

October 30, 2013

Secretary of State John Kerry
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Kerry:

We are writing on behalf of a group of human rights, humanitarian and faith-based organizations to share with you our collective concern regarding efforts in the Dominican Republic to strip citizens of foreign descent of their citizenship. Further, we write to urge you to express your concern to the Dominican government, encourage the Dominican government to bring their citizenship regime back into compliance with the Inter-American system and relevant international treaties and law and, in the meantime, implement the recent Constitutional Court ruling in a way that minimizes harm to affected people. We also ask that you engage the diplomatic corps in Santo Domingo and use available points of leverage within the context of CAFTA-DR violations and CESFRONT funding schemes.

On September 23, the Dominican Republic's Constitutional Court ruled that Juliana Deguis Pierre, who was born in the Dominican Republic to Haitian parents in 1984 and registered as Dominican at her birth as permitted by Dominican law in effect at the time, should be denied Dominican nationality due to her parents' migratory status. The ruling stands in direct contravention of the Dominican Republic's binding international obligations per the Inter-American Court's 2005 judgment in *Yean and Bosico v. Dominican Republic*. Not only has the Court retroactively stripped her of her rightful nationality, it has also ordered the Central Electoral Board to examine all birth registries since 1929 and identify for denationalization all persons who were similarly allegedly improperly registered.

This ruling is expected to strip hundreds of thousands of Dominicans of their citizenship, which in addition to making them stateless, leaves them vulnerable to deportation and exploitation, and without access to basic rights such employment, education, freedom of movement, state-recognized marriage and birth registration.

The State Department, including through the Bureau of Population, Refugees and Migration, has played a key leadership role in standing up for civil rights around the world and specifically in the Dominican Republic with regard to Dominicans of foreign descent.

Principled U.S. opposition to the denationalization of Dominicans of foreign descent is urgently needed. The ruling directs the government to implement the ruling within the next year and plans are already moving forward. Within the next month, the Central Electoral Board, which administers the civil registry, will review the existing registry and determine how many people will be denationalized by the implementation of the ruling. Concurrently, within the next 60 days, the National Commission on Migration is to create a regularization plan for the people who will be rendered stateless by the Central Electoral Board's actions.

The U.S. government must engage now in order to influence the important processes happening over the next two months. Specifically, the U.S. should insist that the regularization plan be as inclusive and accessible as possible, that the end status for affected people be citizenship and not just a legal migratory status, and that the Dominican government seek the advice and technical support of international bodies with expertise in preventing statelessness such as UNHCR and the Inter-American system. At the same

time, the U.S. government should maintain strict clarity that while naturalization is an appropriate response to statelessness, the underlying rights violation in this case regarding the arbitrary deprivation of nationality remains.

In private advocacy with the Dominican government, the U.S. must use all available points of leverage. While this ruling, at its core, constitutes a violation of the right to nationality, it impacts other points of intersection between the U.S. and the Dominican Republic.

The U.S.'s free trade agreement with the Dominican Republic, CAFTA-DR, provides an important lens through which this situation should be examined. A September 27, 2013 U.S. Department of Labor report found evidence of serious violations of the Labor Chapter of CAFTA-DR. The recent Constitutional Court ruling will render thousands *more* people vulnerable to the kind of exploitation detailed in the report.

With similar regard to the interconnectedness of the U.S. and the Dominican Republic, CESFRONT (the Dominican border police) receives funds and training from the U.S. government. It is imperative that U.S. funding not enable human rights abuses or support the implementation of the deeply problematic Constitutional Court ruling through massive deportations without proper due process protections. As a funder, the U.S. government has a role to play in ensuring that CESFRONT upholds human rights as well as the 1999 bi-national agreement with Haiti governing the conditions under which repatriations happen.

We encourage you to meet with your Department of Labor, U.S. Trade Representative, and Department of Justice counterparts to examine the U.S.'s relationship with the Dominican Republic holistically, with an eye toward the promotion of human rights.

In the past, the U.S. government has played a critical role in facilitating high level engagement by the diplomatic corps in Santo Domingo. We believe that this is a crucially important role for the U.S. government to continue to fulfill. Particularly given the resistance within some sectors of Dominican society to international engagement, the U.S. should work to build a coalition of states to develop a joint strategy and address these concerns with the Dominican government.

We thank you for the State Department's ongoing commitment to addressing the human rights challenges facing Dominicans of foreign descent, and look forward to your engagement at this time.

Thank you for your consideration.

Sincerely,

ActionAid USA

Agricultural Missions, Inc.

American Friends Service Committee

Amnesty International USA

Caribbean Institute for Human Rights

Center for Justice and International Law (CEJIL)

Church World Service

Episcopal Church

Global Justice Clinic, NYU School of Law¹

Global Rights

Government Accountability Project

Grassroots International

Haiti Relief and Reconstruction Fund, Boston Foundation

Haiti Support Group

Immigrant Rights Clinic, Washington and Lee University School of Law

Institute for Justice & Democracy in Haiti

International Human Rights Clinic at Santa Clara University

Jesuit Refugee Service/USA

Mennonite Central Committee U.S. Washington Office

Open Society Justice Initiative

Robert F. Kennedy Center for Justice and Human Rights

Unitarian Universalist Service Committee

United Methodist Church, General Board of Church and Society

University of Miami School of Law Human Rights Clinic

Washington Office on Latin America

¹ This letter does not present NYU School of Law's institutional views, if any.