IJDH, 2016). The interviewees offered various explanations as to why they ended up in Anse-à-Pitres. Some left the Dominican Republic voluntarily, fearing expulsion and threats to their safety amid growing hostility towards individuals of Haitian descent (Human Rights Watch, 2016; IJDH, 2016). Others reported issues with registering their births under Law 169-14 and missed the deadline to naturalize, leading to their subsequent expulsion by immigration officers (Human Rights Watch, 2016). Many testimonies recount leaving behind most of their belongings, and even some of their family members (IJDH, 2016).

Obtaining documentation and adequate services in Anse-à-Pitres is a challenge for many families. In 2016, less than 40% of the camp population had identification from either the Dominican Republic or Haiti (IJDH, 2016). Undocumented children and adults born in the Dominican Republic to Haitian nationals can acquire Haitian birth certificates to register for school and other public services (Human Rights Watch, 2016). However, it is uncertain if third-generation Dominicans of Haitian descent are eligible to receive a Haitian birth certificate since their parents were not born in Haiti and would not be considered Haitian nationals under the Constitution. Additionally, there have been issues with the issuance of documentation from the civil registry in Anse-à-Pitres (Joseph & Louis, 2022). Despite the Haitian government's acknowledgment of this displaced population, the civil registry remains underfunded and unable to process and register documentation (IJDH, 2016; Joseph & Louis, 2022). Those without a birth certificate and identification lack formal recognition and support from either state, resulting in their stateless status (Joseph & Louis, 2022). Furthermore, the camps in Anse-à-Pitres lack adequate food, water, shelter, schools, washroom facilities, and healthcare professionals to accommodate this population (Human Rights Watch, 2016; IJDH, 2016). According to Human

Rights Watch (2016), some women had to bribe officials from the Dominican side of the border to receive necessary prenatal care with equipment that is unavailable in Anse-à-Pitres. As witnessed in the Dominican Republic, the marginalization of Haitian migrants and Dominicans of Haitian descent has followed them to the other side of the border, in which they remain undocumented, impoverished, and vulnerable.

The Dominican government's initiative to expel 10,000 Haitians a week is already in full effect, with similar consequences faced by the people in Anse-à-Pitres. According to the Dominican Government's Director of Migration, over 25,000 Haitians were expelled from the Dominican Republic in October 2024 alone (Listín Diario, 2024). The influx of expelled persons along the Ouanaminthe-Dajabón side of the border has put a financial strain on the local government to provide essential provisions to new arrivals. (Francisque, 2024). The pressures on the Haitian government are amplified by the ongoing gang violence and political crisis in Haiti, which have displaced more than 700,000 people (IOM, 2024). As a result, these collective expulsions have warranted international criticism for exacerbating the country's humanitarian crisis and failing to uphold the principle of non-refoulement (UNHCR, 2022)²⁶. The Dominican Minister for Foreign Affairs responded to the international backlash, asserting that the "foolish call to stop repatriation... would be the equivalent of declaring an open border, encouraging more irregular migration to the country" (United Nations, 2024). This quote is another example of how the Dominican state bypasses international law and exercises its sovereignty over immigration policies. Despite this, international organizations and member states continue to emphasize the Dominican Republic's legal obligations to uphold the rights of migrants during expulsions and to provide documentation to its citizens.

²⁶ Non-refoulement prohibits states from repatriating individuals if they demonstrate a need for international protection and is binding under international customary law (United Nations Network on Migration, 2018).

Chapter 4. International Response and Enforcement

International human rights institutions work to hold governments accountable for actions that violate international norms and human rights law through oversight. In response to the Dominican Republic's exclusionary policies towards Haitians and Dominicans of Haitian descent, international bodies have intervened, offering recommendations on the state's actions concerning denationalization and mass expulsions. This chapter explores the States (OAS), the Human Rights Council, and NGOs, in monitoring and enforcing human rights obligations.

Organization of American States

In 1969, the Organization of American States (OAS) adopted the American Convention on Human Rights to ensure that states uphold the principles of the OAS, specifically democracy, human rights, security, and development (OAS, 2024)²⁷. This Convention created the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACtHR) to verify that member states were fulfilling their legal obligations (OAS, 2024). Since 1991, the IACHR has closely monitored and assessed human rights violations against Haitian migrants and their descendants in the Dominican Republic (IACHR, 2015, pp. 61). Throughout the past three decades, the Commission has documented similar patterns across different cases of human rights violations²⁸. For example, the Commission reported on the refusal of hospital staff and civil registry officials to document and register the birth certificates of Dominicans of Haitian descent in both of its on-site visits in 1991 and 1997. In 2001, the Commission stated that this refusal was motivated by the parents' lack of identification documents (IACHR, 2015, p. 62)²⁹. These reports from the IACHR demonstrate

²⁷ The Organization of American States (OAS) is a regional intergovernmental organization whose members include 34 states from the Americas, including the Dominican Republic.

²⁸ Between 1998 and 2015, the IACHR held sixteen "thematic hearings" concerning this human rights issue in the Dominican state (IACHR, 2015, pp. 62).

²⁹ The IACHR (2015) states that only Dominican citizens and those with legal permanent resident status could have obtained these documents.

that Dominican state officials denied documentation to Dominicans of Haitian descent years before the passage of legislation and policies that explicitly made this distinction in the jus soli principle. In addition to the Commission's reports, the Inter-American Court of Human Rights ruled that the state violated its human rights obligations in the cases of denationalized Dominicans of Haitian descent at risk for expulsion or whom the government expelled from the country in the years 2005 and 2014³⁰. Similar to the Commission's recognition of repeated offenses over a longer period of time, the Court noted a decades-long, "systematic pattern of expulsions of Haitians and persons of Haitian descent based on discriminatory concepts" in *Case of Expelled Dominicans and Haitians v. Dominican Republic* (IACtHR, 2014, p. 1).

Following the IACHR reports and Court decisions regarding the mass expulsions and denationalization cases between 1998 and 2015, both the Court and Commission made several recommendations and requests to the Dominican state in accordance with the American Convention on Human Rights. Some of these recommendations involved increased judicial protections for migrants and their families and taking effective measures to promote multiculturalism and non-discriminatory practices in government and society (IACtHR, 2005; IACtHR, 2014).

Despite the Dominican government's implementation of legal remedies in 2014, the IACHR issued a press release in 2023, urging the Dominican state to "eradicate statelessness," followed by eight recommendations in a 2024 release³¹. In both press releases, the IACHR states that many individuals in the Dominican Republic are still pending a nationality solution due to

³⁰ In *Case of the Girls Yean and Bosico v. Dominican Republic* (2005) and *Case of Expelled Dominicans and Haitians v. Dominican Republic* (2014).

³¹ IACHR Press Release. "Dominican Republic: IACHR urges the state to Eradicate Statelessness." September 29, 2023. IACHR
IACHR Press Release. "IACHR calls on states to continue adopting measures to prevent and eradicate statelessness in the region." September 27, 2024. IACHR

difficulties with effective policy implementation of the 2014 Naturalization Law (IACHR, 2023; IACHR, 2024). In the 2024 release, the IACHR generally recommended that states promote birth registration and grant nationality for stateless children, reduce barriers towards late-birth registrations and naturalization, and commit to other international conventions regarding stateless individuals (IACHR, 2024).

These are legitimate recommendations, but there are limitations to implementing these suggestions in domestic policies. One of these limitations is that while Courts produce binding judgements, states are responsible for the political enforcement of these obligations (Amnesty International, 2024). This is because states hold supreme authority in their domestic affairs on the principle of sovereignty³². It is this theory of sovereignty that informs the concepts of state discretion. As discussed in the previous chapters, this discretion has been exercised to enforce strict interpretations of citizenship law and expulsion policies, even when such actions are criticized as having violated international human rights law. As a result, the state can be persuaded to accept these recommendations, but only the state holds the authority to truly implement these changes³³.

United Nations Human Rights Council

The conflict between state sovereignty and supranational authority in implementing human rights law is prevalent across international institutions. One such institution is the Human Rights Council, a United Nations (UN) intergovernmental body dedicated to protecting global human rights by addressing violations and providing recommendations through its Universal

³² Sovereignty is defined as the idea that states hold "supreme legitimate authority within a territory" (Philpott, 1995, p. 357).

³³ Some forms of political enforcement between states include coercion, retorsion, or countermeasures. Johns defines coercion as using incentives or incentives to influence behavior, retorsion as lawfully punishing a state, and countermeasure as purposely violating the law to protest another state's behavior (Johns, 2022, p. 162). Other members of the Convention can take such actions against the offending state, but this can sometimes result in more harm than good, and member states generally refrain from political action in issues that do not directly affect them (Cole, 2015).

Periodic Review (UPR). The UPR requires each UN member state to participate in a peer evaluation of its human rights record every four and a half years (Human Rights Council, 2024). States are responsible for reporting their domestic efforts to uphold human rights, which are reviewed by various actors, including domestic advocacy groups, non-governmental organizations, and other member states. The UPR assessed the Dominican Republic in 2009, 2014, 2019, and 2024 (Human Rights Council, 2024). In its 2024 review, the UPR received a report from the *Movimiento de Mujeres Dominicano-Haitianas* (Movement of Dominican-Haitian Women). The Coalition urged the state to assist individuals affected by Judgement 168-13 in regaining nationality, ratify conventions on statelessness and stateless persons, and enforce penalties against discriminatory practices (MUDHA, 2024). In light of the drawbacks associated with the 2014 Naturalization Law, ratifying these conventions would demonstrate a more intentional commitment to prevent and reduce statelessness in the Dominican Republic. Another letter submitted to the UPR from Amnesty International (2024) urged the state to acknowledge the limitations of the 2014 Naturalization Law and prevent the deportation of Dominicans of Haitian descent. Additionally, this letter included recommendations for the Dominican state: (1) observe “non-refoulement” and suspend the forced deportations of Haitian nationals; (2) inform migration officials against racial profiling; and (3) ensure that anyone can access healthcare without fear of deportation³⁴. Admittedly, these recommendation require political will from the Dominican Republic to stop engaging in mass deportations, which may be unlikely given that the Dominican Government feels its migrations decisions as justified under international law (CDN 37, October 9, 2024)³⁵.

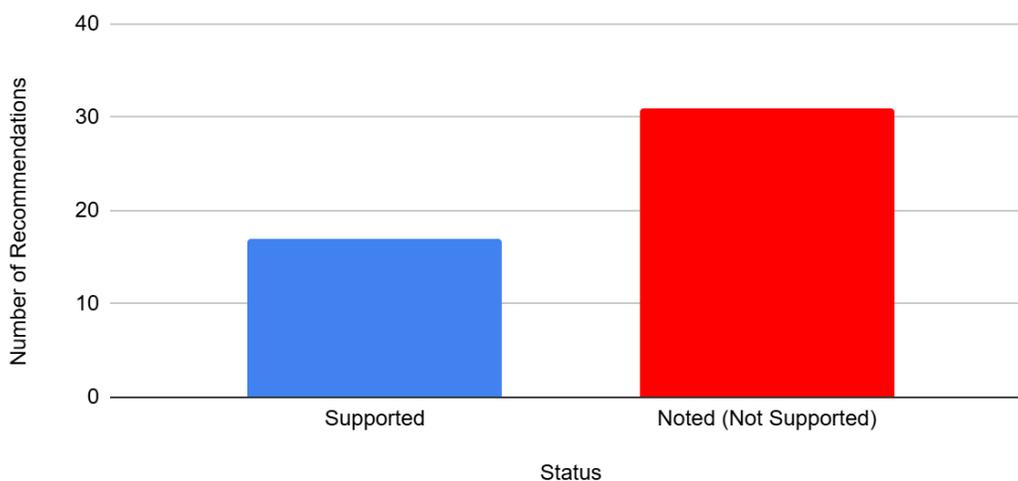
³⁴ As mentioned in Chapter iii, Amnesty International has urged states across the Americas to refrain from deporting Haitians in light of the humanitarian crisis (Amnesty International, 2023; Amnesty International, 2024).

³⁵ Radhafil Rodríguez, a representative of the Dominican Republic to the OAS, stated that the Dominican Republic’s decisions are in accordance with the “strictest human rights principles” (CDN 37, October 9, 2024, 2:22)

After receiving reports submitted by the state and other groups, the cycle continues with UN members making recommendations (Human Rights Council 2024). These recommendations are not binding, in that the state can choose where to support or reject the recommendations in the final Session report (Human Rights Council, 2024). However, if a state supports a recommendation, it is expected to incorporate it into domestic law. Responses from the Dominican Republic to the 2024 cycle have not been released as of yet. However, Figure 4 shows the Dominican state's acceptance of previous relevant recommendations from the 2019 cycle³⁶. The rejected recommendations depicted in Figure 4 represent an overwhelming lack of support from the Dominican state for recommendations related to statelessness, nationality, and migrant workers.

Figure 4. Accepted Relevant Recommendations by the Dominican Republic in the UPR Third Cycle

Source: United Nations Human Rights Council (2019)



Notably, of the 17 recommendations supported by the Dominican state, 3 concerned birth registration, 5 in upholding the rights of migrants, and 9 for anti-discriminatory practices (Human Rights Council, 2019). Of the 31 recommendations not supported by the Dominican

³⁶ These recommendations were filtered using the keywords “discrimination,” “migrants,” “stateless,” “nationality,” and “children” from the Universal Periodic Review’s Recommendation Matrix in the Third Cycle.

state, 23 related to statelessness and nationality, while the remaining 8 asked the Dominican Republic to consider signing and ratifying an international convention on the rights of migrant workers (Human Rights Council, 2019). Some examples of the recommendations that were not supported by the Dominican state in 2019 are listed in Table 1. Despite the Dominican Republic's insistence that "there is no statelessness in the country," 18 countries offered recommendations on preventing statelessness in the 2024 UPR cycle (Human Rights Council, 2019; Human Rights Council, 2024). Several member states, including Colombia, Slovenia, Australia, Brazil, Argentina, and Germany, also expressed concern about the mass deportations of Haitian migrants and individuals of Haitian origin in the 2024 cycle (Human Rights Council, 2024). In contrast, Turkey and Sierra Leone were the only states to commend the Dominican Republic for its measures on discrimination and migration (Human Rights Council, 2024). Even though the Dominican government did not mention statelessness or deportation in its report to the UPR, member states voiced their opinions on these issues (Human Rights Council, 2024). Thus, the UPR promotes some accountability in international human rights practices among member states. However, as seen in this example, states can either omit information, exaggerate achievements, or downplay human rights violations in their reports to the UPR (Schimmel, 2023). Additionally, the UPR lacks binding authority to implement these recommendations from other member states, even if the state "supports" some of the suggestions. As a result, critics such as Schimmel (2023) write that the UPR is devoid of consequences for noncompliance or accepting genuine accountability, providing few incentives for countries to follow international human rights law.

Non-Governmental Organizations (NGOs)

Given that regional and international institutions have limited enforcement power, non-governmental organizations (NGOs) play a role in advocating for accountability through media pressure. Non-governmental organizations (NGOs) are mission-driven organizations that operate outside governmental entities (Harvard Law School, 2024). Two of the largest human rights-based organizations include Amnesty International and Human Rights Watch. Although these organizations operate outside of the intergovernmental bodies mentioned above, their mission statements below indicate a strong commitment to uphold global human rights law by holding leaders accountable:

No government is beyond scrutiny. We uncover the truth. We hold human rights violators to account (Amnesty International, 2024).

We direct our advocacy towards governments, armed groups and businesses, pushing them to change or enforce their laws, policies and practices (Human Rights Watch, 2024).

Amnesty International has published at least 87 press releases and reports regarding discrimination against Haitians and Dominicans of Haitian Descent since 1991³⁷. In comparison, Human Rights Watch has released at least two reports and six articles on statelessness, deportation, and discrimination in the Dominican Republic since 1999. The discrepancy between the number of reports across these two organizations is most likely due to differences in size and priorities. While both organizations are human rights based, Amnesty International focuses more on mass mobilization with a membership base of 10 million people, while Human Rights Watch emphasizes research and has a smaller group of 550 people in total (Amnesty International, 2024; Human Rights Watch, 2024).

³⁷ These recommendations were filtered through Amnesty International's database in news reports, campaigns, and reports.

One of the strengths of NGOs is that they are independent and garner media attention on human rights violations. However, NGOs compete for this attention based on their following, funding, and relevance (Thrall et al., 2014). Consequently, smaller and domestic NGOs struggle to maintain media attention on human rights issues, which then affects the dissemination of human rights atrocities and takes the spotlight off human rights violators. In publicizing these violations on a global scale, NGOs also partake in “naming and shaming,” which some critics argue can lead to retaliation³⁸ (Hafner-Burton, 2008). Thus, NGOs are powerful in enforcing international public pressures, but often have to decide between which issues to publicize at the given moment and consider the potential consequences of publication.

³⁸ In 1991, the Dominican government enforced the repatriation of all undocumented Haitians between 16 and 60 years old in response to an international condemnation of human rights abuses against Haitian sugar cane workers in the Dominican Republic (IACHR, 2015).

Table 1. Table taken from the OHCHR database under the Human Rights Council (2019).

Recommendation	Response from the Dominican Republic
<p>SPAIN: “Adopt the necessary legislative and administrative measures to combat all forms of discrimination in access to nationality for the children of Haitian immigrants born in the country as well as in the situation of Haitian migrants” (Human Rights Council, 2019, 94.173)</p>	<p>“The state has reiterated, in all reviews of its compliance with human rights standards, that there is no statelessness in the country and that any cases that may arise will be submitted and dealt with individually” (Human Rights Council, 2019, par. 15).</p>
<p>HAITI: “Strengthen cooperation with the Haitian authorities on migration issues in order to end arbitrary expulsions of workers in violation of the applicable international provisions” (Human Rights Council, 2019, 94.175)</p>	<p>“The Government does not carry out arbitrary expulsions of migrants, whatever their migration status, but complies with both the international and national provisions that are applicable” (Human Rights Council, 2019, par. 16)</p>
<p>USA: “Provide fair judicial processes regarding the issuance of identity and citizenship documents to eliminate deportations of legal residents, legal migrants and persons with a credible claim to Dominican citizenship” (Human Rights Council, 2019, 94.185)</p>	<p>“The state does not deport any foreign nationals who are legal residents in the country, nor does it deport foreign nationals who claim to have Dominican roots without conducting appropriate investigations in order to verify the information provided” (Human Rights Council, 2019, par. 24)</p>

Recommendations

The issues explored in this thesis are ongoing and impact hundreds of thousands of people in the Dominican Republic and Haiti. As discussed in the introduction, the international response to this crisis has significant implications for citizenship and international human rights law. This section aims to bridge the gap between theory and practice by offering research-informed recommendations to relevant policymakers and institutions.

Recommendations for International Institutions

The balance between sovereignty and supranational authority in implementing human rights law presents significant challenges for international institutions. This power imbalance is evident in international human rights mechanisms, such as treaties or conventions, which rely on states' voluntary compliance. As described in the Dominican case, states can evade their legal obligations through the practice of state discretion and the exercise of state sovereignty. Furthermore, states assert their sovereignty as a defense, arguing that external actors lack the jurisdiction to intervene in domestic matters, as the Dominican state had when it withdrew from the Inter-American Court. Consequently, international human rights institutions struggle to hold states accountable, undermining the effectiveness of international human rights law and the credibility of these institutions. While international institutions provide oversight and recommendations, these are limited enforcement mechanisms due to the emphasis on state sovereignty in international law. The exercise of state sovereignty complicates efforts to ensure that states refrain from violating international law and conducting human rights abuses. Thus, this thesis emphasizes the need for international institutions to adopt robust mechanisms that can respect state sovereignty and uphold universal human rights standards. As of today, there is little that can be done at the international level to protect Haitians and Dominicans of Haitian descent

from human rights abuses committed by the state. As a result, international organizations should support domestic efforts to advocate for the rights of Dominicans of Haitian descent and Haitians in both Haiti and the Dominican Republic.

Recommendations for the Dominican State

The General Director of Migration should take effective measures to process the cases of individuals with Haitian descent who qualify for Dominican citizenship under the 2014 Naturalization Law and regularization for long-term residents. These effective measures would include decreased arbitrary policing in the Haitian-dominated areas of Dominican Republic, extending the deadline for applications, reducing fee barriers for the application, increasing the number of officials working in the General Directorate of Migration to handle more cases, and working closely with other departments to ensure that these individuals can access employment, education, and other social services in the country. This recommendation falls in line with the Dominican Republic's ascension to the 1961 Convention on the Reduction of Statelessness (OHCHR, 1961). The Dominican Court's decision resulted in the deprivation of nationality, which has yet to have been resolved under the 2014 law due to the issues outlined in the recommendation. This has made the population vulnerable to deportation, even when they qualify for documentation under the law. In accordance with international law and laws passed within the state after the 2013 Court decision, the Dominican Republic is obligated to ensure the protection of these individuals with stateless status.

Improving the registration process for individuals of Haitian descent, who would otherwise be stateless, would strengthen the Dominican Republic's economic and political standing. By promoting efficiency and equity in the processing of their documentation, Dominican-born children of Haitian descent would be able to participate in the formal economy.

Generating access to services that require documentation, such as healthcare and education, would help alleviate their poverty and marginalization in the Dominican Republic by creating pathways to legal employment, including formal careers and professions (Amnesty International, 2015). Another benefit is that it demonstrates accountability within government to the public by holding themselves to the promises outlined under the 2014 law, as well as other international and domestic agreements regarding human rights. However, implementing this policy presents some drawbacks and feasibility issues, such as increased administrative costs and political resistance from some members of the public and government. Additionally, the scope of this policy change may require coordination with international bodies, such as the United Nations High Commissioner for Refugees to aid the cases of stateless and expelled persons. This would help alleviate some of the burden from the Dominican Republic's General Directorate of Migration to tackle the caseload of individuals seeking documentation. In the same vein, it may take some time to fully register these individuals, in which case the government should work on extending the deadline for individuals to apply for nationality or citizenship status. However, the history of institutionalized prejudice against Haitians in the Dominican Republic may warrant difficulty in the integration of Haitians and Dominicans of Haitian descent as full members of Dominican society with just these recommendations in mind.

Conclusion

The Dominican state's denationalization and expulsion of individuals with a Haitian background are rooted in long-standing political and economic means of control dating back to the Trujillo regime. Through this exercise of discretion by the state, Haitians and those with Haitian ancestry in the Dominican Republic remain in a perpetual state of marginalization, leaving them vulnerable to exploitation, poverty, illness, and statelessness. These actions by the Dominican state undermine the integrity of international human rights law, which demands the protection of individuals from discrimination, unjust deprivation of nationality, and collective expulsion.

The failure to hold the Dominican government accountable for its discriminatory practices sends a concerning message to the international community about the effectiveness of human rights law. While international pressure and legal frameworks offer avenues for advocacy and accountability, states often exercise their sovereignty to avoid compliance. Thus, this thesis underscores the need for further research in human rights law concerning enforcement mechanisms. More specifically, there is a critical need to explore how international bodies can exert meaningful pressure on member states to comply with their human rights obligations and prevent such violations in the future. The international community must not only condemn these actions but also work collaboratively to strengthen accountability mechanisms, ensuring that no state can violate the rights of marginalized groups without consequence.

References

- Acosta-Pumarejo, E. (2023). Citizenship and nationality: a saga of a historical connection and the dialectic of inclusion/exclusion. *Juridical Tribune*, 13(2).
<https://doi.org/10.24818/TBJ/2023/13/2.07>
- Amnesty International. (2007). *Dominican Republic: A life in transit - The plight of Haitian migrants and Dominicans of Hatian descent*. Amnesty International.
<https://www.amnesty.org/en/wp-content/uploads/2021/05/AMR270012007ENGLISH.pdf>
- Amnesty International. (2015, November 19). *Dominican Republic: “Without paper, I am no one”: Stateless people in the Dominican Republic*. Amnesty International.
<https://www.amnesty.org/en/documents/amr27/2755/2015/en/>
- Amnesty International. (2018). *DOMINICAN REPUBLIC AMNESTY: INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW 32ND SESSION OF THE UPR WORKING GROUP, JANUARY-FEBRUARY 2019*. Amnesty International.
https://upr-info.org/sites/default/files/documents/2019-01/ai_upr32_dom_e_main.pdf
- Amnesty International. (2023, June 20). *States must end racist treatment of Haitian asylum seekers*. Amnesty International.
<https://www.amnesty.org/en/latest/news/2023/06/end-racist-treatment-haitian-asylum-seekers/>
- Amnesty International. (2024a). *About Us*. Amnesty International.
<https://www.amnesty.org/en/about-us/>
- Amnesty International. (2024b, April 2). *Dominican Republic: Open letter: Dominican authorities must respect the Human Rights of haitians on the move, dominicans of haitian descent and activists*. Amnesty International.
<https://www.amnesty.org/en/documents/amr27/7897/2024/en/>
- Amnesty International. (2024c, August 28). *President Luis Abinader’s second mandate must prioritize respect for human rights and put an end to racist migration policies*. Amnesty International.
<https://www.amnesty.org/en/latest/news/2024/08/president-luis-abinaders-second-mandat-e-must-prioritize-respect-human-rights-end-racist-migration-policies/>
- Barry, C., & Ferracioli, L. (2016). Can Withdrawing Citizenship Be Justified? *Political Studies*, 64(4), 1055–1070. <https://doi.org/10.1177/0032321715606569>
- Beaman, J. (2016). Citizenship as cultural: Towards a theory of cultural citizenship. *Sociology Compass*, 10(10), 849–857. <https://doi.org/10.1111/soc4.12415>
- Beauchamp, J. R. (1976). *Remision de doumentos de identificacion expedidos a braceros haitianos*. Organization of American States.
<https://www.oas.org/en/iachr/multimedia/2016/DominicanRepublic/docs/2-Braceros-Haitianos-Caja-14453-1958-1978.pdf>
- Bellamy, R. (2008). *Citizenship: A Very Short Introduction*. Oxford University Press.
<https://doi.org/10.1093/actrade/9780192802538.001.0001>
- Calder, B. J. (1984). *The Impact of Intervention: The Dominican Republic during the U.S. Occupation of 1916-1924*.
- CDN 37. (2024, October 8). *Haití denuncia ante la OEA deportaciones masivas desde la República Dominicana* [Broadcast]. Youtube.
<https://www.youtube.com/watch?v=xewuZxObWTU>

- Cole, W. M. (2015). Mind the Gap: State Capacity and the Implementation of Human Rights Treaties. *International Organization*, 69(2), 405–441.
<https://doi.org/10.1017/S002081831400040X>
- Commission Interamericana de Derechos Humanos. (2023). *República Dominicana: Acceso a la salud de mujeres y niñas migrantes haitianas embarazadas*. YouTube.
<https://www.youtube.com/watch?v=cXwnoqPu0Dg&t=3735s>
- Constitute Project. (2012). *Haiti 1987 (rev. 2012)*. Constitute Project.
https://www.constituteproject.org/constitution/Haiti_2012
- Consulado Dominicano in Frankfurt Main Alemania. (2024). DEPARTAMENTO DE LA JUNTA CENTRAL ELECTORAL. *Consulado Dominicano in Frankfurt Main Alemania*.
<http://www.consuladodominicanoff.de/2019/01/departamento-de-la-junta-central.html>
- De León, J. (2015). *The land of open graves: Living and dying on the migrant trail*. University of California press.
- Dilk, A., & Savaiano, D. A. (2017). Sugar Price Supports and Taxation: A Public Health Policy Paradox. *Nutrition Today*, 52(3), 143. <https://doi.org/10.1097/NT.0000000000000217>
- Dirección General de Migración. (1999). *PROTOCOLO DE ENTENDIMIENTO SOBRE LOS MECANISMOS DE REPATRIACIÓN ENTRE LA REPÚBLICA DOMINICANA Y LA REPÚBLICA DE HAITÍ SUSCRITO EL 2 DE DICIEMBRE DE 1999*. Dirección General de Migración.
<https://migracion.gob.do/transparencia/wp-content/uploads/2019/10/Protocolo-de-Entendimiento.pdf>
- Dirección General de Migración. (2019). *Informe de Gestion 2018*. Dirección General de Migración.
<https://migracion.gob.do/transparencia/wp-content/uploads/2019/10/Memoria-Institucional-2018.pdf>
- Dirección General de Migración. (2020). *Informe de Gestion 2019*. Dirección General de Migración.
<https://migracion.gob.do/transparencia/wp-content/uploads/2020/10/Informe-de-Gestion-Direccion-General-de-Migracion-Enero-Diciembre-2019-pdf.-1-1.pdf>
- Dirección General de Migración. (2021). *MEMORIA INSTITUCIONAL-AÑO 2020*. Dirección General de Migración.
<https://migracion.gob.do/transparencia/wp-content/uploads/2021/04/Memoria-Institucional-DGM-2020.pdf>
- Dirección General de Migración. (2022). *MEMORIA INSTITUCIONAL-AÑO 2021*. Dirección General de Migración.
<https://migracion.gob.do/transparencia/wp-content/uploads/2022/02/Memoria-de-Gestion-2021-DGM-PD.pdf>
- Dirección General de Migración. (2023). *MEMORIA INSTITUCIONAL-AÑO 2022*. Dirección General de Migración.
<https://migracion.gob.do/transparencia/wp-content/uploads/2023/02/MEMORIA-INSTITUCIONAL-2022-DGM-ACTUAL.pdf>
- Dirección General de Migración. (2024). *MEMORIA INSTITUCIONAL-AÑO 2023*. Dirección General de Migración.
<https://migracion.gob.do/transparencia/wp-content/uploads/2024/01/MEMORIA-INSTITUCIONAL-2023-DGM-VF.pdf>

- El Congreso Nacional. (1939). *Ley No. 95 de 1939 de Inmigración*. Refworld.
<https://www.refworld.org/legal/legislation/natlegbod/1939/es/14503>
- El Congreso Nacional. (2014). *Ley No. 169-14*. Dirección General de Migración.
<https://migracion.gob.do/transparencia/wp-content/uploads/2019/10/Ley-No-169-14-de-Naturalizaci%C3%B3n.pdf>
- Embassy of the Dominican Republic in the United States. (2014). *Dominican Republic Immigration and Documentation Policies Key Points and FAQ*. Embassy of the Dominican Republic in the United States.
<http://www.domrep.org/immigrationplan.html#:~:text=No%20person%20born%20in%20the,never%20be%20subject%20of%20deportation>.
- Estrada, M. de J. (1969). *Exposicion sobre el grave problema que ocasiona al pais la gran cantidad de haitianos existente en nuestro territorio rio*. Organization of American states.
<https://www.oas.org/en/iachr/multimedia/2016/DominicanRepublic/docs/5-Braceros-Haitianos-Caja-14455-1967-1989.pdf>
- Estrella, J. (1967). *Informacion*. Organization of American states.
<https://www.oas.org/en/iachr/multimedia/2016/DominicanRepublic/docs/4-Repatriaciones-Caja-14441-1966-1986.pdf>
- European Network on statelessness. (2024, February 23). *United Kingdom - Shamima Begum v Secretary of state for the Home Department*. Case Law Database.
<https://caselaw.statelessness.eu/caselaw/united-kingdom-shamima-begum-v-secretary-state-home-department>
- Forowicz, M. (2011). State Discretion as a Paradox of EU Evolution. *European University Institute*.
https://cadmus.eui.eu/bitstream/handle/1814/18835/MWP_Forowicz_2011_27.pdf?sequence=1&isAllowed=y
- Fouron, G. E. (2020). *Haiti's Painful Evolution from Promised Land to Migrant-Sending Nation*. Migration Policy Institute.
<https://www.migrationpolicy.org/article/haiti-painful-evolution-promised-land-migrant-sending-nation>
- France24. (2024, May 22). *Roberto Álvarez: “La ley dominicana no prohíbe las deportaciones de mujeres embarazadas haitianas”* [Audio recording]. France24.
<https://www.france24.com/es/programas/la-entrevista/20240522-roberto-%C3%A1lvarez-la-ley-dominicana-no-proh%C3%ADbe-las-deportaciones-de-mujeres-embarazadas-haitianas>
- Francisque, E. (2024, October 24). *Haitian migrants expelled from the Dominican Republic face dire conditions as committee struggles with lack of resources*. The Haitian Times.
<http://haitiantimes.com/2024/10/24/haitian-deportation-immigration-inhumanely/>
- Gavigan, P. (1997, October 1). *Migration Emergencies and Human Rights in Haiti*. Organization of American States.
<https://www.oas.org/juridico/english/gavigane.html#:~:text=While%20the%20US%20response%20to,apply%20to%20UNHCR%20for%20asylum>.
- Gibney, M. J. (2013). Should Citizenship Be Conditional? The Ethics of Denationalization. *The Journal of Politics*, 75(3), 646–658. <https://doi.org/10.1017/S0022381613000352>
- Gibney, M. J. (2020). Denationalisation and discrimination. *Journal of Ethnic and Migration Studies*, 46(12), 2551–2568. <https://doi.org/10.1080/1369183X.2018.1561065>

- Hafner-Burton, E. M. (2008). Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem. *International Organization*, 62(4), 689–716.
<https://www.jstor.org/stable/40071894>
- Harvard Law School. (2022). *Nongovernmental Organizations (NGOs)*. Harvard Law School.
<https://hls.harvard.edu/bernard-koteen-office-of-public-interest-advising/about-opia/what-is-public-interest-law/public-service-practice-settings/international-public-interest-law-practice-setting/nongovernmental-organizations-ngos/>
- Hintzen, A. (2014). Historical Forgetting and the Dominican Constitutional Tribunal. *Journal of Haitian Studies*, 20(1), 108–116. <https://www.jstor.org/stable/43744456>
- Hintzen, A. (2016). “A Veil of Legality”: The Contested History of Anti-Haitian Ideology under the Trujillo Dictatorship. *NWIG: New West Indian Guide / Nieuwe West-Indische Gids*, 90(1/2), 28–54. <https://www.jstor.org/stable/26551957>
- Hoberman, G. (2010). *The Absence of Race in Democratic Politics: The Case of the Dominican Republic*. Florida International University.
- Hoy. (2014, February 3). *Encuesta Gallup-Hoy: Para el 62% de los ciudadanos sentencia TC no es antihaitiana*. Hoy Digital.
<https://hoy.com.do/encuesta-gallup-hoy-para-el-62-de-los-ciudadanos-sentencia-tc-no-es-antihaitiana/>
- Human Rights Committee. (2014, December 16). *General Comment No.35* [United Nations: International Covenant on Civil and Political Rights]. United Nations.
<https://documents.un.org/doc/undoc/gen/g14/244/51/pdf/g1424451.pdf>
- Human Rights Council. (2019, May 27). *Report of the Working Group on the Universal Periodic Review - Dominican Republic - Addendum*. United Nations.
<https://www.ohchr.org/en/documents/reports/report-working-group-universal-periodic-review-dominican-republic-addendum>
- Human Rights Council. (2019). *UPR of Dominican Republic (3rd Cycle – 32nd session)-Matrix of Recommendations*. United Nations. <https://www.ohchr.org/en/hr-bodies/upr/do-index>
- Human Rights Council. (2024a). *Report of the Working Group on the Universal Periodic Review-Dominican Republic*. United Nations.
<https://documents.un.org/doc/undoc/gen/g24/090/58/pdf/g2409058.pdf>
- Human Rights Council. (2024b). *Universal Periodic Review - Dominican Republic*. OHCHR.
<https://www.ohchr.org/en/hr-bodies/upr/do-index>
- Human Rights Council. (2024c). *Universal Periodic Review*. United Nations. OHCHR.
<https://www.ohchr.org/en/hr-bodies/upr/upr-home>
- Human Rights Watch. (2015, April 21). *About Us | Human Rights Watch*. Human Rights Watch.
<https://www.hrw.org/about/about-us>
- Human Rights Watch. (2016, November 29). *Haiti: Stateless People Trapped in Poverty*. Human Rights Watch News.
<https://www.hrw.org/news/2016/11/29/haiti-stateless-people-trapped-poverty>
- Hunter, W., & Reece, F. (2022). Denationalization in the Dominican Republic: Trapping Victims in the State’s Administrative Maze. *Latin American Research Review*, 57(3), 590–607.
<https://doi.org/10.1017/lar.2022.48>
- IACHR. (1999, October 27). *REPORT ON THE SITUATION OF HUMAN RIGHTS IN THE DOMINICAN REPUBLIC*. Organization of American States.
<https://cidh.oas.org/countryrep/DominicanRep99/Table.htm>

- IACHR. (2015). *Situation of Human Rights in the Dominican Republic*. Organization of American States. <http://www.oas.org/en/iachr/reports/pdfs/dominicanrepublic-2015.pdf>
- IACHR. (2018). *CHAPTER V FOLLOW-UP ON RECOMMENDATIONS ISSUED BY THE IACHR IN ITS COUNTRY OR THEMATIC REPORTS*. Organization of American states. https://scm.oas.org/PDFS/2023/CIDH/IA2022_Cap_5_MX_EN.pdf
- IACHR. (2021). *IACHR Expresses Concern Over Pregnant Women Expelled from the Dominican Republic and Calls on State to Guarantee Access to Protection Mechanisms and Reproductive Health Services*. Organization of American States. https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/320.asp
- IACHR. (2023). *Dominican Republic: IACHR urges the State to Eradicate Statelessness*. Inter-American Commission on Human Rights (IACHR). https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/232.asp
- IACHR. (2024). *IACHR calls on states to continue adopting measures to prevent and eradicate statelessness in the region*. Inter-American Commission on Human Rights (IACHR). https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/230.asp
- IACtHR. (2005). *Case of the Girls Yean and Bosico v. Dominican Republic*. Organization of American States. https://www.corteidh.or.cr/docs/casos/articulos/seriec_130_%20ing.pdf
- IACtHR. (2014). *Inter-American Court of Human rights: Case of Expelled Dominicans and Haitians v. Dominican Republic*. Organization of American States. https://corteidh.or.cr/docs/casos/articulos/seriec_282_ing.pdf
- IJDH. (2016). *HUMAN RIGHTS SITUATION OF FAMILIES IN THE ANSE-ÀPITRES CAMPS*. Human Rights Situation of Families in the Anse-à-Pitres Camps. Institute for Justice and Democracy in Haiti (IJDH). <https://www.ijdh.org/wp-content/uploads/2016/04/GARR-Report-Anse-a-Pitres-2016-ENG.pdf>
- IOM. (2011). Glossary on Migration-2nd Edition. *International Organization for Migration (IOM)*. <https://migrantprotection.iom.int/en/resources/manual/glossary-migration-2nd-edition>
- IOM. (2024). *Over 700,000 Displaced in Haiti, Half are Children as Humanitarian Crisis Worsens*. International Organization for Migration. <https://www.iom.int/news/over-700000-displaced-haiti-half-are-children-humanitarian-crisis-worsens>
- Johns, L. (2022). *Politics and International Law: Making, Breaking, and Upholding Global Rules* (1st ed.). Cambridge University Press. <https://doi.org/10.1017/9781108981149>
- Johnson, E. (2006). Blood, Power, and Privilege: Why the man who ordered the slaughter of a race was not racist. *Constructing the Past*, 7(1). <https://digitalcommons.iwu.edu/constructing/vol7/iss1/15>
- Jorgic. (2022, February 21). Dominican Republic begins building border wall with Haiti. *Reuters*. <https://www.reuters.com/world/americas/dominican-republic-begins-building-border-wall-with-haiti-2022-02-20/>

- Joseph, D., & Louis, B. M. (2022). Anti-Haitianism and Statelessness in the Caribbean. *The Journal of Latin American and Caribbean Anthropology*, 27(3), 386–407. <https://doi.org/10.1111/jlca.12617>
- Junta Central Electoral. (2007). *Circular No. 17*. ACNUR. <https://www.acnur.org/fileadmin/Documentos/BDL/2012/8902.pdf>
- Junta Central Electoral. (2024). *Requisitos para realizar una declaración tardía*. Junta Central Electoral. <https://declaracionestardias.jce.gob.do/Requisitos/declaracion-tardia-de-mayores-de-16-a-nos>
- La Asamblea Nacional. (1966). *Constitución de la República Dominicana 1966*. Consultoría Jurídica del Poder Ejecutivo. <https://www.consultoria.gov.do/Documents/GetDocument?reference=58c65f00-01f9-40bf-a4d7-917fe3e5a9a7>
- La Asamblea Nacional. (2010). *Constitución de la República Dominicana 2010*. Consultoría Jurídica del Poder Ejecutivo. <https://www.consultoria.gov.do/Documents/GetDocument?reference=a8514323-0ac6-4c57-bcb9-f5c721e8bc3c>
- La Asamblea Revisora. (1934). *Constitución Política del Estado Dominicano 1934*. Consultoría Jurídica del Poder Ejecutivo. <https://www.consultoria.gov.do/Documents/GetDocument?reference=99b02670-097e-437f-8eec-2e1b325331fb>
- L'Heureux, T. J. (2023, June 29). Dominican Republic clamps down on migrants it needs for labor force. *Cronkite News*. <https://cronkitenews.azpbs.org/2023/06/29/dominican-republic-clamp-down-migrants-labor-force/>
- Listin Diario. (2024, October 23). *Más de 25,000 haitianos han sido repatriados en operativos de Migración*. Listin Diario. https://listindiario.com/la-republica/provincias/20241023/mas-25-000-haitianos-han-sido-repatriados-operativos-migracion_830599.html
- Martínez, S. (2003). Not a Cockfight: Rethinking Haitian-Dominican Relations. *Latin American Perspectives*, 30(3), 80–101. <https://www.jstor.org/stable/3185037>
- Middleton, R. T. (2011). The Operation of the Principle of Jus Soli and Its Affect on Immigrant Inclusion into a National Identity: An Analysis of the United States and the Dominican Republic. *Rutgers Race and the Law Review*, 13(1), 69–96. <https://ssrn.com/abstract=1674637>
- Ministerio de Interior y Policía. (2012). *Ley General de Migración No. 285-04*. 285.
- MUDHA. (2024). *INTERVENCIÓN PRE-SESIÓN EPU DE LA REPÚBLICA DOMINICANA*.
- Muller, J. Z. (2008). Us and Them: The Enduring Power of Ethnic Nationalism. *Foreign Affairs*, 87(2), 18–35. <https://www.jstor.org/stable/20032578>
- Neier, A. (2012). *The International Human Rights Movement: A History*. Princeton University Press. <https://www.jstor.org/stable/j.ctt7sr3h>
- OAS. (1969). *AMERICAN CONVENTION ON HUMAN RIGHTS (Adopted at the Inter-American Specialized Conference on Human Rights, San José, Costa Rica, 22 November 1969)*. <https://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm>

- OAS. (2014, November 6). *IACHR Condemns Judgment of the Constitutional Court of the Dominican Republic*. OAS.
https://www.oas.org/en/iachr/media_center/PReleases/2014/130.asp
- OAS. (2024a). *About the Permanent Council*. OAS. <https://www.oas.org/en/council/about.asp>
- OAS. (2024b). *What is the IACHR?* OAS.
<https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/mandate/what.asp#:~:text=In%201969%2C%20the%20American%20Convention,not%20parties%20to%20the%20Convention.>
- OAS OEA Videos. (2024). *2024 OCT 08 Special Meeting of the Permanent Council* [Broadcast]. Youtube. <https://www.youtube.com/watch?v=p5yyCSy7Ygs&t=2887s>
- OECD/ILO. (2018, June 11). *How Immigrants Contribute to the Dominican Republic's Economy*. OECD Publishing, Paris.
https://www.oecd.org/en/publications/how-immigrants-contribute-to-the-dominican-republic-s-economy_9789264301146-en.html
- Oficina Nacional de Estadística. (2013). *Primera Encuesta Nacional de Inmigrantes en la República Dominicana ENI 2012 Versión Resumida*. Oficina Nacional de Estadística.
<http://one.gob.do/publicaciones/2013/primera-encuesta-nacional-de-inmigrantes-en-la-republica-dominicana-eni-2012-version-resumida/?altTemplate=publicacionOnline>
- OHCHR. (1961). *Convention on the Reduction of Statelessness*. United Nations.
<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-reduction-statelessness>
- OHCHR. (1965). *International Convention on the Elimination of All Forms of Racial Discrimination*. United Nations.
<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>
- OHCHR. (1966). *International Covenant on Civil and Political Rights*. United Nations.
<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
- OHCHR. (1989). *Convention on the Rights of the Child*. United Nations.
<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
- OHCHR. (2023, September 12). *Dominican Republic: UN experts condemn detention and deportation of pregnant and postpartum Haitian women*. OHCHR.
[https://www.ohchr.org/en/press-releases/2023/09/dominican-republic-un-experts-condemn-detention-and-deportation-pregnant-and#:~:text=GENEVA%20\(12%20September%202023\)%20%E2%80%93%20UN%20experts%20warned%20today.](https://www.ohchr.org/en/press-releases/2023/09/dominican-republic-un-experts-condemn-detention-and-deportation-pregnant-and#:~:text=GENEVA%20(12%20September%202023)%20%E2%80%93%20UN%20experts%20warned%20today.)
- OHCHR. (2024a). *UN Treaty Body Database* (No. United Nations). United Nations.
https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Home.aspx
- OHCHR. (2024b, March 6). *UN experts deplore continuing failures of protection for Shamima Begum*. *Press Releases*.
<https://www.ohchr.org/en/press-releases/2024/03/un-experts-deplore-continuing-failures-protection-shamima-begum#:~:text=%E2%80%9CBegum%20remains%20stripped%20off%20her.%20%E2%80%9D%20the%20UN%20experts%20said.>
- Palsson, C. (2021). Small Farms, Large Transaction Costs: Haiti's Missing Sugar. *The Journal of Economic History*, 81(2), 513–548. <https://doi.org/10.1017/S0022050721000139>
- Paredes, F., Balbuena, & Gómez. (2021). *LAS POLÍTICAS MIGRATORIAS EN LA REPÚBLICA DOMINICANA (1912-2018)*. Instituto Nacional de Migración.

- https://inm.gob.do/transparencia/phocadownload/Publicaciones/2021/Informe%20Politic as%20Publicas_6x9_web2.pdf
- Philpott, D. (1995). Sovereignty: An Introduction and Brief History. *Journal of International Affairs*, 48(2), 353–368. <https://www.jstor.org/stable/24357595>
- Polanco, V., Castillo, E., Chalas, N., & Reyes, R. (2018). *Migracion en la Frontera Haiti - Republica dominicana: Una mirada descriptiva a una realidad compartida*. Instituto de Migracion de La Republica Dominicana (INM-RD). <https://inm.gob.do/transparencia/phocadownload/Publicaciones/2018/Articulo%20migraciones%20en%20la%20frontera%202018.pdf>
- Prener, C. (2023). *Denationalisation and Its Discontents: Citizenship Revocation in the 21st Century: Legal, Political and Moral Implications*. Brill | Nijhoff. <https://doi.org/10.1163/9789004508507>
- Presidencia de la República Dominicana. (2024). *Consejo de Seguridad y Defensa Nacional acuerda operativo para repatriar hasta 10,000 migrantes por semana | Presidencia de la República Dominicana*. Presidencia de la República Dominicana. <https://presidencia.gob.do/noticias/consejo-de-seguridad-y-defensa-nacional-acuerda-operativo-para-repatriar-hasta-10000>
- Rojas, R. (2013, October 12). Dominican court ruling renders hundreds of thousands stateless. *Reuters*. <https://www.reuters.com/article/world/dominican-court-ruling-renders-hundreds-of-thousands-stateless-idUSBRE99B01Z/>
- Roy, D., & Cara Labrador, R. (2024). *Haiti's Troubled Path to Development*. Council on Foreign Relations. <https://www.cfr.org/background/haitis-troubled-path-development>
- Sagas, E. (2017). *Report on citizenship law : Dominican Republic*. GLOBALCIT. <https://cadmus.eui.eu/handle/1814/50045>
- Schimmel, N. (2023). THE UN HUMAN RIGHTS COUNCIL'S UNIVERSAL PERIODIC REVIEW AS A RHETORICAL BATTLEFIELD OF NATIONS: Useful Tool or Futile Performance? *World Affairs*, 186(1), 10–45. <https://doi.org/10.1177/00438200221121523>
- The National Archives. (1981). *British Nationality Act 1981*. The National Archives. <https://www.legislation.gov.uk/ukpga/1981/61/contents>
- Thrall, A. T., Stecula, D., & Sweet, D. (2014). May We Have Your Attention Please? Human-Rights NGOs and the Problem of Global Communication. *The International Journal of Press/Politics*, 19(2), 135–159. <https://doi.org/10.1177/1940161213519132>
- Torres-Saillant, S. (2010). Introduction to Dominican Blackness. *Publications and Research*. https://academicworks.cuny.edu/dsi_pubs/3
- Tribunal Constitucional. (2013, September 23). *Detalle sentencia TC/0168/13*. Tribunal Constitucional. <https://www.tribunalconstitucional.gob.do/consultas/secretar%C3%ADa/sentencias/tc016813/>
- Turits, R. L. (2002). A World Destroyed, A Nation Imposed: The 1937 Haitian Massacre in the Dominican Republic. *Hispanic American Historical Review*, 82(3), 589–635. <https://muse.jhu.edu/pub/4/article/12744>
- UN News 2013. (2013, October 1). *UN urges Dominican Republic to ensure citizens of Haitian origin do not lose nationality | UN News*. <https://news.un.org/en/story/2013/10/451992-un-urges-dominican-republic-ensure-citizens-haitian-origin-do-not-lose>

- UN Web TV. (2024, September 25). *Dominican Republic - President Addresses General Debate, 79th Session*. United Nations. <https://webtv.un.org/en/asset/k1e/k1er2wd3hy>
- UNHCR. (1994). *The Principle of Non-Refoulement as a Norm of Customary International Law*. Refworld. <https://www.refworld.org/jurisprudence/amicus/unhcr/1994/en/20625>
- UNHCR. (2022, November 3). *UNHCR calls on states to refrain from forced returns of Haitians*. UNHCR. <https://www.unhcr.org/us/news/press-releases/unhcr-calls-states-refrain-forced-returns-haitians>
- UNHCR. (2024). *About Statelessness*. UNHCR. <https://www.unhcr.org/ibelong/about-statelessness/>
- United Nations. (1948). *Universal Declaration of Human Rights*. United Nations. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
- United Nations. (2006). *Expulsion of Aliens*. United Nations. https://legal.un.org/ilc/documentation/english/a_cn4_565.pdf
- United Nations. (2024a). *Rising Displacement, Criminal Gangs and Corruption Continue to Plague Haitian Life, Slowing Democratic Reform, Speakers Tell Security Council*. Meetings Coverage and Press Releases. <https://press.un.org/en/2024/sc15859.doc.htm#:~:text=Roberto%20%C3%81lvarez%20Gil%2C%20Minister%20for,coverage%20on%20our%20LIVE%20blog>.
- United Nations. (2024b). *United Nations Treaty Collection-Glossary*. UNTC. https://treaties.un.org/pages/overview.aspx?path=overview/glossary/page1_en.xml#:~:text=Signature%20Subject%20to%20Ratification%2C%20Acceptance%20or%20Approval,-Where%20the%20signature&text=The%20signature%20qualifies%20the%20signatory,the%20purpose%20of%20the%20treaty
- United Nations Network on Migration. (2018, January 1). *The principle of non-refoulement under international human rights law*.
- Univision Noticias. (2024, October 16). *Deportaciones masivas: República Dominicana planea expulsar hasta 10,000 haitianos por semana*. [Audio recording]. Youtube. <https://www.youtube.com/watch?v=csvMd-g1fJk>
- U.S. Department of State. (2009). *Dominican Republic, 1916-1924*. Archive. <https://2001-2009.state.gov/r/pa/ho/time/wwi/108649.htm#:~:text=Triggered%20by%20concerns%20about%20possible,which%20would%20last%20until%201924>
- US. Department of State. (2023). *2023 Country Reports on Human Rights Practices: Dominican Republic*. *United States Department of State*. <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/dominican-republic/>
- U.S. Department of State. (2024). *Milestones in the History of U.S. Foreign Relations*. Office of the Historian. <https://history.state.gov/milestones/1914-1920/haiti>
- U.S. Department of State. (2024). *Statelessness*. *U.S. Department of State*. <https://www.state.gov/other-policy-issues/statelessness/>
- Volz, D. (2011). *Illegal Haitian Workers in Demand*. Walter Cronkite School of Journalism and Mass Communication. <https://cronkite.asu.edu/projects/buffett/dr/labor.html#:~:text=The%20Dominican%20labor%20code%20mandates,subway%20construction%20worker%20from%20Haiti>

- White, J. S. (2008). Straight talk about high-fructose corn syrup: what it is and what it ain't. *The American Journal of Clinical Nutrition*, 88(6), 1716S-1721S. <https://doi.org/10.3945/ajcn.2008.25825B>
- Wilson, B. K. (2023). "When there is no money, that is when I vomit blood": the domino effect and the unfettered lethal exploitation of Black labor on Dominican sugar plantations. *Globalization and Health*, 19(1), 63. <https://doi.org/10.1186/s12992-023-00963-4>