

## Haitian Documentation- Jan. 7, 2014

By Guy Baehr

When the Dominican Republic's Constitutional Court issued a surprise decision in September denying citizenship rights for an estimated 240,000 Dominican-born people of Haitian descent, it set off an intense controversy both inside the country and internationally.

It continues to be the subject of almost daily headlines in the Dominican media and has drawn critical editorials in both the *New York Times* and *Washington Post*.

In October, 19 members of the U.S. Congress, including Rep. Joseph Kennedy III, who served as a Peace Corps Volunteer in the Dominican Republic, wrote a joint letter to Dominican President Danilo Medina calling the decision "arbitrary and discriminatory" and saying it could leave those affected "stateless" and create "an unprecedented humanitarian crisis."

In November, two well-known Dominican writers, Pulitzer Prize winner Junot Diaz and Julia Alvarez, in a letter to the New York Times, called the ruling "appalling" and said, "For all those who had thought that there was a new Dominican Republic, a modern state leaving behind abuse and racism of the past, the highest court in the country has taken a step backward."

In December, the Inter-American Commission on Human Rights, part of the Organization of American States, visited the Santo Domingo and heard from some 3,000 people affected by the decision as well as President Medina and other government officials. It then issued a statement condemning the decision as discriminatory and calling on the government to find ways to prevent it from being unjustly applied.

The decision has also thrown a monkey wrench into a two-year-old effort by Peace Corps Volunteers, funded in part by FDR members, that is designed to help those people and others obtain the personal documentation needed to exercise full citizenship rights.

The program, called "Declaro Mis Derechos," (check its Facebook page at: [www.facebook.com/declaromisderechos](http://www.facebook.com/declaromisderechos)) is aimed at helping the up to 2.5 million mostly poor and rural people, adults and children, who don't have birth certificates and ID cards (cedulas) needed to vote, get a job in anything but the low-paid "informal" sector, open a bank account, go to school or college or get a passport.

Much of the focus of the Volunteers has been on helping the many Dominican-born children of long-time Haitian immigrants who have grown up in the Dominican Republic, speak Spanish and, in many cases, have never even visited Haiti. Because of poverty, unawareness or hostility from government officials, most of these people have been unable to obtain the needed documentation.

Now, because of the Constitutional Court decision, most of the Haitian descendants no longer have even a legal right to the needed ID papers, but instead face the possibility of being deported to Haiti if they cannot meet the requirements of an 18-month "Foreigner Legalization Plan" mandated by the court.

Nicole Phillips, the current PCV who serves as national coordinator for the Volunteer-initiated effort, said the ruling has been a major setback for the developing program. "Basically, it's stopped Declaro Mis Derechos promotores in their tracks," she said.



*Felito, one of the documentation promoters from the Declaro Mis Derechos El Sur training program, shows his Dominican pride at a recent event in the capital.*

But, while the court ruling will require significant rethinking and adjustments, Phillips said it only makes the documentation initiative more necessary and urgent since those affected will need accurate information and advice to apply for legalization within the time limit.

The court ruling has increased rather than discouraged support for the “Declaro Mis Derechos” program among current Volunteers, she said. “I’m super-excited and surprised at the reaction of other Volunteers.”

Art Flanagan, the out-going country director for PC/DR, said the Declaro Mis Derechos effort, which was started by Volunteers in 2011, continues to have full support from Peace Corps. He said he has gotten no adverse reactions from either the U.S. or Dominican officials. “It’s a good program. I wish I’d thought of it myself,” he said.



*Promoters from Batey Isabela*

The way the program has developed, it consists of workshops and training courses aimed at local residents who commit to serving as documentation promoters in their communities, providing information, referrals and encouragement for those in need of documentation. The training programs are organized by one or more Volunteers and key community contacts with a local organization as a supplement to their main activities in their communities, whether in youth, health, education or business development.

Phillips said she recently explained the program to a new group of about 30 incoming Volunteers. “When I asked who might be interested, all but three or four raised their hands.”

She said plans are continuing for regional courses to train additional promoters, with more than a dozen Volunteers involved. Two short workshops are planned for January in the Southwest near Barahona. Two longer courses over several weekends in the Southeast near La Romana is planned for February.

Over the next six months the Volunteers hope to hold as many as four of the short weekend workshops and six longer courses held weekly for six weeks, graduating four new courses in total. “We’re also hoping to organize a national conference in the spring,” she said.

Earlier this year FDR provided a \$1,553 grant through its Program Support Fund for a six-week training course organized by PCV Sarah Chapin in Banica, near the Haitian border, that graduated 26 community promoters.

Right now Phillips and other Volunteers are consulting with lawyers and other experts in order to revise the training manual to take into account the new court decision and the terms of the legalization plan.

“The biggest impact so far is that people are scared. They’re saying, what, are they going to send me to Haiti. I’ve never even lived in Haiti,” said Phillips.

The legalization plan could lead to citizenship or legal residency. However, it would require that undocumented people affected by the decision demonstrate links to Dominican society, such as having had children born in the country, having studied in the country, knowing how to read and write Spanish, living at a fixed address and not having a criminal record.

While it offers simplified procedures and significantly reduced costs for applicants, those who do not seek legalization under the plan will face deportation. Final terms of the plan are still awaiting approval by the national congress.

“A lot of people don’t know what to do,” said Phillips. “Should they register and risk not being accepted or should they hide and risk getting caught and deported. It’s a dilemma.”

She said some of the people affected, especially those who were able to obtain Dominican identification documents in the past, “are unwilling to register because it would be giving-in to injustice. They know they are Dominican and have Dominican documents, so why should they need to be naturalized?”

At the same time, she said, “A lot of people are scared to do anything and many are in denial. They say, oh, they won’t do that,” she said. The greatest need is for reliable information and advice from trusted people in their communities to allow people to make good decisions, she said.

Phillips said one positive development is that the decision has focused attention on the issue. “Almost every organization here that’s been involved with documentation, from local level NGOs to the United Nations, is now working together,” she said. Several international bodies, along with the U.S. government, have pledged to help support implementation of the legalization plan.

President Medina met with leaders of the Haitian-Dominican community shortly after the decision and pledged to find ways to solve the humanitarian problems presented by the court’s ruling. “Legally, I don’t know if an injustice has been committed, but there’s a human problem that we must resolve,” he said.

He said he had to respect the court’s ruling, noting that both the Constitutional Court and the Central Electoral Board, which issues national ID cards, are both independent of the Executive Branch that he heads. “In that regard, I apologized to them, not to ask forgiveness, but for what they have been through all this time,” he said.

Medina’s legalization has already been attacked as too lenient by anti-immigrant groups and a law to implement the special naturalization process still needs to be written and approved by the national Congress.

Phillips said she got a chance to read the full legalization plan as proposed by Medina on a long *guagua* ride. “On paper it doesn’t look so bad, but having seen how things have really worked up to now, it could be tough,” she said. “The big question is how will this work in practice. Where’s it going to go?”

*Guy Baehr (‘68-‘71) is a resident of the Dominican Republic and chairs FDR’s Dominican Committee, which is made up of former Volunteers living in the country.*