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## Dominican Republic, Haiti, and the U.S: A Shared Responsibility to Protect Refugees

Over the past decades, waves of asylum seekers have fled persecution in Haiti, seeking safe haven in neighboring countries in the region.

For those fleeing by land, the Dominican Republic has issued only a handful of asylum decisions, and for those fleeing by sea, the U.S. Coast Guard has rarely provided interdicted Haitians meaningful access to refugee or asylum processing. The Office of the United Nations High Commissioner for Refugees (UNHCR) has advised the U.S. that its interdiction practice violates its obligations under the 1951 Convention and 1967 Protocol relating to the Status of Refugees. Security is a nearly unachievable goal for Haitian asylum seekers.

During a recent visit by Refugees International (RI) and Lutheran Immigration and Refugee Service (LIRS), one man explained the situation. “The Dominican Republic does not respect the Geneva Conventions [meaning the Refugee Convention]. We refugees have lots of problems. There is no security. There is discrimination. I can’t get healthcare. Our children have no papers and cannot go to school. We struggle to pay the rent and sometimes are chased out of our homes.” Another declared, “I haven’t returned to Haiti because the atmosphere is not set. One has to hide and move from one place to another because it is a gang-run society.”

The Haitian government lacks the ability to control its internal affairs and is in a permanent state of instability, experts say. According to local and international non-governmental organizations (NGOs) and the United Nations, armed groups in Haiti continue to commit violence against civilians with impunity. While the United Nations peacekeeping operation in Haiti, MINUSTAH, reports fewer attacks against its operations and less kidnapping in some neighborhoods, representatives say, “When gang violence is reduced in one area, it crops up in another,” and pointed out that these gangs have in effect replaced the government in certain neighborhoods.

“There is no rule of law,” a leading human rights activist told RI and LIRS. “The biggest problem is impunity. The judicial

system is corrupt and doesn’t respond to the needs of the population. Crime goes unpunished. I see that the international community and the government of Haiti don’t have the will to improve justice. We have to fight impunity and corruption.” This individual also pointed to the disturbing trend of forcible recruitment of boys to participate in the gangs and the gangs’ disproportionate targeting of women. In a country where NGOs emphasized to RI and LIRS that over 50 percent of the households are female-headed, this trend is particularly alarming.

The Dominican Republic faces its own challenges. An estimated 20-25 percent of persons residing in the Dominican Republic (2-3 million persons) are not documented. At least 200,000 and as many as one million of these individuals are of Haitian origin, a situation largely produced by the complex history, economic disparity, and decades of unregulated migration between the two countries. While the Dominican Republic government recognizes its dependence on Haitian labor, it fails to distinguish in any meaningful way between individuals who enter the country for economic reasons and those who have fled persecution.

Asylum seekers in the Dominican Republic say they are treated as economic migrants instead of as people in need of protection. One of them explained, “I am directly excluded from society because I don’t have documentation.” When asked how the births of the children of asylum seekers get registered, one Dominican government official said that children of asylum seekers get their parents’ status and such individuals, despite their claim of fearing persecution in Haiti, should go to the Haitian embassy to register a birth. “Sons and daughters of refugees are in a state of limbo,” an affected individual concluded.

“For 15 years there has been no mechanism for refugee status determination [in the Dominican Republic],” a rights worker noted. Five refugee cases were recognized in the last two

years. According to the Dominican government, ninety-nine percent of asylum applications are filed by Haitian nationals, but the most recent individuals granted refugee status were one Haitian, one Guatemalan, and one Russian. According to NGO and government representatives, hundreds of asylum cases are pending, with figures ranging from 300 to almost 500 families.

Since the inter-ministerial body that meets to decide on asylum cases rarely meets, asylum applicants face insecurity in the Dominican Republic and are in constant fear of deportation to Haiti. Lack of status affects everyday life. Renewing an asylum application costs thousands of Dominican Pesos, ranging from 8,000 to 24,000 (USD \$239-718). One asylum seeker explained, “I came here because my life was threatened. For six years I only have papers that show I requested refugee status. It is only good for two months. Each day I go to the immigration office to try to get a legal document. It’s a big problem. We are refugees. We are intelligent and have the capacity to do anything, but instead we get abuse. There are many laws that the government doesn’t respect. And the same problem exists here as over there [Haiti], which is violence.”

Another asylum seeker explained how her eldest minor daughter was assaulted and forcibly deported to a town in Haiti where she knew no one. After three months and much support from non-governmental organizations (NGOs), they were reunited only to face the consequences of another pre-adolescent daughter being raped and needing to go into hiding following their attempts to bring charges against the perpetrators. This asylum seeker explained that she isn’t safe in the Dominican Republic, but she would rather be in hiding there with her family than return to Haiti where her son was killed. Human rights workers in Haiti confirmed the reality of this asylum seeker’s fears.

Tens of thousands of individuals are deported from the Dominican Republic to Haiti each year. Expulsions are not carried out according to agreed methods, according to advocates. In addition, families often become separated and individuals, including children, remain without a nationality years after the deportation. LIRS and RI visited a community of deportees who have been living in Haiti near the border for 15 years. Their biggest concerns include malnutrition and inability to integrate back into their former communities. As for deportees from the United States, MINUSTAH cited their return as a challenge for the Haitian government and stated that the Haitian government would not be able to handle more than a few deportees from the U.S. each month, a number far lower than the 100 people per month that the U.S. reportedly intends to start returning to Haiti.

In addition, conditions in Haiti have forced unknown numbers of people to leave their homes in search of safety in other parts of the country. In some communities, anywhere from one third to one half of the population is internally displaced. Some families leave their homes at night and return during

the day; others seek sanctuary in clinics or churches. Haitian deportees from the Dominican Republic and the United States exacerbate the problem of internal displacement.

UNHCR does not have an office in the Dominican Republic or Haiti to advise the governments on the status of refugees and internally displaced persons. “There are not many institutes willing to help the refugees with health problems, financial assistance, and legal aid,” one humanitarian worker reported, “But nevertheless, the organizations that help the refugees need finance and space. That does not exist right now.” At the government level, one key problem identified by the International Organization for Migration (IOM) is that there is no bilateral migration accord. And the often articulated hope that the governments of Haiti and the Dominican Republic will soon resume the work of a bilateral migration commission is simply that, a hope.

With the support of the global community, the Dominican Republic and Haiti must develop policies to ensure that the rights of refugees, stateless persons, and their children are upheld. As one refugee put it, “There are thousands of people waiting for a solution; [waiting] to live a normal life.”

## REFUGEES INTERNATIONAL RECOMMENDS:

- ❑ The Dominican Republic and Haiti develop and carry out viable migration policies, including an effective asylum adjudication system and reinstatement of a fully-functioning migration commission.
- ❑ The donor community and the Office of the United Nations High Commissioner for Refugees (UNHCR) work with and help fund the Dominican Republic and Haiti to build these systems.
- ❑ UNHCR establish offices in the Dominican Republic and Haiti to work on behalf of refugees and stateless persons and determine the extent of internal displacement in Haiti.
- ❑ The Dominican Republic and the United States refrain from forcible return of Haitian asylum seekers and expedite full access to a full and fair refugee status determination process, including eliminating asylum application fees in the Dominican Republic.
- ❑ The United States invest and participate in an effective regional refugee protection system and urge others in the region to do the same.
- ❑ The United States respond to the plight of Haitian refugees by removing barriers to durable solutions, including barriers to the U.S. asylum system and to the strategic use of resettlement.

*Maureen Lynch of Refugees International and Bernadette Passade Cisse of Lutheran Immigration and Refugee Service conducted a joint assessment mission focused on Haitian asylum seekers in November.*