

MEMORANDUM

Substitute
Agenda Item No. 11(A)(27)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

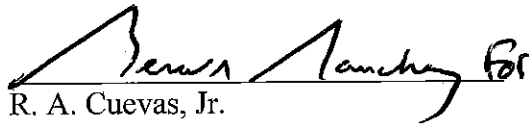
DATE: June 30, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution condemning the
Dominican Republic's
impending mass deportation
of Haitian immigrants

This substitute item differs from the original in that it urges the Dominican Republic to take certain actions and cites international case law regarding this issue.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jean Monestime.


R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 11(A)(27)
6-30-15

RESOLUTION NO. _____

RESOLUTION CONDEMNING THE DOMINICAN
REPUBLIC'S IMPENDING MASS DEPORTATION OF
HAITIAN IMMIGRANTS; AND URGING THE DOMINICAN
REPUBLIC TO COMPLY WITH INTERNATIONAL HUMAN
RIGHTS LAW, AND HALT ALL IMPENDING
DEPORTATIONS

WHEREAS, a 2013 Dominican Republic court decision stripped away the citizenship of Dominicans born after 1929 to parents not of Dominican ancestry; and

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

>>WHEREAS, the decision's retroactive application is a blatant derogation of both international human rights law 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 Dominican and Haitian People 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<<¹

¹ The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

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

WHEREAS, Dominicans of Haitian descent could become naturalized citizens through the naturalization process and undocumented migrant workers could obtain work permits through the regularization process; and

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

WHEREAS, the naturalization process is challenging because many Dominicans of Haitian descent do not have proper paperwork and were not formally registered since they were born in rural areas without access to hospitals; and

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

WHEREAS, Haitians make up a large percentage of migrant workers in the Dominican Republic, leaving a large population of Haitian immigrants at risk of deportation; and

WHEREAS, less than half of the Dominican Republic's estimated 500,000 migrant workers have started the regularization process; and

WHEREAS, the migrant workers who have registered for regularization have been granted a 45-day grace period to complete the process; and

WHEREAS, under-resourced immigration processing centers, as well as difficulties in obtaining appropriate paperwork and transportation to processing centers, have reportedly hampered people's ability to register and complete the regularization process; and

WHEREAS, there is a risk of illegal deportation of Dominicans of Haitian descent and migrant workers who have registered for regularization because the impending deportations will be large-scale and likely lack adequate screening mechanisms; and

WHEREAS, the Dominican Republic's treatment of Haitians predates the recent events concerning the possible mass deportation of Haitians; and

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

WHEREAS, this Board condemns the Dominican Republic's impending mass deportation of Haitian immigrants given the human rights implications, risk of illegal deportations, and current ineffectiveness of the regularization process,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Condemns the Dominican Republic's impending mass deportation of Haitian immigrants.

>> **Section 2.** Urges the Dominican Republic to:

(1) Overturn its 2013 decision that stripped away the citizenship of Dominicans born after 1929 to parents not of Dominican ancestry, and restore the rights of such Dominicans.

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

(3) Comply with the Inter-American Court of Human Rights decisions, *Yean and Bosico v. Dominican Republic* and *Case of Expelled Dominican and Haitian People v. Dominican Republic*.

(4) Take proactive measures to protect the life and property of Dominicans of Haitian

descent as well as prosecute and deter any vigilante or state-sponsored violence against them.

(5) Implement an effective regularization process.

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

(7) Discontinue and indefinitely halt all impending deportations.<<

Section [[2]]>>3<<. Directs the Clerk of the Board to transmit a certified copy of this resolution to United States President Barack Obama, Dominican Republic President Danilo Medina, and United States Ambassador to the Dominican Republic James Brewster.

The Prime Sponsor of the foregoing resolution is Chairman Jean Monestime.

It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 30th day of June, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Altanese Phenelus