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COUNTRY
REPORT
2017/16

NOVEMBER
2017

REPORT ON CITIZENSHIP LAW: DOMINICAN REPUBLIC

AUTHORED BY
ERNESTO SAGÁS

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Global Citizenship Observatory (GLOBALCIT)
Robert Schuman Centre for Advanced Studies
in collaboration with
Edinburgh University Law School

Report on Citizenship Law: Dominican Republic
RSCAS/GLOBALCIT-CR 2017/16
December 2017

© Ernesto Sagás, 2017
Printed in Italy
European University Institute
Badia Fiesolana
I – 50014 San Domenico di Fiesole (FI)

www.eui.eu/RSCAS/Publications/
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Research for the 2016/2017 GLOBALCIT Reports has been supported by the European University Institute's [Global Governance Programme](#), the EUI Research Council, and the British Academy Research Project CITMODES (co-directed by the EUI and the University of Edinburgh).

The financial support from these projects is gratefully acknowledged.

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Report on Citizenship Law

Dominican Republic

Ernesto Sagás¹

1. Introduction

Going back to the mid-nineteenth century origins of the country, the Dominican Republic has historically employed both the legal principles of *jus sanguinis* and *jus solis* in order to determine who qualifies for citizenship. Being the child of a Dominican parent or being born in the national territory have historically been the two main ways in which individuals have been recognized as citizens of the Dominican Republic. In that general sense, the country's laws are not very different from those of its neighbors in the Latin American region. However, the legal status of the children of Haitian immigrants has been the subject of an acrimonious debate since the late twentieth century. At the turn of this century, a new immigration law, the 2010 constitution, and a controversial Constitutional Court ruling in 2013, closed a legal loophole that allowed the children of undocumented immigrants to become Dominican citizens via *jus soli*. For decades, the children of Haitian immigrant workers (the largest immigrant group in the nation) were deemed Dominican citizens by virtue of *jus soli* constitutional provisions. Opponents of this measure forcefully argued that Haitian immigrant workers were not permanent residents of the Dominican Republic, but rather were 'in transit'—a category that excluded their children from automatically becoming Dominican citizens. The debate was settled when the 2010 constitution specifically excluded the children of foreigners "residing illegally on Dominican territory" (República Dominicana 2010, 9). In addition, the controversial 2013 ruling of the Dominican Constitutional Court (Tribunal Constitucional de la República Dominicana 2013) stripped the children of undocumented immigrants (retroactively to 1929) of Dominican citizenship. The ruling rendered about 200,000 individuals stateless and sparked widespread condemnation at home and abroad for its retroactive nature. Several generations of Dominicans were now legally excluded from the only citizenship they ever knew. The Dominican government hastily put together a naturalization plan (República Dominicana 2014) to address the political fallout caused by the ruling—a move that sparked controversies of its own and was characterized by its cumbersomeness and inefficiency. The Dominican case thus stands apart from its neighbors in its particularly harsh legal treatment of the children of undocumented migrants (i.e., Haitian immigrants). On the other hand, the Dominican government continues to support the extension of Dominican citizenship to the foreign-born children of Dominicans—a trend that reflects the economic and political influence of the Dominican diaspora, which mostly resides in the Global North and contributes billions of dollars in remittances every year to the Dominican economy. The Dominican case stands apart in the region as one in which the authorities have gone to extreme lengths to prevent the extension of Dominican citizenship to the children of undocumented (Haitian) immigrants.

¹ Colorado State University

2. Historical Background

The Dominican Republic is a geographical oddity: it occupies the eastern two-thirds of the small island of Hispaniola, which it shares with Haiti. Hispaniola was originally settled by the Spanish, after Columbus and his men arrived there in 1492. For a while, the city of Santo Domingo was the epicenter of the Spanish empire in the Americas, and the colony had a number of famous and infamous ‘firsts,’ such as: first European settlement, first Christian mass, first cathedral, and first university; but also the first massacres of indigenous peoples, and the first slave imports from Africa. The Spanish used Santo Domingo as a springboard to conquer and colonize neighboring islands, until the empire’s capital was moved to Cuba, and eventually, to the mainland (Mexico City). Hispaniola was practically forgotten, serving as a remote Spanish military outpost in the Caribbean (Moya Pons 1998, 36-37). The focus of the Spanish on the wealth of the mainland colonies was exploited by competing European powers, which began establishing colonies in islands where the Spanish did not have a continuous or strong military presence. France would eventually establish a colonial foothold in western Hispaniola (far away from Santo Domingo and Spanish troops) and by the eighteenth century the colony of Saint-Domingue was thriving. After several futile military campaigns to expel the French, the Spanish signed the Treaty of Aranjuez in 1777, recognizing the French colony and creating the first international boundary in the island (Moya Pons 1998, 85-86). As a result, Haitians and Dominicans were controlled by different colonial powers, leading to significant cultural differences in their societies (of which language is perhaps the most salient one). In the 1790s, as the French Revolution raged on in the colonial metropolis, Saint-Domingue was divided by class-based and race-based factionalism, eventually sparking violent armed clashes. It was but a matter of time before the hundreds of thousands of slaves that toiled away in plantations rose up in arms. The bloody anti-colonial struggle brought about the defeat of the French and the independence of Haiti in 1804. Haiti was founded as a black republic, where slavery was banned forever, and most vestiges of French colonialism had gone up in flames. Neither the French nor any European power would recognize a nation of rebellious slaves, so the Haitian leadership made it a priority to secure its sovereignty and to prevent any future European incursions. In 1805, Haitian revolutionary leader Jean-Jacques Dessalines went after the French garrison stationed in eastern Hispaniola (France had obtained Santo Domingo as a result of the 1795 Treaty of Basel). The campaign was unsuccessful, and in his retreat Dessalines’s army massacred several Dominican towns (Moya Pons 1998, 112-113)—a fact that Dominican nationalists like to highlight to this day. Just as the Haitians sought to prevent Europeans from establishing a foothold on the island of Hispaniola, Dominicans (the Spanish-speaking inhabitants of the eastern part of the island) sought protection from Haitian incursions by relying on the military might of European powers. These incompatible foreign policy goals would place Haitian and Dominican administrations at odds with each other during the first half of the nineteenth century, and provoke decades of saber-rattling between the two nations.

This fact means that Haiti—and the relationship between the two nations—has played an inordinate role in Dominican politics and society since the early nineteenth century. Even though the relationship is not overtly conflictive (Martínez 2003), it is a complicated one. For one, the Dominican Republic achieved its independence from Haiti, which in 1822 occupied the eastern (Spanish) part of the island in an attempt to prevent further Europeans incursions meant to undermine Haiti’s sovereignty. The twenty-two-year-long annexation got off to an auspicious start (e.g., slavery was abolished in Santo Domingo), but eventually, Haiti’s economic decline and festering cultural differences between the two peoples fueled the Dominicans’ desire for independence (Moya Pons 1998, 139). The independence of the

Dominican Republic on 27 February 1844 led to a series of Haitian military campaigns (or attempts) to recapture its erstwhile territory. Dominicans fought off these attempts, but trust in the nation's future viability was low among the elites. The Dominicans' need for security would lead some of its leaders to try to annex the Republic to various foreign powers, culminating in the 1861 annexation to Spain—an ill-fated scheme by dictator Pedro Santana. On 16 August 1863, Dominican patriots renewed the effort for independence, leading to Spain's withdrawal in 1865. The Dominican Republic thus celebrates two dates of independence: in 1844 from Haiti, and in 1865 from Spain. Haiti was a valuable ally during this campaign (known as the Restoration War), providing shelter and supplies to Dominican troops. In 1874, their political differences were finally settled by the signing of a friendship treaty between the governments Haiti and the Dominican Republic, in which both countries agreed to respect each other's sovereignty and prevent their respective territories from being used by foreign powers (República Dominicana and República de Haití 1874).

The late nineteenth century witnessed the development and expansion of sugar production in the Dominican Republic, and by the first decades of the twentieth century, Haitian migrants had become the main labor force in Dominican sugar plantations (Moya Pons et al. 1986). Poor Haitian immigrants provided the cheap labor force needed for the backbreaking job of cutting and hauling the cane, while Dominicans had jobs that required other skills (e.g., train operator, plantation guard, clerk, administrator) and carried with them more prestige. Thus, a racial division of labor was cemented in Dominican plantations, in which your color and national origin determined your status. Haitians, as foreign workers, were at the lowest rung of the ladder. In addition, the fact that many Haitians worked without permits or work visas, made them particularly susceptible to exploitation. In this way, Haitians became the scapegoats of Dominican society: needed for their cheap labor; but despised for their color, the country they came from, and the slave-like jobs they performed (Dore Cabral 1987). Still, Haiti has played an important role in the evolution of Dominican political culture and its laws. For example, the Haitian annexation imposed the Napoleonic Code as the law of the land, which is still a major influence in the Dominican legal system (along with other French and Spanish codes).

The first document to define something akin to citizenship in the Dominican Republic was the 1844 Constitution, enacted shortly after the declaration of independence from Haiti. The 1844 Constitution did not employ the term 'citizenship' or 'nationality'; rather, it describes those individuals entitled to be 'Dominicans' ("*son dominicanos*," in the Spanish original) (República Dominicana 1844, 54-55). According to Article 7, it included those who were 'Dominicans' at the time of publication of the constitution; those born in the territory of the Dominican Republic (of Dominican parents) and that decide to come back to reside in the country; Spanish citizens of Dominican ancestry that decide to return to the country; and any descendants of people from the Spanish part of the island born in foreign countries but that decide to settle in the Dominican Republic. It is not clear how the condition of being a 'Dominican' was originally determined, but it was likely a combination of being born on the eastern side of the island and being culturally Dominican/Spanish (i.e., not Haitian). These loose provisions for the acquisition of citizenship (or more precisely, the condition of being 'Dominican') reflected the need for all Dominicans to rally together at a time of national urgency. Haitian armies invaded the country shortly after the promulgation of independence, and were beaten back at great cost. It was just a matter of time before Haitian leaders would try again (the next attempt was in 1849). Thus, it not surprising to see the emphasis on legally defining who is a 'Dominican,' rather than who is a citizen, in the country's first constitution. The 1844 Constitution (in Article 8) also established legal norms for the naturalization (as 'Dominicans') of foreigners with property valued at more than \$6,000 pesos, and for those

that owned agricultural lands (República Dominicana 1844, 54-55). Article 9 stipulated a six-year residency requirement for foreigners, unless they married a Dominican woman or had agricultural lands valued at over \$12,000 pesos (in which case the residency period was reduced to three years). But Article 10 clarified that those “belonging to an enemy nation” could not become Dominicans (República Dominicana 1844, 55)—a clear reference to Haiti. Thus, the nation’s first constitution, and its laws regarding citizenship and naturalization, were heavily influenced by the fragile nature of its newly-acquired sovereignty, and the ongoing struggle to secure it from Haiti.

The 1854 Constitution was the first to stipulate how citizenship rights could be lost or suspended. Treason, naturalization in a foreign nation, or the commission of certain ‘infamous’ crimes were causes for losing Dominican citizenship; whereas debt, a criminal conviction, or vagrancy are listed among the reasons for the suspension of citizenship rights (República Dominicana 1854, 538). The inclusion of treason is noteworthy, because it was a common accusation among the feuding military caudillos of the day as they vied for power. Several of them were accused of treason and executed, or ended up in exile (including some of the country’s founding fathers and independence heroes, such as Juan Pablo Duarte and Antonio Duvergé).

The 1865 Constitution is the first one to establish a *jus soli* legal regime for citizenship. Article 5 stipulates that “All those that have been born or are born in the territory of the Republic, regardless of the nationality of their parents” are Dominicans (República Dominicana 1865, 447). This constitution came out of the struggle for independence from Spain, in which Haiti played a prominent role in helping Dominican rebels. Though the constitution still granted citizenship (potentially) to the children of Dominicans, there was no such requirement for those born on Dominican territory, making it a true *jus soli* legal regime—and allowing for citizenship to be extended to the Dominican-born children of any foreigners, including Haitians. Treason was eliminated as a specific cause for the loss of citizenship, replaced by the vague statement “for serving against the Republic” (República Dominicana 1865, 448).

Thereafter, Dominican citizenship was granted by a combination of *jus soli* and *jus sanguinis* provisions. The last decades of the nineteenth century and the first decades of the twentieth century were characterized by the development of the country’s sugar industry, which attracted large numbers of immigrants from Europe, Latin America, and particularly from neighboring islands. The Dominican authorities encouraged immigration as a driving engine of economic growth, and Dominican constitutions from this period made it easy for immigrants to naturalize. For example, the 1872 Constitution granted citizenship to foreigners that “profess an art, science, or useful industry” (República Dominicana 1872, 422). The 1875 Constitution established a year of residency for registered immigrants in order to become citizens (República Dominicana 1875, 384). The 1880 Constitution granted Dominican citizenship to “All the children of the Spanish-American Republics, and of the neighboring Spanish Antilles that come reside in the Republic” (República Dominicana 1880, 636). The mentioning of the Spanish Antilles in the 1880 Constitution refers to Cubans and Puerto Ricans, which at the time represented important immigrant groups in the Dominican Republic—and very desirable ones because of their cultural commonalities with Dominicans. The 1908 Constitution was the first one to include the ‘in transit’ clause to exclude the children of foreigners in transit through the Republic’s territory from acquiring Dominican citizenship (República Dominicana 1908, 13). This clause was originally designed to address the issue of children born on ships passing through Dominican ports, and whose parents were not intending to settle in the Dominican Republic—a common occurrence at a time of steam ships ferrying passengers between different ports in the Caribbean.

From 1916-1924, the Dominican Republic was under U.S. military occupation. A large external debt, compounded by serious political infighting and instability, drove the U.S. government to take steps to assume control of the country's finances (starting in 1905) and to eventually send in troops to impose a military occupation (in 1916) (Calder 1984). A mediated agreement eventually led to the withdrawal of the U.S. troops and the establishment of a sovereign Dominican government, and the 1924 Constitution was the result of this process. It granted Dominican citizenship to those "born in the Republic from foreigners born in the Republic," and to those "born in the territory of the Republic from unknown parents or of unknown nationality" (República Dominicana 1924, 6). These stipulations were a reflection of the still-expanding sugar sector, which brought thousands of laborers to the Dominican Republic, and the nation's desire to assimilate them—and their children. An interesting coda was the stipulation that Dominican females that married foreigners would acquire the citizenship of their husbands (unless prohibited by law).

In 1930, General Rafael L. Trujillo became president of the Dominican Republic, and established a dictatorial regime that would last until his assassination in 1961. Trujillo was a despot that utilized his control over the Dominican military, nationalism, Catholicism, a personality cult, anti-Communism, and anti-Haitianism as means to stay in power and cement his control over Dominicans. Trujillo was also a fervent admirer of European right-wing rulers (e.g., Spain's Generalissimo Francisco Franco) and he embarked on a path to modernize the Dominican Republic and expand its economy, relying on revenue from the sugar industry (Crassweller 1966). Following on the idea that to govern is to populate (common in Latin America since the late nineteenth century), Trujillo encouraged immigration. As such, constitutions and laws drafted during his rule follow on the tradition of easily granting Dominican citizenship to those either born in the Republic's territory or wishing to establish residency in it. For example, the 1934 Constitution streamlined the convoluted language of the 1924 Constitution and stipulated just four categories of citizens: those that already were Dominican citizens due to previous laws or constitutions; those born in the territory of the Republic (with the exception of the children of diplomats and those in transit); those born overseas to Dominican parents (they had to request Dominican citizenship upon turning eighteen); and those that naturalized as Dominican citizens (República Dominicana 1934, 302-303). Dominican citizenship could be lost by: taking up arms against the Republic or lending help to an attempt; criminal conviction; court order; being in the employment of a foreign government while residing on Dominican territory; and for having taken up another citizenship (República Dominicana 1934, 303).

In addition, in 1948, the Trujillo regime enacted a comprehensive naturalization law that stands to this day. Law 1683 laid out the conditions and procedures for foreigners to become Dominican citizens, either through an ordinary or a 'privileged' naturalization regime. Ordinary naturalization was available to: foreigners that had resided on Dominican territory for at least ten years; foreigners that had resided on Dominican territory for five years, if they owned a business or a home; foreign males that had resided on Dominican territory for two years, if they had married a Dominican female; foreigners that had resided on Dominican territory for two years, if they cultivated a parcel of land of at least thirty hectares; foreigners that had resided on Dominican territory for six months, and had been hired to provide technical or specialized service to the armed forces; the wives of foreigners that requested naturalization; and the minor, unmarried children of foreigners that requested naturalization (República Dominicana 1948, 201-202). Privileged naturalization was by presidential decree, for services rendered to the Republic, though it could be rescinded if the grantees committed "acts of ingratitude or indignity towards the Republic" in the future (República Dominicana 1948, 204-205). Law 1683 also granted conditional naturalization to

foreigners (and their wives and children) that immigrated to the Dominican Republic to work in the government's agricultural colonies. After five years of work and good conduct, citizenship became permanent (República Dominicana 1948, 204). These agricultural colonies were created by Trujillo on the borderlands with Haiti in an effort to stem what he considered was a gradual Haitian takeover of Dominican territory—one peasant family at a time. Trujillo's rural colonization scheme was meant to attract mainly white colonists to the Dominican Republic, but at some point the country also imported Japanese families (Turits 2002). The colonies attracted some immigrant families, but ultimately the regime had to rely on Dominican families (and even convicts) lured by the promise of land.

The assassination of Trujillo on 30 May 1961 brought about the collapse of his dictatorial regime within months. The next five years were marked by political instability in the Dominican Republic, as different groups vied for power in the post-authoritarian transition. Elections took place in 1962, and the winning candidate, Juan Bosch (a former exile and political opposition leader) won the first free and fair election in decades, only to be overthrown seven months after his inauguration by the Dominican military. The Dominican military, in an alliance with the conservative political camp, and the Catholic Church, felt that Bosch was radically liberalizing the country and undermining their privileges (Moya Pons 1998, 383-385). More political instability followed, culminating in a civil war between contending military camps that either supported or opposed Bosch's return to power. On 28 April 1965, U.S. president Lyndon B. Johnson, concerned about the deteriorating situation in the Dominican Republic (and potential communist influences in the context of the Cuban Revolution and the Cold War), sent U.S. troops to occupy the country. In spite of the U.S. military occupation, Bosch—living in exile in Puerto Rico at the time—was ultimately prevented from regaining his office and finishing his presidential term. The U.S. military eventually organized new elections in 1966 that were won by Joaquín Balaguer, Trujillo's trusted puppet president, minister, and adviser (Gleijeses 1978). He was the clear favorite of the country's conservative sectors and the even the United States saw him as a reliable ally in the fight against global communism. Balaguer would use that support to become a fixture of modern Dominican politics, occupying the presidency from 1966-1978, and then from 1986-1996 (for a total of six terms). In spite of the political instability of the early 1960s, and the drafting of new constitutions, the citizenship regime of the Dominican Republic remained consistent. The only remarkable change during this period was the new language regarding the loss of citizenship rights written into the 1966 Constitution. This document was the first one to establish a clear legal separation between the loss of citizenship and the suspension of citizenship rights. From then on, in the Dominican Republic citizenship rights can only be lost for treason, espionage, conspiracy against the Republic, taking up arms against it, or lending help to those that do. On the other hand, citizenship rights can be suspended for a criminal conviction, court order, or accepting employment from a foreign power without authorization (República Dominicana 1966, 13-14). Technically, suspended citizenship rights can be reinstated once the cause for suspension is no longer in effect (e.g., a convict has served her/his sentence).

Balaguer's long tenure in power and his penchant for rigging elections led to a political impasse in 1994, when the widespread disenfranchisement of opposition voters sparked an electoral crisis. Thousands of Dominican showed up to vote on election day (16 May 1994), only to discover that their names had been taken off the electoral rolls. Officially, Balaguer had won a narrow victory in a disputed election, full of irregularities, and the political opposition presented a united front to challenge these results. The resulting 'Gentlemen's Agreement' called for a new constitution that limited Balaguer's new term to two years, and banned consecutive presidential reelection (Hartlyn 1994). The 1994

Constitution ushered in major electoral changes, but left the citizenship clauses mostly untouched. The only significant change was that it now allowed Dominicans to acquire a second citizenship without losing their Dominican one (República Dominicana 1994, 10); opening the door for thousands of Dominicans to naturalize as U.S. citizens. Up to then, many Dominicans in the United States had been reluctant to naturalize for fear of losing their citizen rights in the Dominican Republic. With dual citizenship came the right to vote from abroad. Starting in 2004, Dominicans residing abroad voted for the president and vice president of the Dominican Republic from overseas locations in the United States, Europe, and Latin America.

In 2004, a new immigration law (No. 285-04) closed the legal loophole of the ‘in transit’ constitutional clause, by defining temporary immigrant laborers and foreign residents of the borderlands as such (República Dominicana 2004, 21-22). In other words, undocumented immigrants, regardless of how long they had lived in the Dominican Republic, were now considered as non-residents who were ‘in transit’ for constitutional purposes. For decades, the children of Haitian migrants (the country’s largest ethnic group) had technically been eligible for Dominican citizenship under the *jus soli* provision of the Dominican constitution. Its application, however, had not been even. In some cases, overzealous Dominican officials would not issue these children of immigrants with birth certificates or Dominican identification cards alleging that they were Haitians. These discriminatory practices toward Haitian Dominicans periodically made national—and sometimes international—headlines and reignited a heated debate over whether the children of Haitian immigrants were Dominicans or not. One camp argued that under long-standing *jus soli* constitutional provisions, all children born in Dominican territory were Dominican citizens—regardless of their parents’ origin or legal status. The other camp argued that Haitian labor migrants represented an exception, because as temporary workers, they were ‘in transit’—regardless of how long they had been living in the Dominican Republic—and thus their children were ineligible for Dominican citizenship. This fiery debate was permeated by issues of race, ethnicity, and class, as Haitian migrants were mostly black and poor, and hailed from a country that Dominican nationalists considered the Dominican Republic’s enemy and greatest existential threat. The 2004 immigration law seemed to close the loophole, but it would still be up to the Dominican Congress and the courts to have the final say.

This historical overview has highlighted two major trends regarding citizenship in the Dominican Republic. On the one hand, the country’s combination of *jus soli* and *jus sanguinis* laws to determine citizenship falls in line with regional patterns. The Dominican Republic, like its regional neighbors, sought to attract immigrants in efforts to ‘modernize’ the country, and thus made it fairly easy for immigrants to naturalize as Dominican citizens (and for their children to gain citizenship at birth). On the other hand, the Dominican Republic’s relationship with Haiti has influenced the exact nature—and application—of some of these laws. The ups and downs of Haitian-Dominican relations in the nineteenth century, and the growth of Haitian labor migration to the Dominican Republic in the twentieth century, sparked changes in the citizenship regime, policies, and practices. Though for decades the children of Haitian immigrants were Dominican citizens by birthright, laws regarding *jus soli* were oftentimes inconsistently applied to Haitian Dominicans. Some Haitian Dominicans even resorted to taking the Dominican government to international court in order to try to get their Dominican citizenship recognized by the authorities (Sagás and Román 2017, 44). And in doing so, the ‘in transit’ clause of the constitution became a topic of heated debate in the Dominican Republic for years.

3. The Current Citizenship Regime

In 2010, a new constitution finally ended the debate regarding the ‘in transit’ clause and made its legal meaning explicitly clear: only the children of authorized migrants were Dominican citizens. According to Article 18, Dominican citizens included “people born in the national territory, with the exception of the sons and daughters of foreigners who are members of diplomatic and consular legations, foreigners who are in transit or reside illegally in Dominican territory. We consider a person in transit all foreigners defined as such under Dominican laws” (República Dominicana 2010, 9). Therefore, the children of the undocumented were no longer Dominican citizens after the proclamation of the 2010 Constitution (which took place on 26 January 2010). For labor migrants defined as ‘in transit’ by Law 285-04, the new constitution now barred their children from qualifying as citizens of the Dominican Republic. This redefinition of *jus soli* mostly affected the children of Haitian immigrants, and it was enacted specifically with them in mind. The debate around the ‘in transit’ clause had centered solely on Haitian migrants, which were the country’s main immigrant labor force, and which historically have been viewed with suspicion and as inferior to Dominicans by xenophobic intellectuals and public officials (Sagás 2000). Nowadays, the Dominican Republic has a *jus soli* regime with qualifications, in which legal residency status is required of the parents of children born on Dominican soil. As a result, since the implementation of the 2010 Constitution, the Dominican-born children of undocumented Haitian immigrants have been condemned to live on the margins of Dominican society. They cannot acquire Dominican citizenship (technically, they are as undocumented as their parents), and in order to claim Haitian citizenship through their parents, they must go through a time-consuming, burdensome, and costly process at the Haitian Embassy in Santo Domingo.² In the end, they would be claiming citizenship in a country which most of them do not even know.

The twenty-first century redefinition of Dominican citizenship did not end with the 2010 Constitution. Actually, a constitutional challenge by a Haitian Dominican woman named Juliana Deguis Pierre set in motion a new chain of events with far-reaching legal consequences. In 2008, Deguis Pierre (who had a Dominican birth certificate) went to get her Dominican national identification card. Instead, Dominican civil servants seized her birth certificate and refused to issue her a Dominican identification card, alleging that she was Haitian. Deguis Pierre sued, and her case went before the newly-created Constitutional Tribunal, a product of the 2010 Constitution whose purpose was the examination of constitutional questions (República Dominicana 2010, 60-61). Even though the Court indicated that it was not the right venue for her specific case, it still decided to look into the constitutional issues raised by it. The Court’s ruling (Sentencia TC/0168/13) sent shockwaves throughout the Dominican legal community, immigrants rights’ groups in the Dominican Republic, and human rights organizations overseas. In an 11-2 split decision, the Constitutional Court ruled (among other things): first, that Juliana Deguis Pierre was not a Dominican citizen (in spite of having been born in the Dominican Republic in 1984); second, that the Dominican government had to review all civil registries from 1929-2007, in order to ascertain which foreigners had been improperly registered as Dominicans (as in the case of Deguis Pierre); third, that these foreigners, once identified, were to be placed on a ‘List of Foreigners Irregularly Registered in the Civil Registry of the Dominican Republic’; and

² The 1987 Haitian Constitution (modified in 2012) reads: “Article 11: 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” (Republic of Haiti 2012, 5).

fourth, that the authorities were to draft a ‘National Plan for the Regularization of Illegal Aliens Residing in the Country’ in order to determine their ultimate fate (Tribunal Constitucional de la República Dominicana 2013, 98-101). In other words, not only did Deguis Pierre lose her Dominican citizenship, but in addition several generations of children of Haitian immigrants now considered ‘in transit’ by the Constitutional Court’s ruling were retroactively stripped of their Dominican citizenship too, going all the way back to 1929 (Sagás and Román 2017). Thousands of Haitian Dominicans—dead or alive—lost their citizenship overnight, becoming stateless.³ Though the 2013 ruling of the Constitutional Court applied to all undocumented migrants, the facts of the case left no doubt as to who was being targeted: Juliana Deguis Pierre was a Haitian Dominican, the ruling reviewed the history of Haitian labor migration to the Dominican Republic, it referenced agreements between the two nations, it quoted the citizenship clause of the 1987 Haitian Constitution, and—again and again—it examined the issue of Haitian Dominicans who had been issued Dominican birth certificates in an irregular fashion (Tribunal Constitucional de la República Dominicana 2013). The ruling was far-reaching in its legal consequences, sparking widespread condemnation among liberal sectors of Dominican society and the international community (Amnesty International 2015; Human Rights Watch 2015). Even the administration of President Danilo Medina was caught by surprise by the Court’s judicial overreach. It then found itself in a difficult position, trying to defend the Constitutional Court’s decision while scrambling to find a solution to the massive legal problem that the ruling created. In particular, the retroactive nature of the Court’s ruling transformed thousands of Dominican citizens of Haitian descent into undocumented long-term ‘migrants’ in their own country—and their future was uncertain.

The government’s response was Naturalization Law 169-14 (República Dominicana 2014); a feeble attempt by the authorities to grant residency—and a path to citizenship—to some of those affected by the 2013 ruling of the Constitutional Court. The Naturalization Law divided Dominican-born ‘foreigners’ into two categories: Group A, which consisted of those children of undocumented migrants that were born in the Dominican Republic between 1929-2007 and that had been (irregularly) registered in the Civil Registry as Dominicans; and Group B, which consisted of those children of undocumented migrants that were born in the Dominican Republic between 1929-2007 and had not been registered in the Civil Registry. According to the law, those in Group A would be re-registered in the Civil Registry as Dominican citizens because the Dominican government had mistakenly issued them with birth certificates; thus (incorrectly) granting them Dominican citizenship. Under the terms of this legal ‘amnesty,’ these Haitian Dominicans were also granted the right to be issued Dominican identification cards, and all of their previous legal acts that were carried out under the impression that they were ‘Dominicans’ (e.g., voting) were also recognized as legal and binding (República Dominicana 2014, 5-6). The Dominican government accepted culpability for the irregular ways in which Dominican birth certificates had been issued in the past, and it decided to grant these affected individuals Dominican citizenship because of historical mistakes committed by the Dominican state. In other words, their Dominican citizenship was suspect (and according to the Constitutional Court they were Haitians), but because the Dominican government had made mistakes in the past, a blanket amnesty (with the extension of citizenship) was needed as a pragmatic political measure. Some 55,000 individuals fell into this category, according to the Dominican authorities (Amnesty International 2015, 27).

³ The Dominican anti-immigrant camp rallied to defend the Constitutional Court’s ruling by arguing that the Dominican-born children of undocumented Haitian migrants deemed ‘in transit’ were not really stateless; they were still eligible for Haitian citizenship under the terms of the 1987 Haitian Constitution (modified in 2012). So, it was up to their undocumented parents to make sure that their undocumented children obtained Haitian citizenship.

Those in Group B were not so lucky. In spite of being born in the Dominican Republic, they had to register as foreigners before the Dominican authorities, and then file documents proving that they had been born in the Dominican Republic and that they had resided in the country. After having gathered all their evidence, then they could apply for naturalization, which was to be granted in two years (República Dominicana 2014, 7-8). By the 1 February 2015 deadline, just 8,755 individuals had registered under Plan B; a fraction of the over 53,000 people that the Dominican authorities estimated could qualify under the law (Amnesty International 2015, 30). Even though the registration process was free, the applicants' lack of documents, their ability to get them, the burdensome nature of the process, the apathy of the authorities, and the cost of traveling to civil registry offices proved to be major obstacles for the children of poor Haitian immigrants. As a result, thousands of Haitian Dominicans currently live in a legal limbo as undocumented foreigners in their own country (Human Rights Watch 2015). Those affected also include registered individuals born of undocumented parents between 2007-2010, when those Dominican-born children were consistently listed as foreigners in the civil registry. Because the 2013 Constitutional Court ruling solely applied to individuals born in the Dominican Republic to undocumented parents between 1929-2007, those born thereafter, and up to the implementation of the 2010 Constitution, were left out. They are foreigners in their own country, who are required by law to register as such, after which they could opt for naturalization as Dominicans. In the span of a year, the Dominican Republic stripped away the citizenship of hundreds of thousands of Haitian Dominicans, and then restored it only to a few thousands of them. This massive denationalization of citizens and the ensuing legal maneuverings are unprecedented in the nation's history—and in the region.

3.1 Main modes of acquisition of citizenship

As of 2010, citizenship in the Dominican Republic is determined by a combination of *jus soli* and *jus sanguini* rules. There are several specific ways in which an individual acquires Dominican citizenship. The first—and most common one—is through a parent who is a Dominican citizen, as stated in Article 18, Section 1, of the 2015 Constitution (the one in force as of this writing). In the case of a child born on Dominican soil, the granting of Dominican citizenship to the child is automatic. If the child is born abroad, then sections 4 and 6 of Article 18 apply, which allow the child to naturalize as a Dominican citizen upon reaching the age of eighteen, and either renounce her/his birthplace's citizenship or become a dual citizen—a choice available since 1994 (República Dominicana 2015, 8). Either way, the child is constitutionally entitled to Dominican citizenship through her/his Dominican parent(s). Another way to acquire Dominican citizenship is through *jus soli*. According to Article 18, Section 3, individuals born on the national territory of the Dominican Republic are Dominican citizens. Some exceptions apply: the children of diplomats, of foreigners in transit, or those residing illegally in the country (República Dominicana 2015, 8). As mentioned above, this provision closed (in 2010) a decades-old legal loophole that allowed the children of undocumented Haitians laborers to acquire Dominican citizenship via *jus soli*. Finally, the 2015 Constitution (like those before it) recognizes the Dominican citizenship of those that legally had it before the 2015 Constitution was implemented (Article 18, Section 2). This section was seemingly disregarded in the 2013 Constitutional Court decision, which simply stripped away the citizenship of thousands of Dominicans that had previously acquired it by birthright (*jus soli*).

The other main forms of acquiring Dominican citizenship revolve around a naturalization procedure, and are recognized by Article 18, Section 7 of the 2015 Constitution. Article 19 states that naturalized citizens cannot run for the presidency or vice-presidency of the Republic. Article 20 recognizes dual citizenship for Dominicans, but if a Dominican citizen wants to run for the presidency or vice-presidency of the Republic, then s/he must have renounced her/his foreign nationality (and must have been residing in the Dominican Republic) for at least ten years before being elected to these high offices (República Dominicana 2015, 8).⁴ An exceptional naturalization procedure was the 2014 Naturalization Law (Law 169-14) that bestowed Dominican citizenship on thousands of Haitian Dominicans that had lost it as a result of the 2013 Constitutional Court ruling—a very controversial path for the naturalization of individuals that had been born as Dominican citizens (more on that process in Section 3.3, below). Other naturalization procedures detailed in the Dominican legal code are more mainstream, and are detailed in Law 1683 (República Dominicana 1948). For example, Article 1(b) allows any foreign resident who is an adult (eighteen years of age or older), and has resided legally in the Dominican Republic for at least two years, to acquire Dominican citizenship by naturalization. Article 5 lowers the legal age for applying for naturalization if the person is married, or is at least sixteen years old and her/his parents or legal guardian provide an authorization. In addition, Article 1(d) allows foreigners that marry Dominican citizens to become citizens of the Dominican Republic themselves through naturalization. It originally stipulated that naturalization by the marriage of a foreign male to a Dominican female required a six-month residency period for the former, but the Executive could make exceptions to the residency requirement for foreign females that married a Dominican male (Article 1, Paragraph II). Article 18(5) of the 2015 Constitution also grants the spouses of Dominicans naturalization through marriage (República Dominicana 2015, 8). Law 1683 also grants Dominican citizenship via naturalization to children (under eighteen) adopted by Dominican citizens (Article 26, Paragraph II). Other ways of acquiring Dominican citizenship by naturalization are related to the naturalization process itself. For example, the female spouse of a male foreigner acquiring Dominican citizenship through naturalization can acquire it herself, without any residency requirements (Article 3). Likewise, foreign-born minor children automatically acquire Dominican citizenship when a parent naturalizes as a Dominican (Article 4). They must be minors, though, and unmarried. They can renounce their Dominican citizenship, if they wish to do so, upon turning eighteen (but they only have a year to do so). The foreign-born adult children of naturalized Dominican citizens can acquire Dominican citizenship, too, but only at the same time as their mothers, and after a year of residency in the country (Article 3, Paragraph I).

An uncommon form of (re)acquiring Dominican citizenship stipulated in Law 1683 was the case of Dominican females that lost their Dominican citizenship by marrying a foreign male. They could request reacquisition of their Dominican citizenship if they resided in the country (Article 22). The 1994 Constitution rendered this point moot by granting dual citizenship to all Dominicans (República Dominicana 1994, 10). Another uncommon case of (re)acquisition of Dominican citizenship, or more specifically, citizenship rights, is the case of convicted criminals. According to the 2015 Constitution (Article 24), their rights are restored after serving their sentences, or for those under a court ruling, once the ruling is lifted (República Dominicana 2015, 9).

⁴ The extension of dual citizenship has not been a controversial legal issue in the Dominican Republic. Quite the opposite. Besides being a long-standing claim by the diaspora community, it is also seen as a legal instrument that gives Dominicans overseas political leverage vis-à-vis their host nations. These Dominicans émigrés are considered ‘ambassadors’ of sorts that could potentially lobby their host nations’ governments on behalf of the Dominican Republic.

Law 1683 also made provisions for instances in which Dominican citizenship is granted under exceptional circumstances to individuals for meritorious deeds. Article 18 allows the President to grant Dominican citizenship by decree to individuals for meritorious service to the nation or to humanity. Only up to five individuals per year are eligible under this category (Article 20). Article 2 allows the granting of Dominican citizenship to foreigners that have rendered technical or special services to the Dominican armed forces (a six-month residency period is required). Article 1(c) grants Dominican citizenship to individuals that have founded urban or rural industries, or own real estate in the country. A six-month residency period is required, but it can be waived by the Executive if the person has at least thirty hectares of land under cultivation [Article 1(e)]. Finally, Article 13 granted conditional Dominican citizenship to individuals that came to the Dominican Republic under Trujillo-era agreements to establish agricultural colonies in remote parts of the country. The granting of citizenship would become permanent after five years, but it could be revoked for crimes against the government (or more common crimes), as stipulated in Article 16 (República Dominicana 1948).

3.2 Main modes of loss of citizenship

The loss of citizenship is a serious issue (and one that may render an individual stateless), and in the Dominican Republic, naturalization laws and constitutional provisions specify a number of offenses that may result in the legal withdrawal of a person's Dominican citizenship. The first (but minor) reason for losing one's Dominican citizenship is non-residency after becoming a naturalized citizen. According to Law 1683, Article 12, Paragraph II(d-e) (República Dominicana 1948), if a naturalized Dominican citizen is absent from the national territory for ten years, or if s/he establishes permanent residency abroad within one year of having naturalized, Dominican citizenship can be revoked. More serious offenses (some of them criminal) can also be a cause for the loss of citizenship. Article 12 [in Paragraph II(f)] states that a resident naturalized citizen who accepts employment from a foreign power (without the authorization of the Dominican government) can lose her/his Dominican citizenship. Crimes against the state represent grave reasons behind the loss of citizenship. Article 23 of the 2015 Constitution (República Dominicana 2015, 9) details the serious crimes against the state that could bring about the loss of Dominican citizenship: committing treason, espionage, conspiracy, taking up arms against the country, or providing support or participating in violent acts or deliberate damages against the interests of the Republic. In the case of a Dominican citizen without any other claim to a foreign citizenship, this loss of Dominican citizenship may result in statelessness. Likewise, Law 1683 [Article 12, Paragraph II(a-c)] stipulates that naturalized citizens can lose their Dominican citizenship for the same capital crimes, plus ambiguous *lèse-majesté* charges of acts of disloyalty or ingratitude towards the country, its leaders, or its institutions (República Dominicana 1948). One must keep in mind that this law was enacted during the Trujillo dictatorship, when criticism of the regime or the president were severely sanctioned—legally as well as through widespread repression (Crasweller 1966). Naturalized citizens can also lose their Dominican citizenship if they behave in immoral ways or commit indecent acts [Article 12, Paragraph II(g)] (República Dominicana 1948). Finally, if naturalization is achieved by using forged documents or through fraudulent means, the Dominican government can revoke it, under the terms of Article 12, Paragraphs I and II(h).

Though not technically a loss of citizenship, citizenship rights can be suspended by the Dominican government in case of a criminal conviction (until the end of the sentence), a

judicial order (while in force), working for a foreign government in the Dominican Republic without the consent of the Executive, or a violation of the norms under which naturalization was granted, according to Article 24 of the 2015 Constitution (República Dominicana 2015, 9). For the most part, these reasons for the loss of Dominican citizenship are pretty commonplace, and found in laws and constitutions all over the region. The 2013 Constitutional Court ruling stripping the citizenship of thousands of Dominicans of Haitian ancestry, however, represents a unique sanction against a whole ethnic group, and merits a more detailed examination.

3.3 Specific rules and status for certain groups

The 2013 Constitutional Court ruling, and the subsequent 2014 Naturalization Plan, presented a unique case of widespread loss of citizenship, followed by (re)acquisition—but only for those that qualified. While Dominican constitutions and the 1948 naturalization law never directly addressed the presence of thousands of Haitian laborers (and their descendants) in the Dominican Republic, the 2013 ruling and 2014 naturalization law specifically aimed to permanently alter the legal status of thousands of Dominicans of Haitian ancestry. In doing so, they codified what, for decades, had been a common practice: the unequal treatment and legal exclusion of Haitian Dominicans by the authorities.

The 2013 Constitutional Court ruling represented the largest loss of citizenship event in the history of the Dominican Republic, and it specifically targeted one group: Dominicans of Haitian ancestry. Ruling TC/0167/13 listed ten specific orders issued by the Court, as follows. First, it accepted the case presented by Ms. Juliana Deguis Pierre. Second, it rejected the ruling by a lower court and stripped Ms. Deguis Pierre of her Dominican citizenship, by virtue of her being the child of foreigners ‘in transit.’ Third, it ordered the Central Electoral Board (that handles the country’s civil registry) to return Ms. Deguis Pierre’s original birth certificate to her, then present her case to the appropriate court to determine the validity (or lack of it) of her birth certificate, and to proceed likewise with similar cases. Fourth, it ordered immigration authorities to issue a temporary residency permit to Ms. Deguis Pierre, until her legal status could be regularized. Fifth, it ordered the Central Electoral Board to audit all of the country’s civil registry rolls dating back to June 21, 1929. In doing so, the Central Electoral Board had to identify all foreigners in the civil registry, create a second list of foreigners irregularly registered but that did not qualify for Dominican citizenship under *jus soli* provisions, create registry books for foreigners born between 1929-2007 and transfer the names of those irregularly registered (i.e., the second list) to these new books, and share the contents of the books with the Ministry of Foreign Relations, that would in turn notify the affected parties, as well as foreign consulates and embassies in the Dominican Republic. It must be noted that the use of the term ‘foreigner’ referred in this context to the children of Haitian immigrants born on Dominican soil and that, under the *jus soli* provisions in place at the time, had been registered as Dominican citizens (and issued legal documents, such as Dominican birth certificates). Sixth, it ordered the Central Electoral Board to share the list of foreigners irregularly registered in the Dominican civil registry with the Ministry of Interior and Police, so that the latter institution would proceed (within ninety days) to draft a national plan for the regularization of foreigners illegally residing in the country. Once the plan was ready, the Ministry of Interior and Police would present a report (and issue recommendations) to the Executive Branch regarding its regularization plan. Seventh, it urged the Executive Branch to implement the national regularization plan. Eighth, it ordered the notification of this ruling to all affected parties. Ninth, it declared the procedure free of

charge, according to the law. And tenth, it ordered the publication of this ruling in the Bulletin of the Constitutional Court (Tribunal Constitucional de la República Dominicana 2013, 98-101). Basically, the ruling declared the children of Haitian immigrants as ‘foreigners’ irregularly registered in the civil registry of the Dominican Republic, and ordered the Dominican government to take the necessary steps to deal with this long-standing issue. The ruling applied to the children of foreigners deemed ‘in transit,’ and who were born on Dominican soil between 1929-2007—a time span of about four generations of Haitian Dominicans.

The administration of President Danilo Medina followed up on the Court’s request with Law 169-14 (República Dominicana 2014), which established a plan to determine the fate of these individuals irregularly registered in the Dominican civil registry. In part, the plan was also a response to the barrage of criticism and bad publicity that the Dominican authorities received from local and international sources, as the legal predicament of thousands of Haitian Dominicans became a cause célèbre among human rights activists. Law 169-14 comprised five main points. First, Article 2 ordered the Central Electoral Board to (re)register in the Dominican civil registry (free of charge) all the children of undocumented foreigners that had been previously—and irregularly—registered as Dominicans. Those registered as such would become legal citizens of the Dominican Republic. Second, Article 4 ordered the Central Electoral Board to reissue them the Dominican identification cards that they had before (with the same serial number) or issue them new identification cards if they did not have one before. Third, Article 5 recognized as legitimate all of their legal actions dating back to their birth. Fourth, Article 6 required the children of undocumented foreigners who were born on Dominican soil, and who were not registered in the Dominican civil registry, to register as foreigners within ninety days. And fifth, once registered, those ‘foreigners’ born on Dominican soil were eligible to apply for Dominican citizenship (through the naturalization process) after two years of residence (and good conduct), as stipulated in Article 8 (República Dominicana 2014). Law 169-14 effectively created two categories of Haitian Dominicans: those in Group A, who had some kind of state-issued documentary evidence of their birth in the Dominican Republic; and those in Group B, that now had to rely on circumstantial evidence (to the satisfaction of the Dominican authorities) to prove their birth on Dominican soil. Whereas the acquisition of citizenship for those in Group A was a straightforward process, those in Group B faced long odds, many bureaucratic hurdles, and a waiting period of two years before they could reacquire the citizenship of the nation in which they were born. In spite of the reassuring tone of Law 169-14, the underlying message for Dominicans of Haitian ancestry is that they have always been ‘foreign,’ that they are not real Dominicans, and that if they now have Dominican citizenship it is because of the government’s benevolence and willingness to correct the mistakes of the past. This procedure flew in the face of decades of *jus soli* constitutional provisions, whereby any child born on Dominican soil was deemed a Dominican citizen. After the 2013 ruling and Law 169-14, Haitian Dominicans had to earn their citizenship, or more aptly, beg the authorities for it.

4. Current Political Debates and Reform Plans

As seen above, the Dominican Republic has a very liberal citizenship regime when it comes to those who have been historically identified as bona fide Dominicans. They can acquire a second citizenship without losing their Dominican citizenship, and they can pass their Dominican citizenship on to their children born overseas (who can also become dual citizens). This extension of Dominican (and dual) citizenship into the second generation is a nod to the important role played by the Dominican diaspora in the life of the nation. Dominican expatriates support the Dominican economy at the tune of several billion dollars a year, run for office, vote in presidential elections from overseas, (since 2012) get to elect seven representatives to the Dominican House of Deputies (*Cámara de Diputados*⁵), and they also serve as a cultural and political bridge between the Dominican Republic and the developed nations of the Global North—mainly the United States. The over two million Dominicans that reside overseas (mostly in the United States) are nowadays seen as an integral part of the Dominican nation—their spouses and children included.

That is not the case with the Dominican Republic's long-term Haitian-origin population. Haitians have historically been scapegoated in the Dominican Republic as a pernicious, foreign influence that seeks to undermine Dominican culture, the nation, and its sovereignty (Sagás 2000). As such, Haitians and their children are seen as perennially suspicious 'aliens'—even after several generations in the country. It then comes as no surprise that a court ruling could retroactively strip several generations of Haitian Dominicans of their citizenship. There was no special dual citizenship provision for them; just an ignominious naturalization process in which they had to accept their foreignness in order to be given the chance to become naturalized citizens of the country in which they were born.

At this point, the reality of the 2013 Constitutional Court ruling and the slipshod Naturalization Plan seem to be sinking in. Thousands of Haitian Dominicans lost their Dominican citizenship and were unable to regain it. Like their poor immigrant parents, they are now condemned to a life in the shadows of a society that sees them as an unwanted, but sorely-needed source of cheap labor (Sagás and Román 2017). According to Amnesty International, “the Dominican Republic is home to the largest population of stateless people in the Americas, virtual ghost citizens with no rights” (Guittard 2016). When in 2014 the Inter-American Court of Human Rights (IACHR) ruled in favor of rights for Haitians and Haitian Dominicans, and accused the Dominican government of violating international human rights law, the Medina administration quickly dismissed the IACHR's verdict. Moreover, these Haitian Dominicans have no right to appeal their cases; the ruling of the Constitutional Court is final. There are also no plans to redress their ongoing grievances, either by the Dominican executive or the legislature. A few non-governmental organizations—both in the Dominican Republic and overseas—are still clamoring for legal redress, but most of Dominican society has by now moved on beyond this issue. The Medina administration still insists that it has been complying with the law and that human rights are respected in the Dominican Republic. In light of this attitude, and Medina's easy reelection in 2016 to a second presidential term, the future is grim for those Haitian Dominicans whose lives were affected by the 2013 Constitutional Court ruling.

⁵ The Dominican Republic has a bicameral legislature, with a senate (*Senado*) and a lower house (*Cámara de Diputados*).

The current citizenship regime in the Dominican Republic presents an interesting paradox: it has become more inclusive for individuals considered as bona fide Dominicans, but it has become more exclusive for those Dominicans whose ancestry is considered alien to the country's cultural and ethnic makeup. The millions of Dominican expatriates residing overseas (mostly in the United States) can acquire another citizenship without losing their Dominican citizenship, they can pass their Dominican citizenship on to their children, and the latter (in turn) can become dual citizens. Their *dominicanidad* (Dominicanness) is not openly questioned in Dominican society (Sagás and Román 2017). Quite the opposite: as overseas voters who get a say in the election of the president and have seven seats in the legislature, and as vital contributors to the nation's economic well-being through their remittances, the émigrés' loyalty to the nation is beyond reproach. If anything, their *dominicanidad* is often romanticized in popular discourses and political speeches as a longing that never withers away, no matter how long they have been out of the country.

For Haitian Dominicans, it has always been a different story. Their Haitian ancestors have been stereotyped as historical enemies of the Dominican nation, bent on an eventual takeover of territory formerly belonging to Haiti. Their parents, poor immigrants who came to work in the fields of the Dominican sugar industry or local agribusinesses, are scapegoated as aliens that take jobs away from Dominicans, depress wages, and bring with them all sorts of health and safety issues. And they (Haitian Dominicans) are seen as illegitimate claimants to a nationality that they do not deserve, neither culturally nor legally. Their birth on Dominican soil is considered an accident, the result of economic circumstances and soft-handed Dominican administrations that were unable—or unwilling—to secure the country's borders and strongly enforce immigration laws. Their assimilation into Dominican culture and their loyalty to the nation are deemed suspect; a façade to bide their time until they become a majority and can displace 'real' Dominicans (Sagás 2000). In light of all these historical stereotypes, it comes as no surprise that hundreds of thousands of Haitian Dominicans ended up losing their Dominican citizenship (retroactively), and that to this day, thousands of them still have to regain it.

Though Dominican citizenship laws are not very different from those of its neighbors in the region, historical animosity towards the racialized Haitian 'Other' (and their descendants) has led to the deliberate exclusion of thousands of Dominicans of Haitian ancestry from the country's polity by stripping away their Dominican citizenship. Even in the case of those that eventually regained it through the regularization plan of the Medina administration, their citizenship is still seen as 'suspect' by many Dominicans—a product of a controversial legal 'amnesty' to take care of the 'Haitian problem' once and for all. Their Dominican citizenship may be legal, but is not socially seen as rightful by mainstream Dominican society. They remain suspected fifth columnists in the midst of the Dominican nation (Sagás and Román 2017).

In conclusion, the current citizenship regime of the Dominican Republic seems very traditional at first glance, but it embodies decades of discriminatory treatment towards the country's largest ethnic minority: Haitian immigrants and their descendants. This dual standard is detrimental to the nation's rule of law and the quality of Dominican democracy. As the nation's large diaspora redefines the Dominican Republic as a transnational state, and the meaning of who is a Dominican shifts over time, perhaps the time will come for the Dominican state to seriously reconsider the second-class status of Dominicans of Haitian descent.

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