



YSPANIOLA

Learning in Limbo: Safeguarding children's educational futures

Introduction

Since our inception as a 501(c)(3) in 2009, Yspaniola has worked in the community of Batey Libertad, Dominican Republic, to support this community of Dominicans, Haitians and Dominicans of Haitian descent in their efforts to overcome systemic poverty, discrimination, and marginalization. Today, through the provision of high-quality, literacy-focused educational instruction in the Batey Libertad Learning Center, and through university scholarships for talented older students, Yspaniola empowers individuals to achieve their full academic potential. We envision a Dominican Republic where all Dominicans have access to quality education and full citizenship.

The Issue of Legal Documentation

In 2013, a ruling by the Dominican constitutional tribunal retroactively denied citizenship to an estimated 200,000 Dominicans of Haitian descent born after 1929 without at least one Dominican parent.[1] This ruling swept away decades of government policy that granted citizenship to any person born on Dominican soil and left hundreds of thousands of people stateless, without citizenship in either Haiti or the Dominican Republic. Not only first generation immigrants were stripped of their citizenship—people whose parents and grandparents were born in the Dominican Republic were also made stateless if they lacked documentation proving their citizenship, either because they never applied for documentation or had been denied it by the government.

Yspaniola joined with local and international institutions to protest the ruling. We coordinated with the Inter-American Commission on Human Rights to host IACHR representatives in the batey to speak with community members affected by the judgment. The IACHR concluded that the ruling had arbitrarily deprived people of Haitian descent of the right to nationality and placed them in a position of “extreme vulnerability” to the violation of other basic human rights, such as the right to education and the right to work. [2]

The Dominican government responded to local and international pressure with the Plan de Naturalización (PN), through which Dominicans of Haitian descent could reclaim their Dominican citizenship, and the Plan Nacional de Regularización de Extranjeros (PNRE), by which those who immigrated from Haiti could regain legal status. These plans detail a complex and confusing process that is difficult for people to navigate without significant assistance.

[1] Sentencia TC/0168/13, Dominican Republic: Constitutional Court, 23 September 2013.

[2] Inter-American Commission on Human Rights, *Situation of Human Rights in the Dominican Republic*, 11 (2015).

Community Voices

The only thing I have [as document] of identity is the medical referral of the hospital. [...] I am now studying my second year of high school but [at school] they are already asking me for a birth certificate, but they don't give it to me. I want you to help me stay in school. I feel bad because in the street they call me damn, dirty, and treat me badly. [...] We are all equal and that's not right. I have as much right to be Dominican [sic] as the others.

My daughter [17 years old] was born here [in the Dominican Republic], but as I had no papers, I could not get her birth certificate. Two years ago, as she did not have the certificate [of birth] she could not continue studying. At school they let her study only until the eighth [grade]. My daughter already has a two year old daughter that she could not register either because she still doesn't have her certificate.

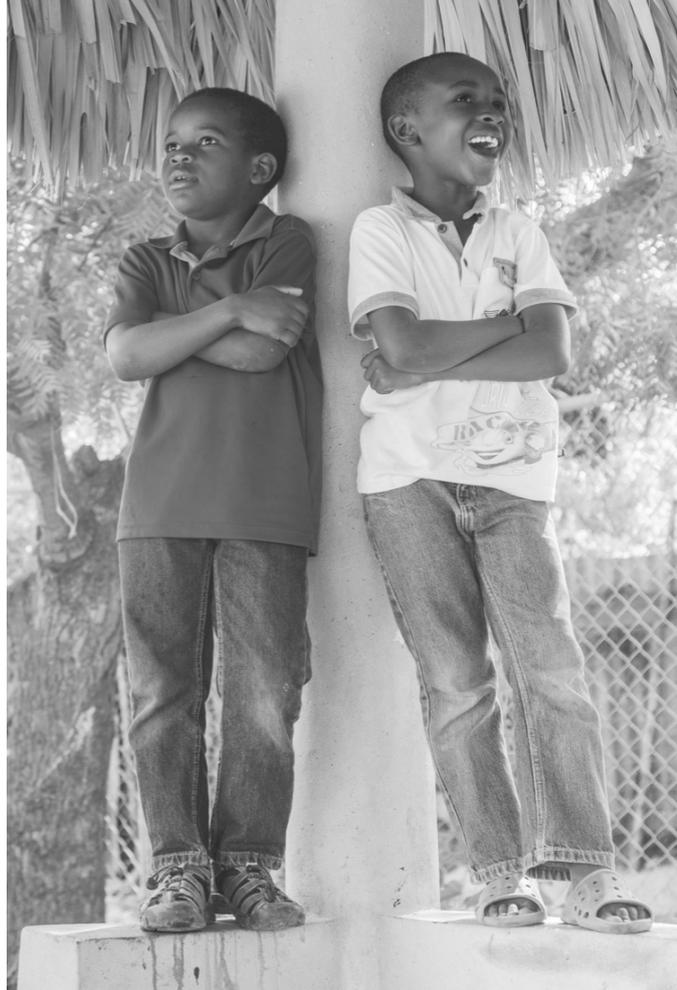
*We were born here [in Dominican Republic], we don't even know what color the land of Haiti is. I have a birth certificate, but they [the government] don't want to give the identification card, because my parents are Haitians. I finish school in two years and I need to have the identification card to work. I'm really worried that if I can't get a job then I would have to prostitute myself.**

*This quote is not from Batey Libertad

In order to reclaim citizenship, one must provide notarized documents from the hospital where one was born or seven notarized testimonies confirming birth in the Dominican Republic. Similarly, for immigrants to be granted temporary residency status, applicants must provide numerous notarized documents proving strong ties to the Dominican Republic dating back years; applicants must also obtain a birth certificate, ID card or passport from Haiti, where the government has been overwhelmed trying to process documents for so many. If applicants succeed in obtaining all the necessary documents, they still face long trips to government offices and high registration fees, with significant transportation costs, lost wages, and lengthy waits throughout the process.

The Impact on Batey Libertad

For young Dominicans of Haitian descent, documentation and education are inextricably linked. The high court judgment has had a large impact on students in Batey Libertad. Without a government-issued birth certificate and inclusion in the national registry, young people cannot go to high school or enroll in university. Students whose parents have been stripped of citizenship may not have the financial resources to attend school because their parents cannot find legal employment. Additionally, people of Haitian descent have been vulnerable to increased harassment, violence, and illegal deportation.[3] A number of people in Batey Libertad have been forcibly removed to Haiti in recent years, including one of Yspaniola's teachers. This instability results in significant disruption to young people's education and lives.



The impact of Yspaniola's educational programs depends upon the ability of students born in the country to access their full rights as Dominican citizens. Students born in the Dominican Republic deserve the right to claim and safeguard their Dominican citizenship, along with the associated rights to education, employment, and others.

Yspaniola's Response

Since 2013, Yspaniola has supported Batey Libertad community members to begin the process of reclaiming their citizenship or regularized status through the PN and PNRE, in collaboration with the International Organization for Migration and with CEFASA, a human rights organization in Santiago. To date, with Yspaniola's support, 98 individuals from Batey Libertad have obtained documents to regularize their status through PNRE, and 41 individuals born in the Dominican Republic have obtained documents necessary to reclaim their Dominican citizenship. Nevertheless, there remain many more individuals in Batey Libertad and around the country who need our help.

In January 2018, the Dominican government announced an August 2018 deadline for those already registered in the plans to complete the PN and PNRE process. If individuals do not complete their documentation by August, they will be subject to deportation from the country—which, for many Dominicans of Haitian descent, is the only home they have ever known. Given this looming deadline, Yspaniola urgently needs to support community members to complete the process to reclaim their citizenship and legal status.

Based on a survey completed early this year, Yspaniola determined that 13 of the 165 students currently attending our Learning Center are registered in the PN but have yet to complete the process and obtain their preliminary documentation—usually a government-issued birth certificate and associated inclusion in the national registry—which they will need to obtain an identification card later in life, a standard prerequisite for high school degrees and university enrollment. As a pilot project over the next six months, Yspaniola proposes to support these 13 students to complete the process before the August 2018 deadline.

[3] Human Rights Watch, *World Report 2016: Dominican Republic (2016)*, available at <https://www.hrw.org/world-report/2016/country-chapters/dominican-republic>.





Documentation Project Outline

Yspaniola will launch a six-month pilot documentation project commencing in April 2018 with the goal of obtaining preliminary documentation for the 13 students enrolled in the PN. We will hire a caseworker with experience working on cases similar to those of our students, who will facilitate the legal aspects of the documentation process, including accompanying project participants on visits to government institutions and lawyers' offices to obtain the necessary paperwork. Julio Louis, Yspaniola's Director of Operations, will oversee the project and incorporate lessons learned from the pilot to develop a larger strategic plan for Yspaniola in documentation. As detailed below, we are seeking \$4,500 of seed funding to support the following project components:

- Hire of a Caseworker with extensive experience of documentation work
- Legal document notarization fees for all students
- Transportation to government offices in Mao, Valverde, and Santo Domingo
- All associated administrative costs of the documentation process
- Identification of documentation needs of other members of the community and their beneficiaries to plan for subsequent phases of the project
- A final project report with recommendations for future documentation work

Due to the impending PN and PNRE deadline, we propose to focus for the next six months on the 13 students already registered in the PN. However, there are many more students and families served by Yspaniola's programs that face instability and risks due to inadequate documentation. In some cases, students' ability to remain in the country long-term may rely on their parents' ability to do so. In the future, we plan to expand our support to students and their families, to ensure their ability to remain together in the Dominican Republic.

Yspaniola envisions a Dominican Republic where all young people can freely enjoy their right to an education. For this to be possible, their rights to country and citizenship must be protected. Please join us in this work to safeguard the educational futures of Batey Libertad's children.

Budget (\$USD):

Caseworker:	\$2,100
Legal fees:	\$1,320
Transportation:	\$600
Administration:	\$480
Total:	\$4,500

This equates to an investment of \$346 per student, to allow the possibility of a secure future as a Dominican citizen.

Please visit: www.yspaniola.org/documentation

Thank you.

