

By Senator Smith

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Senate Resolution

A resolution condemning the actions of the Dominican Republic relating to the impending mass deportation of Dominicans of Haitian descent and Haitian migrants and urging the Dominican government to halt the impending deportation and to restore the rights of all its citizens, residents, and migrants.

WHEREAS, a 2013 Dominican Republic Constitutional Court decision stripped Dominicans born after 1929 to parents not of Dominican ancestry of their citizenship, and

WHEREAS, the ruling affected more than 200,000 Dominican citizens of Haitian descent, rendering them stateless, and

WHEREAS, the retroactive application of the decision is a blatant derogation of both international human rights and the Dominican Republic's own legal norms, and

WHEREAS, the ruling conflicts with the Inter-American Court of Human Rights' decision in *Yean and Bosico v. Dominican Republic*, which upheld the rights of all Dominicans regardless of race, color, or national origin and found that the Dominican Republic violated the rights of Dominican-born citizens of Haitian descent by denying them citizenship, and

WHEREAS, the ruling also conflicts with the Inter-American Court of Human Rights' decision in *Case of Expelled Dominicans and Haitians v. Dominican Republic*, which found the detention, treatment, and mass expulsion of Haitians and Dominicans of Haitian descent to be violations of human rights, and

WHEREAS, following the 2013 court ruling, the Dominican Republic passed a law creating naturalization and regularization processes, and

WHEREAS, under these processes, Dominicans of Haitian descent could become naturalized citizens, and undocumented

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33 migrant workers could obtain work permits, and

34 WHEREAS, those registering for naturalization will be
35 granted citizenship only if they have proper documentation and
36 were formally registered when born in the Dominican Republic,
37 and

38 WHEREAS, the requirements for naturalization are
39 challenging, since many Dominicans of Haitian descent do not
40 have paperwork and were not formally registered because they
41 were born in rural areas without access to hospitals, and

42 WHEREAS, the regularization process required migrant
43 workers to register and complete the process by June 17, 2015,
44 or be deported, and

45 WHEREAS, Haitians make up a significant percentage of
46 migrant workers in the Dominican Republic, and many Haitian
47 immigrants are at risk of deportation, and

48 WHEREAS, fewer than half of the Dominican Republic's
49 estimated 500,000 migrant workers have started the
50 regularization process, and

51 WHEREAS, the lack of sufficient resources at immigration
52 processing centers, as well as difficulties in obtaining
53 appropriate documentation and transportation to the centers, has
54 reportedly hampered people's ability to register and complete
55 the regularization process, and

56 WHEREAS, there is a risk of illegal deportation of
57 Dominicans of Haitian descent and migrant workers who have
58 registered for regularization because the impending deportations
59 will be on a large scale and conducted without adequate
60 screening mechanisms, and

61 WHEREAS, the Dominican Republic's mistreatment of Haitians

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62 predates these recent events, and

63 WHEREAS, the 1937 Parsley Massacre claimed the lives of
64 thousands of Haitians after the Dominican Republic's dictator
65 ordered the killing of those believed to be Haitian, and

66 WHEREAS, the Legislature of the State of Florida condemns
67 the Dominican Republic's impending mass deportation of Haitian
68 immigrants, given the human rights implications, risk of illegal
69 deportations, and current ineffectiveness of the regularization
70 process, and

71 WHEREAS, these outrageous actions are of grave and
72 immediate concern to the citizens of this state and nation and
73 to millions of Haitian Americans, as evidenced by widespread
74 protests and nationwide demonstrations that have galvanized the
75 Haitian diaspora, and

76 WHEREAS, the United States always must stand for human
77 rights and justice, but the Obama Administration has, to date,
78 been shamefully silent regarding these massive, ongoing, and
79 threatened human rights violations, and

80 WHEREAS, the leadership, political and economic power, and
81 influence of the United States would be the single most
82 effective tool in achieving a reversal of course by Dominican
83 authorities, and

84 WHEREAS, many Americans are calling for strong leadership
85 from the White House and the United States Department of State,
86 including former Mayor of Baltimore and Governor of Maryland
87 Martin O'Malley, who, in a June 17, 2015, article in *The*
88 *Huffington Post* entitled "Moral Leadership in Our Own
89 Hemisphere," condemned this threatened "abhorrent affront to
90 human rights by one of our closest neighbors," and

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91 WHEREAS, the President's inaction is hypocritical not only
92 in light of American history and values, but given specific
93 statements and writings by the President, the Vice President,
94 and other officials, including United States Ambassador to the
95 United Nations Samantha Power, on the obligation of the United
96 States to lead in the face of such outrageous conduct, and

97 WHEREAS, the events unfolding in the Dominican Republic
98 over the last few years are reminiscent of infamous historic
99 injustices, including the 1930s' Nuremberg Laws that stripped
100 civil and human rights from German-born Jews, and

101 WHEREAS, the actions of the Dominican government are as
102 wrongheaded as if the United States government were to suddenly
103 decree that blacks born in this country, Italian Americans,
104 Irish Americans, or other minorities are not citizens of the
105 United States, despite generations of citizenship and residence
106 in the United States, and seek to deport them, causing mass
107 panic, and

108 WHEREAS, these violations, intimidation, and affronts on
109 the part of the Dominican government have caused widespread
110 chaos and tens of thousands of Dominicans of Haitian descent to
111 flee into Haiti in fear of their lives, and

112 WHEREAS, this grave injustice, occurring in our own
113 backyard, is tremendously destabilizing and threatens to be
114 increasingly destabilizing to neighboring Haiti, which, as
115 Governor O'Malley states, "is still reeling from the second-
116 deadliest earthquake this century, which killed more than
117 100,000 people. Five years later, 85,000 Haitians remain
118 homeless, and Haiti's economy and infrastructure remain in
119 shambles. The influx of potentially hundreds of thousands of new

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120 residents from the Dominican Republic would only create more
121 chaos in a country that is desperately in need of humanitarian
122 assistance and long-term sustainable development," and

123 WHEREAS, these violations have grave implications for
124 Haiti's stability, Dominican Republic-Haiti relations, regional
125 security, and the security, credibility, and international
126 standing of the United States, and

127 WHEREAS, the eyes of history are on the United States and
128 the shameful silence of the President of the United States in
129 the face of these violations, which silence threatens to
130 permanently stain the President's legacy, NOW, THEREFORE,

131

132 Be It Resolved by the Senate of the State of Florida:

133

134 That the Dominican Republic's impending mass deportation of
135 Dominicans of Haitian descent and Haitian immigrants is
136 condemned.

137 BE IT FURTHER RESOLVED that the Senate of the State of
138 Florida urges the Dominican Republic to:

139 (1) Overturn its 2013 decision of the Dominican Republic
140 Constitutional Court, which stripped Dominicans born after 1929
141 to parents not of Dominican ancestry of their citizenship, and
142 to restore the rights of such Dominicans.

143 (2) Issue all appropriate legal identification documents to
144 Dominican-born citizens, regardless of race, ethnicity, status
145 in its registry, or other impediment.

146 (3) Comply with the Inter-American Court of Human Rights'
147 decisions, *Yean and Bosico v. Dominican Republic* and *Case of*
148 *Expelled Dominicans and Haitians v. Dominican Republic*.

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149 (4) Take proactive measures to protect the life and
150 property of Dominicans of Haitian descent, as well as prosecute
151 and deter any vigilante or state-sponsored violence against
152 them.

153 (5) Implement an effective regularization process.

154 (6) Invite independent observers to monitor the
155 implementation of the regularization process to ensure due
156 process.

157 (7) Discontinue and indefinitely halt all impending
158 deportations.

159 BE IT FURTHER RESOLVED that the Senate of the State of
160 Florida does hereby condemn the shameful silence of the Obama
161 Administration in the face of these historic and ongoing
162 violations.

163 BE IT FURTHER RESOLVED that the Senate of the State of
164 Florida urges the government of the Dominican Republic to
165 immediately and fully reverse course, cease these violations,
166 and restore and guarantee the human and civil rights of all of
167 its citizens, residents, and migrants.