

# Case of Expelled Dominicans and Haitians v. Dominican Republic

## ABSTRACT<sup>1</sup>

*This case is about the summary and arbitrary deportation from the Dominican Republic of Haitian migrants who traveled to the Dominican Republic to work, as well as Dominicans of Haitian descent who were born in and have been in the country for years but don't have permanent legal residential status. At the time of the case, there were an estimated 450,000 Haitian migrants and tens of thousands of Dominicans of Haitian descent living in the Dominican Republic. The case, brought by a team of human rights organizations and clinics in the United States, was filed on behalf of a small group of representative victims. The Court found violation of a long list of articles of the American Convention, including some on which it has rarely passed a judgment, including Article 3 (Right to Juridical Personality), Article 20 (Right to Nationality) Article 22(5) (Prohibition of Expulsion from, or Denial of Return to, State of Nationality) and Article 22(9) (Prohibition of Collective Expulsions).*

## I. FACTS

### A. Chronology of Events

1. Events pertaining to Haitians and those of Haitian descent in the State

**1950s – 1980s:** Haitian immigrants begin to come to the State for agricultural work, specifically on sugar plantations.<sup>2</sup>

**January 5, 1952:** Haiti and the State enter into a bilateral agreement to

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1. Megan Venanzi, Author; Zach Tripodes, Editor; Kathryn Benson, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Expelled Dominicans and Haitians v. Dominican Republic, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 282, ¶ 155 (Aug. 28, 2014).

allow Haitians to work as temporary unskilled laborers in the State.<sup>3</sup> Under this agreement, Haiti is responsible for registering temporary workers' children in the State as Haitian nationals.<sup>4</sup>

**June 18, 1991:** The State begins systematically expelling Haitians and those of Haitian descent by the thousands, regardless of their immigration status and without any judicial procedures.<sup>5</sup> These deportations are discriminatory in nature and based on race, nationality, or skin color.<sup>6</sup> Those expelled cannot contact their families or prepare to leave, and are sent to the Haitian border without money or belongings.<sup>7</sup>

**November 12, 1999:** Selected representatives present the initial petition to the Commission on behalf of the petitioners.<sup>8</sup>

**November 17, 1999:** The petitioners request precautionary measures to protect Haitians and Dominicans of Haitian descent living and working in the State from unwarranted deportation and expulsions.<sup>9</sup>

**November 22, 1999:** The Commission requests that the State adopt the precautionary measures.<sup>10</sup>

**May 8, 2000:** Based on the initial petition, the Commission opens case 12.271.<sup>11</sup>

**January 30, 2002:** The petitioners' representatives submit an addendum for twenty-eight people to litigate the case.<sup>12</sup>

## 2. Events pertaining to members of the Medina Family

**November 14, 1966:** Mr. William Medina Ferreras is born in Cabral in the State with a Dominican identification document.<sup>13</sup>

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3. *Id.* ¶ 155, n.113.

4. *Id.*

5. *Id.* ¶ 167.

6. *Id.*

7. *Id.* ¶ 169.

8. *Id.* ¶ 3(a).

9. *Id.* ¶ 3(a), n.1.

10. *Id.*

11. *Id.* ¶ 3(a).

12. *Id.*

13. *Id.* ¶ 199.

**Between November 14, 1966 and November 1999:** Mr. Medina Ferreras lives with his partner, Ms. Lilia Jean Pierre, and his three children, Awilda Medina, Luis Ney Medina, and Caroline Isabel Medina.<sup>14</sup> Ms. Pierre was born in Haiti and all of the children were born in the State.<sup>15</sup> All three children have birth certificates, and one possesses an identification document.<sup>16</sup>

**November 1999 or January 2000:** Around 3:00 AM, numerous officers beat on the door of the Medina home with rifle butts and order the family members to leave their home.<sup>17</sup> The officers force them to walk about two kilometers to the Oviedo prison and hold them in a facility without bathrooms, food, water, or medical attention.<sup>18</sup> Their identification documents are destroyed before they are taken to the Haitian border and Mr. Medina Ferreras pays approximately \$17.00 at the time<sup>19</sup> to have a few of his family's belongings delivered to Haiti.<sup>20</sup>

**February 2000:** Awilda Medina is hit by a vehicle, receiving fractures to both legs.<sup>21</sup> The family is allowed to cross the border into the State multiple times with medical papers from the hospital to get treatment.<sup>22</sup>

**March 20, 2002:** The Medina family receives safe-conducts from provisional measures ordered by the Inter-American Court of Human Rights (“the Court”).<sup>23</sup>

**March 4, 2014:** The Central Electoral Board of the State requests criminal sanctions against Mr. Medina Ferreras, accusing him of falsifying

14. *Id.* ¶ 200.

15. *Id.*

16. *Id.*

17. *Expelled Dominicans and Haitians v. Dominican Republic*, Report on Merits, Report No. 64/12, Inter-Am. Comm’n H.R., Case No. 12.271, ¶ 78 (Mar. 29, 2012).

18. *Id.*

19. Based on an exchange rate of one Dominican peso to 0.06 United States dollars, totaling 280 Dominican pesos. See OANDA: HISTORICAL EXCHANGE RATES, <http://www.oanda.com/currency/historical-rates/> (last visited Dec. 27, 2015).

20. *Id.*

21. *Id.* ¶ 80.

22. *Expelled Dominicans and Haitians v. Dominican Republic*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 203.

23. *Id.* ¶ 205.

his identification documents.<sup>24</sup>

### 3. Events pertaining to members of the Fils-Aimé Family

**November 2, 1999:** Mr. Jeanty Fils-Aimé is arrested in public and agents of the State arrest his partner, Ms. Janise Midi, and their three children, Diane, Antonio, and Endry, at their home.<sup>25</sup> Mr. Fils-Aimé was born in the State and possesses a Haitian identification card, Ms. Midi was born in Haiti and has a Haitian identification card, and all of the children are registered in Haiti for school.<sup>26</sup> Mr. Fils-Aimé is taken to the Pedernales Garrison at 8:00 PM before being taken to Haitian border and forced to cross by State soldiers.<sup>27</sup> The same day, Ms. Midi and the children are placed onto a truck with many others at 8:00 PM and are transported to the same garrison before being deported to Haiti that night.<sup>28</sup> Once in Haiti, Ms. Midi and her children are reunited with Mr. Fils-Aimé.<sup>29</sup> The Fils-Aimé family lives in Anse-à-Pitres, Haiti, afraid to return to the State.<sup>30</sup>

**March 20, 2002:** The Fils-Aimé family receives safe-conducts from provisional measures ordered by the Court.<sup>31</sup>

### 4. Events pertaining to members of the Gelin Family

**January 18, 1981:** Mr. Berson Gelin is born in the State.<sup>32</sup>

**1995:** Immigration officers detain Mr. Gelin, age fourteen at the time, force him onto a truck, and keep him in a military prison before taking him to the border and expelling him to Haiti.<sup>33</sup>

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24. *Id.* ¶ 208.

25. *Id.* ¶¶ 209–10.

26. *Id.* ¶ 209.

27. *Expelled Dominicans and Haitians v. Dominican Republic*, Report on Merits, ¶ 84.

28. *Expelled Dominicans and Haitians v. Dominican Republic*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 210.

29. *Expelled Dominicans and Haitians v. Dominican Republic*, Report on Merits, ¶ 85.

30. *Expelled Dominicans and Haitians v. Dominican Republic*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 211.

31. *Id.* ¶ 212.

32. *Expelled Dominicans and Haitians v. Dominican Republic*, Report on Merits, ¶ 88.

33. *Id.* ¶ 89.

**Between 1995 and December 5, 1999:** Mr. Gelin returns to the State, where he begins working and has a son, William Gelin.<sup>34</sup>

**December 5, 1999:** Mr. Gelin is expelled from the State for a second time while traveling to work.<sup>35</sup> He is forced into a vehicle and taken to the Haitian border.<sup>36</sup> As a result of this expulsion, Mr. Gelin is separated from his son, who he does not see for a period of four years.<sup>37</sup>

**March 20, 2002:** Mr. Gelin and his son receive safe-conducts from provisional measures ordered by the Court.<sup>38</sup>

**2006:** While visiting his son in the State, immigration officials destroy Mr. Gelin's safe conduct.<sup>39</sup>

**April 7, 2010:** Mr. Gelin is given another safe-conduct by order of the Court to replace the one destroyed by State immigration officials.<sup>40</sup>

## 5. Events pertaining to members of the Sensión Family

**December 1994:** For sixteen years, Mrs. Ana Virginia Nolasco, a Haitian national, lives in the State with her husband, Mr. Antonio Sensión, a Dominican national, and their daughters Ana Lidia and Reyita Antonia, who are both Dominican nationals.<sup>41</sup> She and her daughters are detained by immigration officers while changing buses and taken to the Haitian border.<sup>42</sup>

**May 1995:** Mr. Sensión travels to Las Cahobas, Haiti to search for his family or to gather any information about their whereabouts, but is unsuccessful.<sup>43</sup>

**1996:** Mr. Sensión contacts State immigration officials to ask about his

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34. *Expelled Dominicans and Haitians v. Dominican Republic*, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 213–14.

35. *Id.* ¶ 213.

36. *Id.*

37. *Id.* ¶ 214.

38. *Id.* ¶ 215.

39. *Id.*

40. *Id.*

41. *Expelled Dominicans and Haitians v. Dominican Republic*, Report on Merits, ¶ 94.

42. *Id.* ¶ 95.

43. *Id.* ¶ 97.

family and is told that the officials have no information.<sup>44</sup>

**1997:** Mr. Sensión travels to Otundino, Haiti to search for his family, but again is unsuccessful.<sup>45</sup>

**2002:** After eight years of separation, Mr. Sensión finds his family in Haiti and brings his daughters back to the State.<sup>46</sup> Mrs. Nolasco joins them in the State the following week but lives in fear of immigration officials.<sup>47</sup>

**August 13, 2002:** The Sensión family receives safe-conducts from provisional measures ordered by the Court.<sup>48</sup>

**April 7, 2010:** The safe-conducts are renewed for Mr. Sensión, Mrs. Nolasco, and Ana Lidia.<sup>49</sup>

## 6. Events pertaining to Rafaelito Pérez Charles

**August 18, 1978:** Mr. Rafaelito Pérez Charles is born in the State, possesses a Dominican identification card, and is a Dominican national.<sup>50</sup>

**July 24, 1999:** Immigration officials arrest Mr. Pérez Charles as he leaves work since he does not have his identification documentation on his person.<sup>51</sup> Mr. Pérez Charles is forced onto a vehicle where other people are being beaten and is held in a detention center before being expelled to Haiti.<sup>52</sup> During his detention, Mr. Pérez Charles does not receive any food or water.<sup>53</sup>

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44. *Id.*

45. *Id.*

46. *Expelled Dominicans and Haitians v. Dominican Republic*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 218.

47. *Id.*

48. *Id.* ¶ 219.

49. *Id.*

50. *Id.* ¶ 220.

51. *Id.* ¶ 221.

52. *Id.*

53. *Id.*

7. Events pertaining to the members of the Jean Family

**April 13, 1958:** Mr. Victor Jean is born in the State.<sup>54</sup>

**July 3, 1972:** Mr. Jean's wife, Mrs. Marlene Mesidor, is born in Haiti and possesses a Haitian passport.<sup>55</sup>

**November 15, 1992:** Mr. Jean and Mrs. Mesidor's son, Markenson, is born in Haiti.<sup>56</sup>

**November 13, 1994 – July 20, 2000:** Mr. Jean and Mrs. Mesidor's three other children, Miguel, Victoria, and Natalie, are born in the State.<sup>57</sup>

**December 2000:** Agents of the State enter the Jean family home and force the family to get on a bus without food or a change of clothes.<sup>58</sup> The family is not allowed to make any calls and does not have any documentation with them before the officials drop off the family at the Haitian border.<sup>59</sup>

**August 13, 2002:** The Jean family receives safe-conducts from provisional measures ordered by the Court.<sup>60</sup>

**April 7, 2010:** The safe-conducts are renewed for the Jean family.<sup>61</sup>

**April 20, 2014:** Victoria Jean, daughter of Victor Jean, dies.<sup>62</sup>

*B. Other Relevant Facts*

During the first part of the twentieth century, labor opportunities on sugar plantations contribute to the growing population of Haitians and those of Haitian descent in the State.<sup>63</sup> After getting work in the

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54. *Id.* ¶ 222.

55. *Id.*

56. *Id.*

57. *Id.*

58. *Id.* ¶ 223.

59. *Id.*

60. *Id.* ¶ 224.

61. *Id.*

62. *Id.* ¶ 222.

63. *Id.* ¶ 155.

State, many Haitians begin to live there permanently, establishing second and third generation families in the country.<sup>64</sup> With Haiti known as the poorest country in the Western Hemisphere, the economic conditions make the State an enticing opportunity for Haitians looking to improve their quality of life.<sup>65</sup> These families live in settlements, called *bateyes*, meant to house agricultural workers that had received a permanent position for the year.<sup>66</sup> The conditions in the *batayes* are extremely poor as they receive few public services and are relatively isolated.<sup>67</sup> As the sugar industry declines, Haitians in the State begin working in construction to fill a labor gap.<sup>68</sup> Around 2000, Haitians in the State consist of approximately 6% of the State population.<sup>69</sup>

Between 1991 and 2005, those children born in the State to Haitians or those of Haitian descent are not registered.<sup>70</sup> This can be attributed to discriminatory practices by the State relating to Haitians and those of Haitian descent and points to a systematic practice of denying authentic identification documentation.<sup>71</sup> Historically, racial prejudice in the State stems from the idea that Dominicans are “Hispanic” while Haitians are “black,” a way to culturally distance Dominicans from Haitians after their independence.<sup>72</sup>

In the 1990s, the State begins carrying out mass deportations or expulsions of Haitians from the country by the thousands.<sup>73</sup> These deportations or expulsions take place without the chance for appeal and despite valid identification documentation or work permits.<sup>74</sup> The immigration procedures target those thought to be Haitian, evaluating a person’s nationality mostly on skin color.<sup>75</sup> As a result, deported Hai-

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64. *Id.*

65. Human Rights Watch, “*Illegal People*”: *Haitians and Dominico-Haitians in the Dominican Republic*, 9 (2002), <https://www.hrw.org/report/2002/04/04/illegal-people/haitians-and-dominico-haitians-dominican-republic>.

66. *Expelled Dominicans and Haitians v. Dominican Republic*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 156.

67. *Id.*

68. *Id.* ¶ 157.

69. *Id.*

70. *Id.* ¶ 163.

71. *Id.* ¶ 165.

72. Human Rights Watch, “*Illegal People*”: *Haitians and Dominico-Haitians in the Dominican Republic*, 9 (2002), <https://www.hrw.org/report/2002/04/04/illegal-people/haitians-and-dominico-haitians-dominican-republic>.

73. *Expelled Dominicans and Haitians v. Dominican Republic*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 167.

74. *Id.*

75. *Id.* ¶ 168.



tians suffer abuses such as restrictions from contacting family and loss of property, and are left in Haiti without money, food, housing, or other assistance.<sup>76</sup>

## II. PROCEDURAL HISTORY

### *A. Before the Commission*

**November 12, 1999:** The International Human Rights Law Clinic at the University of California, Berkeley, School of Law; the Center for Justice and International Law (“CEJIL”); and the National Coalition for Haitian Rights (“NCHR”) present the initial petition to the Commission on behalf of the petitioners.<sup>77</sup>

**November 17, 1999:** The petitioners request that the Commission grant precautionary measures to protect Haitians and Dominicans of Haitian descent living and working in the State from unwarranted deportation and expulsions.<sup>78</sup>

**November 22, 1999:** The Commission requests that the State adopt the precautionary measures.<sup>79</sup>

**May 30, 2000:** The Commission requests that the Court adopt provisional measures for the benefit of petitioners who are at risk of expulsion or deportation.<sup>80</sup>

**August 18, 2000:** The Court adopts provisional measures that require the State to protect the lives and personal integrity of petitioners Mr. Benito Tide Méndez, Mr. Sensión, Ms. Andrea Alezy, Mr. Fils Aimé, and Mr. William Medina Ferreras, as well as expert witness Father Pedro Ruquoy.<sup>81</sup> These measures prevent the deportation or expulsion of these petitioners and facilitate their family reunification.<sup>82</sup>

76. *Id.* ¶ 169.

77. *Id.* ¶ 3(a).

78. *Id.* ¶ 3(a), n.1.

79. *Id.*

80. *Expelled Dominicans and Haitians v. Dominican Republic*, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) “Having Seen” ¶ 1, “Decides” (Aug. 7, 2000).

81. *Expelled Dominicans and Haitians v. Dominican Republic*, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) “Decides” ¶¶ 1, 9 (Aug. 18, 2000).

82. *Id.* ¶¶ 3, 5.

**September 14, 2000:** The President of the Court calls for provisional measures that require the State to protect the lives and personal integrity of petitioners Mr. Pérez Charles and Mr. Gelin.<sup>83</sup> These measures prevent the deportation or expulsion of Mr. Pérez Charles and reunites Mr. Gelin with his son in the State.<sup>84</sup>

**November 12, 2000:** The Court adopts the provisional measures called for by the President of the Court on September 14, 2000.<sup>85</sup>

**May 26, 2001:** The Court reaffirms its orders for provisional measures from August 18 and November 12, 2000<sup>86</sup> and requires that the State notify all immigration authorities in writing that the petitioners are protected by provisional measures and are not to be expelled or deported.<sup>87</sup>

**January 30, 2002:** The petitioners' representatives submit an addendum to the petition on behalf of twenty-eight people.<sup>88</sup>

**October 5, 2005:** The President of the Court calls for provisional measures requiring the State to protect the life and personal integrity of Ms. Solain Pierre and her four children for being an expert witness in the case.<sup>89</sup>

**October 13, 2005:** The Commission issues Report on Admissibility No. 68/05, finding the case admissible.<sup>90</sup>

**November 7, 2005:** The State submits its observations on the Report on Admissibility and expresses it is open to friendly settlement procedures

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83. Expelled Dominicans and Haitians v. Dominican Republic, Provisional Measures, Order of the President, Inter-Am. Ct. H.R. (ser. E) "Decides" ¶ 1 (Sept. 14, 2000).

84. *Id.* ¶¶ 2–3.

85. Expelled Dominicans and Haitians v. Dominican Republic, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) "Decides" (Nov. 12, 2000).

86. Expelled Dominicans and Haitians v. Dominican Republic, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) "Decides" ¶ 1 (May 26, 2001).

87. *Id.* ¶ 4(a).

88. Expelled Dominicans and Haitians v. Dominican Republic, Preliminary Objections, Merits, Reparations, and Costs, ¶ 3(a).

89. Expelled Dominicans and Haitians v. Dominican Republic, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) "Having Seen" ¶ 1(9), "Decides" ¶ 1 (Feb. 2, 2006).

90. Expelled Dominicans and Haitians v. Dominican Republic, Preliminary Objections, Merits, Reparations, and Costs, ¶ 3(b).

provided by the Commission.<sup>91</sup>

**July 8, 2009:** The Court lifts the provisional measures in favor of Mr. Pérez Charles, Ms. Alezy, and Father Ruquoy based on the requests of their representatives.<sup>92</sup>

**March 2007 – July 2011:** The State and the petitioners engage in the friendly settlement process, attending working meetings and providing additional information on various petitioners.<sup>93</sup>

**September 15, 2011:** The petitioners request that the Commission issue the Report on Merits since the State had not submitted observations on the merits in the great length of time that has passed.<sup>94</sup>

**September 26 and 28, 2011:** The Commission ends its involvement in the friendly settlement procedure and decides to progress with the case in light of the petitioners' request and the elapsed time.<sup>95</sup>

**December 1, 2011:** The Court lifts the provisional measures in favor of Mr. Fils-Aimé and Mr. Tide Méndez<sup>96</sup> since Mr. Fils-Aimé is now deceased,<sup>97</sup> and the representatives lost communication with Mr. Tide Méndez and therefore are unable to update the Court on his situation.<sup>98</sup>

**February 29, 2012:** The Court lifts the provisional measures in favor of Ms. Pierre<sup>99</sup> since she is now deceased.<sup>100</sup>

**March 29, 2012:** The Commission issues Report on Merits No. 64/12.<sup>101</sup> The Commission concludes that the State violated several articles

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91. *Expelled Dominicans and Haitians v. Dominican Republic*, Report on Merits, ¶ 9.

92. *Expelled Dominicans and Haitians v. Dominican Republic*, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) “Decides” ¶ 1 (July 8, 2009) (Available only in Spanish).

93. *Expelled Dominicans and Haitians v. Dominican Republic*, Report on Merits, ¶¶ 11–12.

94. *Id.* ¶ 13.

95. *Id.* ¶ 14.

96. *Expelled Dominicans and Haitians v. Dominican Republic*, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) “Decides” ¶ 1 (Dec. 1, 2011).

97. *Id.* “Considering” ¶ 24.

98. *Id.* “Considering” ¶ 32.

99. *Expelled Dominicans and Haitians v. Dominican Republic*, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) “Decides” ¶ 1 (Feb. 29, 2012).

100. *Id.* “Considering” ¶ 24.

101. *Expelled Dominicans and Haitians v. Dominican Republic*, Preliminary Objections,

of the American Convention.<sup>102</sup> It finds that agents of the State arbitrarily detained petitioners without a legitimate warrant, explaining the grounds for arrest, or informing them that their legal status was at issue.<sup>103</sup> The expulsions effectively destroyed petitioners' connections to their nuclear families and as a result they were unable to sustain their basic needs or continue their education.<sup>104</sup> While in custody, petitioners received no food, water, or medical attention, and were not allowed to contact immediate family.<sup>105</sup> Petitioners were denied the opportunity to present identification documentation, depriving them of the ability to prove their status.<sup>106</sup> Further, these documents were arbitrarily and deliberately destroyed based on petitioners' perceived race or nationality, showing systematic discrimination.<sup>107</sup>

Based on these findings, the Commission recommends that the State allow the victims to return to the State,<sup>108</sup> recognize petitioners' Dominican citizenship, issue or replace identification documentation,<sup>109</sup> and register petitioners born in Dominican territory.<sup>110</sup> The Commission also requests that the State pay victims compensation<sup>111</sup> and publicly acknowledge the violations.<sup>112</sup> For future practices, the Commission recommends that the State adopt measures to stop collective expulsions and deportations,<sup>113</sup> end immigration practices based on racial profiling,<sup>114</sup> train immigration authorities regarding human rights,<sup>115</sup> investigate the cases so sanctions can be imposed against those responsible,<sup>116</sup> and create judicial remedies for human rights violations that occur during expulsion or deportation.<sup>117</sup>

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Merits, Reparations, and Costs, ¶ 3(c).

102. *Id.* ¶ 3(c)(i).

103. *Expelled Dominicans and Haitians v. Dominican Republic*, Report on Merits, ¶¶ 174–75.

104. *Id.* ¶ 190.

105. *Id.* ¶ 204.

106. *Id.* ¶ 237.

107. *Id.* ¶ 248.

108. *Id.* ¶ 335(1).

109. *Id.* ¶ 335(2a).

110. *Id.* ¶ 335(2b).

111. *Id.* ¶ 335(3).

112. *Id.* ¶ 335(4).

113. *Id.* ¶ 335(5a).

114. *Id.* ¶ 335(6).

115. *Id.* ¶ 335(7).

116. *Id.* ¶ 335(8).

117. *Id.* ¶ 335(9).

*B. Before the Court*

**July 12, 2012:** The Commission submits the case to the Court after the State failed to adopt its recommendations.<sup>118</sup>

1. Violations Alleged by Commission<sup>119</sup>

Article 3 (Right to Juridical Personality)

Article 5 (Right to Humane Treatment)

Article 7 (Right to Personal Liberty)

Article 8 (Right to a Fair Trial)

Article 17 (Rights of the Family)

Article 19 (Rights of the Child)

Article 20 (Right to Nationality)

Article 21 (Right to Property)

Article 22(1) (Right to Move Freely Within a State)

Article 22(5) (Prohibition of Expulsion from, or Denial of Return to, State of Nationality)

Article 22(9) (Prohibition of Collective Expulsions)

Article 24 (Right to Equal Protection)

Article 25 (Right to Judicial Protection)

*all in relation to:*

Article 1(1) (Obligation of Non-Discrimination) of the American Convention.

2. Violations Alleged by Representatives of the Victims<sup>120</sup>

Same Violations Alleged by Commission, plus:

Article 11 (Right to Privacy)

Article 18 (Right to a Name and to Surname of Parents)

**Between October 30, 2012 and November 9, 2013:** Eleven organizations and individuals submit amicus curiae briefs to the Court.<sup>121</sup>

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118. *Expelled Dominicans and Haitians v. Dominican Republic*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 5.

119. *Id.* ¶ 6. Mr. Felipe González, Ms. Elizabeth Abi-Mershed, Ms. Silvia Serrano Guzmán, and Mr. Jorge Humberto Meza served as representatives of the Commission. *Id.* n.16.

120. *Id.* ¶ 8. MUDHA, the Human Rights Clinic, GARR, and CEJIL served as representatives of the victims. *Id.* n.16.

121. The organizations are: (1) the Human Rights Clinic of the University of Texas School of

**September 7, 2012:** The Court rescinds the provisional measures in favor of Mr. Sensión, Mr. Medina Ferreras, Mr. Gelin, and Ms. Pierre's four children.<sup>122</sup>

**February 10, 2013:** The State submits several preliminary objections.<sup>123</sup> It argues that the case is inadmissible because the petitioners did not exhaust all domestic remedies.<sup>124</sup> The State also argues that the case is partially inadmissible because some of the facts took place outside of the Court's temporal jurisdiction and the Court did not have jurisdiction to consider the claims of members of the Jean family.<sup>125</sup>

The State also alleges two preliminary issues: that some petitioners should not be considered victims in this case and that the Commission did not substantiate the acts representatives claimed happened within its factual framework.<sup>126</sup>

**March 1, 2013:** The President of the Court allows the petitioners access to the Victims' Legal Assistance Fund.<sup>127</sup>

**August 28, 2014:** The Court rejects the State's first and third preliminary objections<sup>128</sup> and rules that the second is time-barred.<sup>129</sup> For the

Law; (2) the Public Actions Group ("GAP"), the Jurisprudence Faculty of the Universidad del Rosario, Colombia, and the Pro Bono Foundation, Colombia; (3) the RFK International Strategic Litigation Unit; (4) the *Centro de Estudios Legales y Sociales* ("CELS") Argentina, the *Iniciativa Frontera Norte de Mexico* ("IFNM") and the *Fundar Centro de Análisis e Investigación*, Mexico; (5) the Human Rights Clinic of Santa Clara University Law School; (6) the Latin American Council of Students of International and Comparative Law, Dominican Republic Chapter ("COLADIC-RD"); (7) the International Human Rights Law Clinic of the University of Virginia School of Law; (8) the International Human Rights Clinic of the Inter-American University of Puerto Rico Law School and the Caribbean Institute for Human Rights; (9) the Human Rights Clinic of the University of Miami School of Law; (10) the Pedro Francisco Bonó Center, the *Centro de Formación y Acción Social Agraria* ("CEFASA"), *Solidaridad Fronteriza*, the Jesuit Migration Service Network, Dominican Republic, and the National Director of the Social Sector of the Company of Jesus in the Dominican Republic, Mario Serrano Marte; and (11) Paola Pelletier Quiñones. *Id.* ¶ 14.

122. *Expelled Dominicans and Haitians v. Dominican Republic, Provisional Measures*, Order of the Court, Inter-Am. Ct. H.R. (ser. E) "Decides" ¶¶ 1–2 (Sept. 7, 2012).

123. *Expelled Dominicans and Haitians v. Dominican Republic, Preliminary Objections, Merits, Reparations, and Costs*, ¶ 9.

124. *Id.*

125. *Id.*

126. *Id.*

127. *Id.* ¶ 10.

128. *Id.* ¶¶ 34, 47.

129. *Id.* ¶ 48.

first preliminary issues, the Court decides that the following people are not victims: Marilobi, Andren, Carolina, and Juana Fils-Aimé; Jamson, Faica, and Kenson Gelin; Ana Dileidy, Emiliano Mache, Analía, and Maximiliano Sensión; Jessica and Victor Manuel Jean; Kimberly Medina Ferreras; María Esther Matos Medina; Jairo and Gimena Pérez Medina; Andrea Alezy; and Benito Tide, Carmen, Aíta, Domingo, Rosa, José, and Teresita Méndez.<sup>130</sup> The Court decides not to rule on the second preliminary issue.<sup>131</sup>

### III. MERITS

#### A. *Composition of the Court*<sup>132</sup>

Humberto Antonio Sierra Porto, President  
Roberto F. Caldas, Vice President  
Manuel E. Ventura Robles, Judge  
Eduardo Vio Grossi, Judge  
Eduardo Ferrer Mac-Gregor Poisot, Judge

Pablo Saavedra Alessandri, Secretary  
Emilia Segares Rodríguez, Deputy Secretary

#### B. *Decision on the Merits*

**August 28, 2014:** The Court issues its Judgment on Preliminary Objections, Merits, Reparations and Costs.<sup>133</sup>

The Court found unanimously that the Dominican Republic had violated:

Articles 3 (Right to Juridical Personality), 18 (Right to a Name and to a Surname of Parents), and 20 (Right to Nationality) in relation to Article 1(1) of the Convention, to the detriment of Mr. Medina Ferreras, Awilda Medina, Luis Ney Medina, Carolina Isabel Medina, Mr. Pérez

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130. *Id.* ¶¶ 92–96.

131. *Id.* ¶ 108.

132. Judge García-Sayán did not participate in the proceedings since he was a candidate for Secretary General of the Organization of American States. Judge Alberto Pérez Pérez also did not participate in the proceedings. *Id.* n.\*\*.

133. *Expelled Dominicans and Haitians v. Dominican Republic*, Preliminary Objections, Merits, Reparations and Costs.

Charles, Mr. Victor Jean, Miguel Jean, Victoria Jean, and Natalie Jean,<sup>134</sup> because:

*The Court evaluated two arguments when looking at the circumstances surrounding Articles 3, 20, and 18.<sup>135</sup> First, the Court analyzed the destruction of Dominican identification documentation, or immigration officers' refusal to take identification documents when expelled.<sup>136</sup> Second, the Court analyzed the State's failure to register those of Haitian descent born in the Dominican Republic.<sup>137</sup> For those whose documents were destroyed or disregarded, these actions indicated that the State failed to recognize the petitioners' identities.<sup>138</sup> This affected their right to a name, right to recognition of juridical personality, and right to nationality.<sup>139</sup> Further, the Court found that the immigration officers' actions were carried out based on the victims' perceived characteristics as Haitian, and thus were discriminatory in nature.<sup>140</sup>*

*For those who were not registered by the Dominican Republic, the State argued that the victims did not have the right to identification and nationality documentation.<sup>141</sup> By domestic law, birthright citizenship did not apply to the victims and so they were not entitled to Dominican nationality.<sup>142</sup> However, the Court found that the State's constitution at the time of the violations did not explicitly state that children of aliens could not attain Dominican nationality.<sup>143</sup> The explicit language barring nationality for children of those illegally residing in the State was not included until 2010, after the victims' births.<sup>144</sup> Further, the State did not prove that the victims could receive nationality from Haiti, leaving them vulnerable to statelessness and depriving them of the right to nationality under Article 20 (Right to Nationality).<sup>145</sup> As a result, this also violated their rights to juridical personality and to a name under Articles 3 (Right to Juridical Personality) and 18 (Right to a Name and*

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134. *Id.* ¶¶ 512(3)–(4).

135. *Id.* ¶ 226.

136. *Id.*

137. *Id.*

138. *Id.* ¶ 274.

139. *Id.*

140. *Id.* ¶ 275.

141. *Id.* ¶ 279.

142. *Id.*

143. *Id.* ¶ 289.

144. *Id.* ¶ 291.

145. *Id.* ¶ 298.



*to a Surname of Parents*).<sup>146</sup>

Articles 3 (Right to Juridical Personality), 18 (Right to a Name and to a Surname of Parents), 20 (Right to Nationality), and 24 (Right to Equal Protection) in relation to Article 2 of the Convention, to the detriment of Mr. Medina Ferreras, Awilda Medina, Luis Ney Medina, Carolina Isabel Medina, Mr. Pérez Charles, Mr. Jean, Miguel Jean, Victoria Jean, and Natalie Jean,<sup>147</sup> because:

*The Court found that a domestic court decision deprived victims of their right to nationality, right to recognition of juridical personality, right to a name, and right to identity by placing their birth certificates and registration under the review of the Central Electoral Board.*<sup>148</sup> *This prevented those victims born in Dominican territory to alien parents from acquiring birthright citizenship.*<sup>149</sup> *The Court determined that in order to ensure each individual's equal protection under the law, the State's authority to determine its nationals is limited; the policy discriminates against Dominicans of Haitian descent and thus violates Article 24 (Right to Equal Protection).*<sup>150</sup> *State law also assumed that those born to aliens in an "irregular situation" on Dominican territory are also presumed aliens.*<sup>151</sup> *The Court ruled that this law violated the victims' rights to recognition of juridical personality under Article 3 (Right to Juridical Personality), to a name under Article 18 (Right to a Name and to a Surname of Parents), to nationality under Article 20 (Right to Nationality), to identity, and to equal protection of the law.*<sup>152</sup>

Article 7 (Right to Personal Liberty), specifically 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law), 7(3) (Prohibition of Arbitrary Arrest or Imprisonment), 7(4) (Right to Be Informed of Reasons of Arrest and Charges), 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time), and 7(6) (Right to Have Recourse Before a Competent Court), in relation to Article 1(1) of the Convention, to the detriment of Mr. Medina Ferreras, Ms. Jean Pierre, Luis Ney Medina,

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146. *Id.* ¶ 299.

147. *Id.* "Declares" ¶ 10.

148. *Id.* ¶ 314.

149. *Id.* ¶ 315.

150. *Id.* ¶ 318.

151. *Id.* ¶¶ 317, 324.

152. *Id.* ¶ 324.

Awilda Medina, Carolina Isabel Medina, Mr. Fils-Aimé, Ms. Midi, Diane Fils-Aimé, Antonio Fils-Aimé, Endy Fils-Aimé, Mr. Gelin, Mr. Pérez Charles, Mr. Jean, Ms. Mesidor, Markenson Jean Mesidor, Miguel Jean, Victoria Jean, and Natalie Jean,<sup>153</sup> because:

*The Court found that the deprivation of the victims' liberty before expelling them to Haiti did not comply with protocol and therefore was illegal, violating Article 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law).<sup>154</sup> Immigration officers carried out these deprivations as a result of racial profiling; the Court held this to be unreasonable and arbitrary, violating Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment).<sup>155</sup> The State also violated Article 7(4) (Right to Be Informed of Reasons of Arrest and Charges) by withholding the specific reasons for deportation from the victims, which was inconsistent with domestic immigration law that required written documentation of any pending charges.<sup>156</sup> By not bringing the victims before a competent authority that could determine their status, the State violated Article 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within a Reasonable Time).<sup>157</sup> Finally, by withholding effective remedies from the victims regarding their detention, the State violated Article 7(6) (Right to Have Recourse Before a Competent Court).<sup>158</sup>*

Articles 22(1) (Right to Move Freely Within a State) and Article 22(5) (Prohibition of Expulsion From, or Denial of Return to, State of Nationality) in relation to Article 1(1) of the Convention, to the detriment of the victims of Dominican nationality (Mr. Medina Ferreras, Awilda Medina, Luis Ney Medina, Carolina Isabel Medina, Mr. Pérez Charles, Mr. Jean, Miguel Jean, Victoria Jean, and Natalie Jean); and Article 22(9) (Prohibition of Collective Expulsions) in relation to Article 1(1) of the Convention, to the detriment of the victims of Haitian nationality (Ms. Jean Pierre, Ms. Midi, Ms. Mesidor, and Markenson Jean Mesidor),<sup>159</sup> because:

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153. *Id.* ¶¶ 346, 512(5).

154. *Id.* ¶ 368.

155. *Id.*

156. *Id.* ¶ 370.

157. *Id.* ¶ 374.

158. *Id.* ¶ 379.

159. *Id.* ¶ 512(6).

*The Court found that the Dominican Republic was in violation of Article 22(1) (Right to Move Freely Within a State) and Article 22(5) (Prohibition of Expulsion From, or Denial of Return to, State of Nationality) by destroying or disregarding the victim's Dominican identification documentation and by expelling those without identification documentation.<sup>160</sup> The Court established that these actions barred the victims' lawful return to the Dominican Republic, effectively restricting their right to move and live freely in the territory.<sup>161</sup>*

*The Court concluded that compliance with Article 22(9) (Prohibition of Collective Expulsions) requires proceedings that evaluate a person's individual circumstances, regardless of race, nationality, or other identifying characteristics, and provide basic guarantees like the right to be informed of charges and the right of appeal.<sup>162</sup> In this case, the Court found that the victims were expelled within forty-eight hours of detention without any personal evaluation of their circumstances,<sup>163</sup> and that they were expelled summarily with large groups of other people.<sup>164</sup> Therefore, the Dominican Republic violated Article 22(9) (Prohibition of Collective Expulsions).<sup>165</sup>*

Article 8 (Right to a Fair Trial), specifically Article 8(1) (Right to a Hearing Within a Reasonable Time by a Competent and Independent Tribunal), and Article 25 (Right to Judicial Protection), specifically Article 25(1) (Right of Recourse Before a Competent Court) in relation to Article 1(1) of the Convention, to the detriment of: Mr. Medina Ferreras, Ms. Jean Pierre, Awilda Medina, Luis Ney Medina, Carolina Isabel Medina, Mr. Fils-Aimé, Ms. Midi, Diane Fils-Aimé, Antonio Fils-Aimé, Endry Fils-Aimé, Mr. Gelin, Mr. Pérez Charles Mr. Jean, Ms. Mesidor, Markenson Jean Mesidor, Miguel Jean, Victoria Jean, and Natalie Jean,<sup>166</sup> because:

*The Court noted that based on the American Convention, individuals in legal proceedings that could lead to expulsion should be given certain*

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160. *Id.* ¶ 389.

161. *Id.*

162. *Id.* ¶ 381.

163. *Id.* ¶ 382.

164. *Id.* ¶ 383.

165. *Id.* ¶ 384.

166. *Id.* ¶ 512(7).

*basic due process guarantees under Article 8 (Right to a Fair Trial).*<sup>167</sup> *Based on the facts of the case, the victims were not issued arrest warrants, placed in formal proceedings, granted the opportunity to be heard, or informed of why they were being expelled.*<sup>168</sup> *Since the Dominican Republic did not comply with any domestic or international due process standards, the State violated Article 8(1) (Right to a Hearing Within a Reasonable Time by a Competent and Independent Tribunal) of the American Convention.*<sup>169</sup>

*Though the State articulated available domestic remedies for the victims to pursue, the Court determined it did not need to evaluate the effectiveness of those remedies.*<sup>170</sup> *Since victims were expelled within forty-eight hours of detention without prior notice, they could not effectively utilize the available remedies.*<sup>171</sup> *The Court found that the State violated the victims' right to judicial protection under Article 25(1) (Right of Recourse Before a Competent Court) since they were not given meaningful access to an appeal process.*<sup>172</sup>

Article 17 (Rights of the Family), specifically Article 17(1) (Family's Right to Be Protected) in relation to Article 1(1) of the Convention, to the detriment of Mr. Sensión, Ms. Nolasco, Ana Lidia Sensión, Reyita Antonia Sensión, Mr. Gelin, and William Gelin,<sup>173</sup> because:

*For Mr. Gelin and his son, William, the Court found that the immigration actions taken against Mr. Gelin, which separated him from his child, did not have a lawful purpose and thus were considered an "unjustified family separation."*<sup>174</sup> *In addition, the Court held that the State had the obligation to reunify Mr. Gelin with his son and did not take any specific actions to address this situation.*<sup>175</sup> *Based on these facts, the State violated Mr. Gelin and William Gelin's right to protection of the family under Article 17(1) (Family's Right to Be Protected) of the*

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167. *Id.* ¶ 393.

168. *Id.* ¶ 393, n.447.

169. *Id.* ¶ 512(7).

170. *Id.* ¶¶ 395–96.

171. *Id.* ¶ 396.

172. *Id.* ¶ 397.

173. *Id.* ¶ 512(8).

174. *Id.* ¶ 418.

175. *Id.*

Convention.<sup>176</sup>

*For the members of the Sensión family, the Court found that immigration officials expelled Ms. Nolasco and her daughters, Ana Lidia Sensión and Reyita Antonia Sensión, to Haiti, separating them from her husband and their father, Mr. Sensión.<sup>177</sup> The Court determined that the State did not take any action to reunite the Sensión family,<sup>178</sup> thus violating Article 17(1) (Family's Right to Be Protected) of the Convention.<sup>179</sup>*

Article 11 (Right to Privacy), in particular Article 11(2) (Prohibition of Arbitrary Interference with Private Life, Family, Home, Correspondence, and of Unlawful Attacks on Honor, and Dignity), in relation to Article 1(1) of the Convention, to the detriment of Mr. Medina Ferreras, Ms. Jean Pierre, Awilda Medina, Luis Ney Medina, Carolina Isabel Medina, Mr. Fils-Aimé, Ms. Midi, Diane Fils-Aimé, Antonio Fils-Aimé, Endry Fils-Aimé, Mr. Jean, Ms. Mesidor, Markenson Jean Mesidor, Miguel Jean, Victoria Jean, and Natalie Jean,<sup>180</sup> because:

*The Court had to determine whether detaining the victims in their homes for expulsion constituted unlawful interference in their private life.<sup>181</sup> The Court held that the intrusions into the victims' homes for expulsion were not justified, violated domestic procedures, and should be deemed "arbitrary interferences in the private life of these families, in violation of Article 11(2) (Prohibition of Arbitrary Interference with Private Life, Family, Home, Correspondence, and of Unlawful Attacks on Honor, and Dignity) of the Convention."<sup>182</sup>*

Article 19 (Rights of the Child) in relation to Article 1(1) of the Convention, to the detriment of Awilda Medina, Luis Ney Medina, Carolina Isabel Medina, Diane Fils-Aimé, Antonio Fils-Aimé, Endry Fils-Aimé, William Gelin, Ana Lidia Sensión, Reyita Antonia Sensión, Markenson Jean Mesidor, Victoria Jean, Miguel Jean, and Natalie

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176. *Id.*

177. *Id.* ¶ 419.

178. *Id.*

179. *Id.* ¶ 420.

180. *Id.* ¶ 512(9).

181. *Id.* ¶ 425.

182. *Id.* ¶ 427.

Jean,<sup>183</sup> because:

*The Court determined that the State's actions that constituted violations of other articles of the Convention did not consider the best interests of the children.<sup>184</sup> The Court made special note that the interferences with private life were especially egregious in this regard.<sup>185</sup> By not considering the best interests of the children involved, the State violated Article 19 (Rights of the Child).<sup>186</sup>*

The Court did not rule on:

Article 5 (Right to Humane Treatment), specifically Article 5(1) (Right to Physical, Mental, and Moral Integrity), or Article 21 (Right to Property), specifically Article 21(1) (Right to Move Freely Within a State), in relation to Article 1(1) of the Convention,<sup>187</sup> because:

*The Court determined that it was not necessary to rule on these articles because the facts used to establish violations were examined under other Convention obligations.<sup>188</sup>*

### C. Dissenting and Concurring Opinions

[None]

## IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

### A. Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)

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183. *Id.* "Operative Paragraphs" ¶ 9.

184. *Id.* ¶ 274.

185. *Id.* ¶ 428.

186. *Id.* "Operative Paragraphs" ¶ 9.

187. *Id.* "Operative Paragraphs" ¶ 11.

188. *Id.* ¶¶ 438, 443.

### 1. Judgment as a Form of Reparation

The Court established that its Judgment is itself a per se form of reparation.<sup>189</sup>

### 2. Recognize Nationality for Dominicans and Residence Permits for Haitians

For the members of the Medina family, the State must adopt measures to grant them identification documents.<sup>190</sup> Further, the State must terminate any administrative, civil, and criminal proceedings against members of the Medina family as a result of them being parties to the case.<sup>191</sup> As to the members of the Jean family, the State must register them and provide them with identification documents proving Dominican nationality.<sup>192</sup> Finally, for Ms. Mesidor, the State must give her the opportunity to lawfully live in the Dominican Republic in order to keep her family together.<sup>193</sup>

### 3. Publish the Judgment

The State must publish an official summary of the Court's Judgment in the State's official newspaper and another national newspaper that circulates broadly throughout the State.<sup>194</sup>

### 4. Provide Human Rights Training

The Court recognized that human rights training programs for immigration officers are important in guaranteeing the non-repetition of violations.<sup>195</sup> Thus, the Court found training of border control agents, members of the military, immigration agents, and judicial officials is necessary to increase respect for and guarantee of the rights of Haitians and those of Haitian descent in the Dominican Republic.<sup>196</sup> The training programs must educate the participants on racial profiling, due process

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189. *Id.* ¶ 448.

190. *Id.* ¶ 452.

191. *Id.* ¶ 457.

192. *Id.* ¶ 458.

193. *Id.* ¶ 459.

194. *Id.* ¶ 460.

195. *Id.* ¶ 464.

196. *Id.* ¶ 465.

guarantees, and collective expulsions.<sup>197</sup>

## 5. Implement Domestic Legal Measures

With regard to domestic law, the State must end any practices that promote denying Dominican nationality to those born in the State if their parents are of irregular immigration status.<sup>198</sup> Further, the State must adopt measures that establish an accessible registration process for those born in the State, regardless of their parents' national origin or immigration status.<sup>199</sup>

### *B. Compensation*

The Court awarded the following amounts:

#### 1. Pecuniary Damages

The Court determined that the Medina and Fils-Aimé families, along with Mr. Gelin, should be award \$8,000.00 each since they were deported without the ability to collect or take their belongings.<sup>200</sup>

#### 2. Non-Pecuniary Damages

The Court awarded \$10,000.00 to each member of the Medina family, Fils-Aimé family, Gelin family, Sensión family, and Jean family, and to Mr. Pérez Charles.<sup>201</sup>

#### 3. Costs and Expenses

For the representatives, the Court awarded CEJIL, in equity, \$10,000.00 for expenses incurred during its involvement in the case.<sup>202</sup> The Court also awarded, in equity, \$3,000.00 to MUDHA and \$3,000.00 to GARR for costs and expenses during the litigation.<sup>203</sup> Fi-

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197. *Id.*

198. *Id.* ¶ 469.

199. *Id.* ¶ 470.

200. *Id.* ¶ 481.

201. *Id.* ¶ 485.

202. *Id.* ¶ 498.

203. *Id.* ¶ 499.



nally, the Court awarded the Human Rights Clinic of Columbia University, in equity, \$3,000.00 for costs incurred during litigation.<sup>204</sup>

For the Legal Assistance Fund, the Court ordered the State to reimburse the Court \$5,661.75 for expenses incurred to cover the reasonable expenses to help those petitioners who did not have the personal means to bring their case.<sup>205</sup> These reimbursements were required since the State did not respond in a timely manner to the disbursements.<sup>206</sup>

#### 4. Total Compensation (including Costs and Expenses ordered):

\$ 278,661.75

#### *C. Deadlines*

The State must adopt measures to provide the members of the Medina family with identification documents and end any administrative, civil, and criminal proceedings against them within six months.<sup>207</sup>

The State must register and provide documentation to the members of the Jean family within six months.<sup>208</sup>

The State must take measures to allow Ms. Mesidor to lawfully live in the State with her family within six months.<sup>209</sup>

The State must publish the official summary of the Judgment within six months and keep it accessible for one year.<sup>210</sup>

The State must implement immigration training programs regarding racial profiling, due process guarantees, and collective expulsions within a reasonable period of time.<sup>211</sup>

The State must prevent domestic laws that deny Dominican nationality to those born in the State to parents of irregular immigration status from having any continuing legal effects, and annul any norms regarding denial of nationality based on parent's national origin or immigration status within a reasonable period of time.<sup>212</sup>

The State must adopt measures that establish an accessible regis-

204. *Id.* ¶ 500.

205. *Id.* ¶ 504.

206. *Id.* ¶ 503.

207. *Id.* “Operative Paragraphs” ¶ 13.

208. *Id.* “Operative Paragraphs” ¶ 14.

209. *Id.* “Operative Paragraphs” ¶ 15.

210. *Id.* “Operative Paragraphs” ¶ 16.

211. *Id.* “Operative Paragraphs” ¶ 17.

212. *Id.* “Operative Paragraphs” ¶¶ 18–19.

tration program within a reasonable time.<sup>213</sup>

The State must make the payments for pecuniary and non-pecuniary damages and costs and expenses within one year.<sup>214</sup>

The State must submit a report on compliance to the Court within one year.<sup>215</sup>

## V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

## VI. COMPLIANCE AND FOLLOW-UP

**2013:** A Dominican court case removed the constitutional provision that guaranteed citizenship to people born in the Dominican Republic and applied it retroactively to anyone born there after 1929.<sup>216</sup> As a result of international pressure, the Dominican President, Danilo Medina, issued an executive order granting legal status through an amnesty program called “regularization” to persons without legal residency.<sup>217</sup> The program required registration with the government by June 17; those who did not register risked deportation.<sup>218</sup> Attention from the international community has prevented the mass deportation of those 160,000 migrants who did not register because of complicated requirements for registration.<sup>219</sup>

**2015:** As of 2015, the Court has not yet monitored the State’s compliance.

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213. *Id.* “Operative Paragraphs” ¶ 20.

214. *Id.* ¶ 505.

215. *Id.* “Operative Paragraphs” ¶ 22.

216. Teresa Welsh, *Dominican Republic Temporarily Halts Deportation of Haitians*, U.S. NEWS & WORLD REPORTS (July 10, 2015), <http://www.usnews.com/news/articles/2015/07/10/dominican-republic-temporarily-halts-deportation-of-haitians>.

217. *Id.*

218. *Id.*

219. *Id.*

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

[Expelled Dominicans and Haitians v. Dominican Republic, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 282 \(Aug. 28, 2014\).](#)

3. Provisional Measures

[Expelled Dominicans and Haitians v. Dominican Republic, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Aug. 7, 2000\).](#)

[Expelled Dominicans and Haitians v. Dominican Republic, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Aug. 18, 2000\).](#)

[Expelled Dominicans and Haitians v. Dominican Republic, Provisional Measures, Concurring Opinion of Judge A.A. Cançado Trindade, Inter-Am. Ct. H.R. \(ser. E\) \(Aug. 18, 2000\).](#)

[Expelled Dominicans and Haitians v. Dominican Republic, Provisional Measures, Order of the President, Inter-Am. Ct. H.R. \(ser. E\) \(Sept. 14, 2000\).](#)

[Expelled Dominicans and Haitians v. Dominican Republic, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Nov. 12, 2000\).](#)

[Expelled Dominicans and Haitians v. Dominican Republic, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(May 26, 2001\).](#)

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[Expelled Dominicans and Haitians v. Dominican Republic, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Feb. 2, 2006\).](#)

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[Expelled Dominicans and Haitians v. Dominican Republic, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Dec. 1, 2011\).](#)

[Expelled Dominicans and Haitians v. Dominican Republic, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Feb. 29, 2012\).](#)

[Expelled Dominicans and Haitians v. Dominican Republic, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Sept. 7, 2012\).](#)

#### 4. Compliance Monitoring

[None]

#### 5. Review and Interpretation of Judgment

[None]

#### *B. Inter-American Commission*

##### 1. Petition to the Commission

[Not Available]

## 2. Report on Admissibility

[Expelled Dominicans and Haitians v. Dominican Republic, Admissibility Report, Report No. 68/05, Inter-Am. Comm'n H.R., Case No. 12.271 \(Oct. 13, 2005\).](#)

## 3. Provisional Measures

[Expelled Dominicans and Haitians v. Dominican Republic, Precautionary Measures, Order of the Commission, Inter-Am. Comm'n H.R., Case No. 12.271 \(Nov. 22, 1999\).](#)

## 4. Report on Merits

[Expelled Dominicans and Haitians v. Dominican Republic, Report on Merits, Report No. 64/12, Inter-Am. Comm'n H.R., Case No. 12.271 \(Mar. 29, 2012\).](#)

## 5. Application to the Court

[Expelled Dominicans and Haitians v. Dominican Republic, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.271 \(July 12, 2012\).](#)

## VIII. BIBLIOGRAPHY

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Nicia C. Mejia, Note, *Dominican Apartheid: Inside the Flawed Migration System of the Dominican Republic*, 18 HARV. LATINO L. REV. 201 (2015).

Natalie Sears, Comment, *Repealing Birthright Citizenship: How the Dominican Republic's Recent Court Decision Reflects an International Trend*, 20 L. & BUS. REV. AM. 423 (2014).

Teresa Welsh, *Dominican Republic Temporarily Halts Deportation of Haitians*, U.S. NEWS & WORLD REPORTS (July 10, 2015), <http://www.usnews.com/news/articles/2015/07/10/dominican-republic-temporarily-halts-deportation-of-haitians>.