



Lives at Risk: Protection Concerns of Haitians Living in the Dominican Republic

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Report of the Committee on Migration of the United States Conference of Catholic Bishops

TRIP DELEGATION

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Credit: David SnyderCRS

A delegation from Migration and Refugee Services of the U.S. Conference of Catholic Bishops (MRS/USCCB) traveled to the Dominican Republic to assess the situation of Haitians from May 28-June 2. The delegation consisted of Bishop Anthony Taylor, bishop of Little Rock, Arkansas and member of the USCCB Committee on Migration and several MRS staff members. Catholic Relief Services (CRS) staff also joined the delegation. The following is a brief report on the mission.

Overview

The protection of Haitians and Dominicans of Haitian origin in the Dominican Republic has been an ongoing challenge, further exacerbated by the January 2010 earthquake in Haiti. Since the earthquake, the General Directorate of Migration of the Dominican Republic estimates that almost 200,000 undocumented Haitian migrants have entered the Dominican Republic. This number is in addition to the 1 million undocumented Haitians estimated in 2009 to be living in the country. The notable increase in the number of Haitians entering the Dominican Republic has created a migration crisis to which the Dominican government is neither equipped nor politically motivated to respond. To compound matters, in January 2010 the Dominican Republic made changes to

its constitution dictating that anyone born to diplomats, parents “in transit” i.e. non-residents, or anyone illegally in the Dominican Republic were not citizens of the country. The application of this law has had a disproportionate effect on Dominicans of Haitian descent that were born in the country and had already established their Dominican nationality, as well as the children of Haitian migrant workers born before 2010.

The roughly 1 million undocumented Haitian migrants and people of Haitian descent living in the Dominican Republic includes children and young adults that were born in the country, but have been denied access to citizenship; long-staying Haitian migrants that entered the country for economic reasons; those that fled Haiti because of their political affiliation during repressive regimes; and Haitians that fled to the Dominican Republic in the aftermath of the earthquake. Their lack of documentation does not allow them access to post-primary schooling, gainful employment, courts and judicial procedures, ownership of land or property, and it makes it difficult for them to travel within and outside of the country.

In theory, the Dominican government has a formal system for processing asylum seekers; however, it has largely been inactive and thus far ineffective. The United Nations High Commissioner for Refugees (UNHCR) estimates that about 200 asylum cases, equaling about 800 individuals, are pending and yet to be processed by the Dominican government’s National Commission for Refugees (CONARE). Many of these applicants are Haitians, some of whom have been awaiting a decision since 2000. While they wait, these individuals lack documentation, employment authorization, and the retroactive implementation of the 2004 Migration law dictates that their children do not have rights to citizenship or legal protection because they were born to non-residents.

Child Protection

Perhaps the most vulnerable Haitians in the Dominican Republic are children. They are vulnerable to exploitation, abuse, and human trafficking. While the Dominican government has taken some steps to respond to these children, by and large they are left on their own and are either controlled by traffickers and smugglers or become street children.

Access to Education

Children of Haitian descent born in the Dominican Republic are not given birth certificates. Their families are instead given pink documents, indicating that a “live birth” has taken place, and are then instructed to use this document to obtain Haitian citizenship through the Haitian consulate.

This poses a challenge for many reasons. For one, the parents of many of these children (especially those born before 2010) have spent the majority of their lives in the Dominican Republic and no longer have connections to Haiti. Second, the January 2010 earthquake devastated the Haitian civil service and it has yet to recover. Haitian law allows children of Haitian descent to obtain birth certificates before the age of two. After that period, it is a very expensive and tedious process, especially for those living abroad.

According to Dominican law, all children in the country, regardless of their nationality, are entitled access to primary education. However, this law is not always adhered to, especially in some rural areas. MRS/USC-CB was told of several instances where primary school aged children were denied access to schooling because of lack of proper legal documentation, lack of previous school records, or because they seemed to be Haitian. Once children reach secondary school age, legal documentation is required in order to be formally enrolled in schools. In rare cases, unaccompanied Haitian children under formal custody of the National Council for Childhood and Adolescence (CONANI) have been allowed to attend secondary school classes, but were not formally enrolled or allowed to take exams to advance due to lack of legal documentation.

Smuggling and Trafficking of Haitian Children

The border between the Dominican Republic and Haiti is lengthy and porous, with only two formal checkpoints that operate for 10 hours each day. On Friday, an open market is held where Dominicans and Haitians are allowed to cross freely in order to trade goods. At all other times and at other points, the border is unsecure, allowing for fairly easy passage for migrants, smugglers, and traffickers.

The economic imbalance between the two countries has been a root cause of cross border migration. Due to hopelessness, parents have reportedly abandoned their children at the border or handed them off to smugglers and traffickers in hopes that they will receive a better life in the Dominican Republic. In Haiti, the responsible government agencies are ill-equipped to maintain data on border crossings. Solidarite Frontaliere (SJRM Haiti) reports that in February 2012 alone, 3,353 Haitians including 1,032 women and 345 children were trafficked or smuggled across the border. Tragically, these women and children are often forced into labor and sexual exploitation once they enter the Dominican Republic.

Before the January 2010 earthquake the trafficking networks in the Dominican Republic were very well organized and virtually ignored. The government was aware of forced labor and sexual trafficking of children and women, especially those of Haitian descent, but took no steps to remedy the issue. The influx of Haitians entering the Dominican Republic after the earthquake became

cause for the Dominican government to take notice of the increased number of street children and heightened activity of trafficking networks. While the government has taken greater steps to initiate information sharing with non-governmental organizations (NGOs) responding to the needs of trafficking victims, the government has done little itself to protect or respond to the needs of victims, including minors.

Subsequent to the January 2010 earthquake, the National Council for Childhood and Adolescence (CONANI) developed a protocol for the protection of unaccompanied Haitian minors in the country. However, this protocol focused on the provision of services for Haitian children separated due to the earthquake and their eventual reunification with their families. While 407 children were successfully reunified with their families, in instances where family reunification has not been a viable option, CONANI has yet to establish a plan for implementing durable solutions.

In addition, to date no protocol exists for the protec-



Haitians cross the Massacre River into the Dominican Republic to participate in the twice weekly market. Although the main border crossing checkpoint is only yards away and they are allowed free entry, with the proper documentation, for the purpose of selling at the market, many Haitians prefer to enter clandestinely. Credit: Sara Fajardo/CRS

tion of unaccompanied children of Haitian descent that are in the country due to smuggling or trafficking. MRS/USCCB was told of “*juntos locales*”, child protection networks led by CONANI that include local and international agencies and are formed to identify and respond to the needs of street children in their communities. In each city visited, however, MRS/USCCB was told that the coalition had yet to be formed or was largely ineffective. Service delivery and the protection of street children is left up to local organizations that receive funding from international NGOs, UN agencies, and donor governments. A formal child protection system that can provide temporary or long term placement and care arrangements for vulnerable minors in the Dominican Republic does not exist.

MRS/USCCB was also told of instances where unaccompanied Haitian children were spontaneously rounded up, purportedly to provide them temporary shelter and/or reunite them with their families, only for them to be deported back to Haiti. In one such instance, 12 children were taken into CONANI custody in Dajabon, but then ultimately deported back to Haiti and placed in an orphanage in Ounaminthe. Though the children presented clear signs of physical and sexual abuse, a proper assessment of their needs was not conducted, nor were steps taken to protect the children once deported back to Haiti.

The Dominico-Haitian Bilateral Commission, revived after a 10 year hiatus, has thus far been largely ineffective in protecting children and other vulnerable Haitians. While there are clear guidelines on the procedures for deporting undocumented Haitians, by and large they have not been followed. Even further, according to the US State Department, the Department of Migration has refused to release statistics of the number of persons expelled to Haiti in 2011, though NGOs monitoring the border have reported over 15,000 deportations back to Haiti.

While the exact number of Haitians deported back to Haiti from the Dominican Republic is unknown, there are serious protection challenges on both sides of the DR-Haiti border that need to be addressed by both governments.



Andres Carrizo and his son standing in front of their home in Batey Lima. The Haitian workers in Batey Lima suffered major labor rights abuses at the hands of their employers. They were often paid for only 7 days work when they had worked 10, after filing consecutively complaints they were fired without compensation. Credit: Sara Fajardo/CRS

To fill the gap, local groups on both sides of the border, such as the Juanistas Sisters, work with child victims, but are limited in financial resources and legal authority. They track and maintain data on border crossings, conduct outreach with victims and deportees, provide unaccompanied children with psychosocial support and counseling, and attempt to reunify the children with their families. Unfortunately, the groups told USCCB that because of insufficient access to services and protection networks many of the children deported to Haiti often return back to exploitative situations in the Dominican Republic.

Haitian Migrant Worker Rights

Sugar cane towns, also known as “*bateyes*”, are home to roughly 500,000 residents of the Dominican Republic. The homes are provided to sugar cane cutters, most of whom are Haitian migrant workers. Residents of the *bateyes* are a close knit community, but the conditions that they live and work in are horrific with very limited access to education, healthcare, clean water, and other basic services. Though some of them were born in the Dominican Republic or have lived and worked in the country for decades, most of the residents of the *bateyes* lack documentation. Because of their legal status, the workers are often denied their employment

rights, which include fair pay and reasonable working conditions. They work long hours in the sugar fields and it is not uncommon for workers to be fired without receiving pay for their hours worked or severance as dictated by Dominican law. Also, if they are fired or deemed too old to work, the workers and their families can be evicted from their homes in the bateyes and left with nowhere to live.

Haitian passports and Dominican visas and work authorization documents are very expensive to obtain and most workers are paid roughly five dollars a day. Those that are able to save enough money for documents are often deterred by lengthy processing times and either do not travel to other parts of the country or take the risk of being smuggled, in order to visit their families.

For the workers living in the bateyes with their families, their children also lack documentation because of their parents' legal status in the Dominican Republic. The children do not have birth certificates and as a result often cannot attend schools. Some local groups have formed community schools for the children, but they are not accredited. When the children become adults, their lack of formal schooling and documentation prevent them from pursuing higher education or vocational training in order to secure employment outside of the bateyes.

Recommendations

- The Dominican government should immediately fulfill its pledge to strengthen the work of the National Commission for Refugees, in order to improve and streamline refugee status determination procedures in pending and future cases. The UNHCR should assist the Dominican government in this endeavor to every extent possible.
- The United States should continue to use diplomatic pressure and engagement to ensure that the Dominican Government protects and upholds the rights of Dominican citizens of Haitian descent and Haitian migrants. The Dominican Republic should reverse its policy of retroactively stripping citizenship from Dominicans of Haitian descent. It should also implement a regularization plan for long-staying foreigners, especially workers in the bateyes, so that their children are provided with legal documentation and/or Dominican birth certificates, if applicable.
- The United States and other donor governments should assist the Dominican Government in the establishment of a formal child protection system to respond to the protection needs of unaccompanied children in the country. Such a system should include placement and care arrangements that respond to emergency, transitional, and long term needs.
- The United States should continue to fund programs to build the capacity of Dominican civil society organizations that promote and protect the rights of Haitian migrants and trafficking victims. Meanwhile, the Dominican and Haitian governments must do more to identify victims of trafficking and exploitation and establish legal frameworks for the prosecution of perpetrators.
- The United States should continue to fund programs that support the rights of migrant workers and improve living and working conditions in the bateyes. The Dominican government should protect the rights of migrant workers and ensure that sugar cane companies are adhering to Dominican labor laws and established minimum standards for working conditions, wage, and benefits.

For more information on the effect of the 2010 earthquake on Haitian migration in the Caribbean, please see our report based on an earlier MRS/USCCB delegation trip taken in the summer of 2010, titled [“The Displaced in Haiti: Long Term Challenges and Needed Solutions.”](#)