

By Senator Smith

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Senate Memorial

A memorial to the Congress, the President, and the Secretary of State of the United States, urging the Congress, the President, and the Secretary of State to condemn the actions of the Dominican Republic relating to the impending mass deportation of Dominicans of Haitian descent and Haitian immigrants and to urge 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

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33 processes, and

34 WHEREAS, under these processes, Dominicans of Haitian
35 descent could become naturalized citizens, and undocumented
36 migrant workers could obtain work permits, and

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

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

45 WHEREAS, the regularization process required migrant
46 workers to register and complete the process by June 17, 2015,
47 or be deported, and

48 WHEREAS, Haitians make up a significant percentage of
49 migrant workers in the Dominican Republic, and many Haitian
50 immigrants are at risk of deportation, and

51 WHEREAS, fewer than half of the Dominican Republic's
52 estimated 500,000 migrant workers have started the
53 regularization process, and

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

59 WHEREAS, there is a risk of illegal deportation of
60 Dominicans of Haitian descent and migrant workers who have
61 registered for regularization because the impending deportations

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62 will be large-scale and conducted without adequate screening
63 mechanisms, and

64 WHEREAS, the Dominican Republic's mistreatment of Haitians
65 predates these recent events, and

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

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

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

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

83 WHEREAS, the leadership, political and economic power, and
84 influence of the United States would be the single most
85 effective tool in effectuating a reversal of course by Dominican
86 authorities, and

87 WHEREAS, many Americans are calling for strong leadership
88 from the White House and the United States Department of State,
89 including former Mayor of Baltimore and Governor of Maryland
90 Martin O'Malley, who, in a June 17, 2015, article in *The*

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91 *Huffington Post* entitled "Moral Leadership in Our Own
92 Hemisphere," condemned this threatened "abhorrent affront to
93 human rights by one of our closest neighbors," and

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

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

104 WHEREAS, the actions of the Dominican government are as
105 wrongheaded as if the United States government were to suddenly
106 decree that blacks born in the United States, Italian Americans,
107 Irish Americans, or other minorities are not citizens of the
108 United States, despite generations of citizenship and residence
109 in the United States, and were then, after an arbitrary and
110 flawed registration period, to seek to deport them, causing mass
111 panic, and

112 WHEREAS, these violations, intimidation, and affronts on
113 the part of the Dominican government have caused widespread
114 chaos and tens of thousands of Dominicans of Haitian descent to
115 flee into Haiti in fear of their lives, and

116 WHEREAS, this grave injustice, occurring in our own
117 backyard, is tremendously destabilizing, and threatens to be
118 increasingly destabilizing, to neighboring Haiti, which, as
119 Governor O'Malley states, "is still reeling from the second-

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120 deadliest earthquake this century, which killed more than
121 100,000 people. Five years later, 85,000 Haitians remain
122 homeless, and Haiti's economy and infrastructure remain in
123 shambles. The influx of potentially hundreds of thousands of new
124 residents from the Dominican Republic would only create more
125 chaos in a country that is desperately in need of humanitarian
126 assistance and long-term sustainable development," and

127 WHEREAS, these violations have grave implications for
128 Haiti's stability, Dominican Republic-Haiti relations, regional
129 security, and the security, credibility, and international
130 standing of the United States, and

131 WHEREAS, the eyes of history are on the United States and
132 the shameful silence of the President of the United States in
133 the face of these violations, which silence threatens to
134 permanently stain the President's legacy, NOW, THEREFORE,

135

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

137

138 That the Congress, the President, and the Secretary of
139 State of the United States are urged to condemn the Dominican
140 Republic's impending mass deportation of Dominicans of Haitian
141 descent and Haitian immigrants, and

142 BE IT FURTHER RESOLVED that the Legislature of the State of
143 Florida urges the Dominican Republic to:

144 (1) Overturn its 2013 decision of the Dominican Republic
145 Constitutional Court, which stripped Dominicans born after 1929
146 to parents not of Dominican ancestry of their citizenship, and
147 to restore the rights of such Dominicans.

148 (2) Issue all appropriate legal identification documents to

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149 Dominican-born citizens, regardless of race, ethnicity, status
150 in its registry, or other impediment.

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

154 (4) Take proactive measures to protect the life and
155 property of Dominicans of Haitian descent, as well as prosecute
156 and deter any vigilante or state-sponsored violence against
157 them.

158 (5) Implement an effective regularization process.

159 (6) Invite independent observers to monitor the
160 implementation of the regularization process to ensure due
161 process.

162 (7) Discontinue and indefinitely halt all impending
163 deportations.

164 BE IT FURTHER RESOLVED that the Legislature of the State of
165 Florida does hereby condemn the shameful silence of the Obama
166 Administration in the face of these historic and ongoing
167 violations.

168 BE IT FURTHER RESOLVED that the Legislature of the State of
169 Florida does hereby urge President Barack Obama and Secretary of
170 State John Kerry to immediately use, and prioritize using, all
171 of their political and economic power, leverage, and influence
172 to force the government of the Dominican Republic to immediately
173 and fully reverse course, cease these violations, and restore
174 and guarantee the human civil rights of all of its citizens,
175 residents, and migrants.

176 BE IT FURTHER RESOLVED that copies of this memorial be
177 dispatched to the President of the United States, the President

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178 of the United States Senate, the Speaker of the United States
179 House of Representatives, the Secretary of State of the United
180 States, and to each member of the Florida delegation to the
181 United States Congress.