

By Senator Thompson

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Senate Memorial

A memorial to the Congress of the United States, urging Congress to encourage the Dominican Republic to reinstate citizenship to those Dominicans of Haitian descent adversely affected by the Dominican Republic Constitutional Tribunal's ruling No. 168-13 and Naturalization Law No. 169-14.

WHEREAS, the United States has a long history of addressing and advocating for the rights of its people, and of all peoples of the world, to enjoy justice, freedom, and equal access to opportunities for all, and

WHEREAS, in September 2013, the Constitutional Tribunal of the Dominican Republic issued ruling No. 168-13, which retroactively nullified the Dominican citizenship and nationality of nearly 220,000 people born to Haitian parents in the Dominican Republic after 1929, and

WHEREAS, the tribunal's ruling contravenes a ruling of the Inter-American Court of Human Rights, holding that a parent's immigration status may not affect a child's citizenship, and disregards provisions of the Dominican Republic's previous constitution, which had provided that those born on Dominican soil were vested with the rights, privileges, and duties of Dominican citizenship, and

WHEREAS, in May 2014, in response to the domestic and international outcry against the retroactive denationalization of so many, the National Congress of the Dominican Republic enacted Naturalization Law No. 169-14, providing a path to regain citizenship for those affected by the Constitutional

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30 Tribunal's ruling No. 168-13, and

31 WHEREAS, under the Naturalization Law, Group "A," those
32 affected Dominicans whose births were already registered with
33 the government, could apply to have their citizenship reinstated
34 at any time, but Group "B," those affected Dominicans with no
35 birth registry, had 180 days, or until February 1, 2015, to
36 obtain a residency permit with the possibility of applying for
37 naturalization in 2 years, and

38 WHEREAS, Naturalization Law No. 169-14 is poorly drafted
39 and, since its inception, has been poorly promoted and
40 implemented, resulting in many persons in Group "A" not
41 receiving their citizenship papers or being informed about the
42 law, and

43 WHEREAS, the majority of Group "B" belong to the most
44 disadvantaged sector of Dominican society, and, according to the
45 Dominican Republic's Minister of Interior, only 8,755 of an
46 eligible 110,000 were registered by the deadline, leaving more
47 than 100,000 stateless and facing deportation by June 17, 2015,
48 and

49 WHEREAS, in October 2014, the Inter-American Court of Human
50 Rights found that the Constitutional Tribunal's ruling and those
51 provisions of Naturalization Law No. 169-14 relating to Group
52 "B" violate the American Convention on Human Rights, and

53 WHEREAS, these unjust laws have created a xenophobic
54 attitude toward Haitians and affected Dominicans, resulting in
55 acts of violence and even death by torture, mob attacks, and
56 lynching, and

57 WHEREAS, various groups across the nation, including civil
58 rights, human rights, academic, legal, political, and other

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59 groups, such as the United States National Bar Association, the
60 Robert F. Kennedy Center for Justice and Human Rights, Amnesty
61 International, and the Coalition of Dominicans Against Racism,
62 as well as cities, including Miami, New York City, and
63 Philadelphia, call for immediate action in the Dominican
64 Republic, NOW, THEREFORE,

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66 Be It Resolved by the Legislature of the State of Florida:

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68 That the Congress of the United States is urged to defend
69 worldwide human rights by encouraging the Dominican Republic to
70 comply with international norms and regulations, amend or repeal
71 Naturalization Law No. 169-14, extend the naturalization
72 registration deadline, and reinstate the citizenship of those
73 affected Dominicans.

74

75 BE IT FURTHER RESOLVED that copies of this memorial be
76 dispatched to the President of the United States, to the
77 President of the United States Senate, to the Speaker of the
78 United States House of Representatives, and to each member of
the Florida delegation to the United States Congress.