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Wave of Haitian Migrants Causes Tensions with Dominican Republic

by Crosby Girón

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For many years, migration has caused friction between the Dominican Republic and neighboring Haiti. In an attempt to reach a solution, former President Leonel Fernández (1996-2000, 2004-2012) ratified a new immigration law in late 2011, which had been debated for several years. However, both human rights groups and business organizations have argued that the new law, which went into full effect on June 1, is so draconian that it is unfeasible.

One of the most contentious points is that the new law forbids parents from enrolling their children in school if they do not have identification papers, a requirement that has been strongly rejected by children's rights groups. In the end, the Dominican Migration Bureau was forced to make a U-turn and adopt a more "flexible" approach.

The construction and agricultural sectors have also voiced concerns about the new law. Dominican businesses that hire Haitian workers say the new law’s provisions will drive them out of business as the cost of hiring immigrant labor will be too high.

A number of cases involving Haitian immigrants have made headlines recently, such as the case of ten adults and 17 minors who were deported back to their home country as part of a series of mass deportations, even though several of them had already been granted Dominican citizenship. The Inter-American Commission on Human Rights (IACHR) sent a report on this case to the Inter-American Court of Human Rights (IACHR).

Another high-profile case was Nadege Dorzema v. the Dominican Republic, also known as the massacre of Guayubín, in which six Haitians were allegedly gunned down on June 18, 2000, on the Haitian-Dominican border as they tried to enter the country illegally in search of employment.

In search of the Dominican dream

The Dominican Republic is a poor country by Latin American standards, with levels of hunger and malnutrition that are surpassed only by Haiti, Bolivia, and Guatemala. The 2011 Global Hunger Index shows that hunger in the Dominican Republic has reached "serious proportions" and the Ministerio de Economía, Planificación y Desarrollo says that more than 935,000 Dominicans live in extreme poverty.

But living conditions in Haiti are even worse, especially since the earthquake that hit the country in 2010 (NotiCen, Jan. 21, 2010, and May 20, 2010), which caused an exodus toward the Dominican Republic as impoverished Haitians sought better opportunities and the neighboring country became their easiest option.

How many Haitians are currently living in the Dominican Republic illegally? There are no exact numbers; according to some international organizations and nongovernmental organizations (NGOs), it could be more than 1 million, while official government figures estimate between 700,000 and 800,000.
The Dominican government has repeatedly said that there is no "ill feeling" toward Haitians. However, evangelical Christian groups have said that the presence of Haitians in their country is "worrying" and "ought to be controlled," while Catholic Jesuit groups have expressed concern about migrants' human rights.

Concern about the presence of Haitian immigrants stems from the perception that they are "occupying" the country and "displacing" Dominicans at a time when jobs are scarce (NotiCen, Nov. 18, 2004).

However, Haitians usually take on the jobs that Dominicans no longer want, such as farm labor and construction work. The Censo Nacional de Población y Vivienda, published in 2010, showed that 70% of the Dominican population lives in the city and less than 30% in rural areas, which explains poverty in these parts of the country.

Another issue that complicates this scenario is that existing programs to guarantee the population’s access to food and their right to food sovereignty are managed in a clientelist manner. The Food and Agriculture Organization (FAO) says that most Dominicans spend between 40% and 50% of their income on basic food supplies.

Is the new law a solution or a problem?

Under the new law, as of June 1, all foreigners must have a residence permit, and companies that hire illegal immigrants face fines of between US$1,500 and US$7,900.

For Haitians who, for decades, have migrated to the Dominican Republic in search of employment, the new law poses a significant threat. Many Haitians have become a source of cheap labor in the construction industry and the agricultural sector, others find employment as janitors or street vendors. The new law says that children of temporary migrant workers born in the country will no longer be granted Dominican nationality.

The new law purportedly seeks to "regulate" migration, forcing immigrants to pay taxes and undergo medical examinations, among other requirements, which also imposes barriers for immigrants who have lived in the Dominican Republican for more than a decade without being able to return to their home country.

Business groups, the Haitian Embassy, and human rights organizations have said that the new law will have a traumatic impact on the Haitian community. Mario Serrano, director of the Bonó Center, says it will be impossible to abide by its terms.

The Dominican migration authorities have stressed that, although enforcement of the law will not be delayed as the private sector had demanded, fines will not be levied during the first few weeks, and there will not be raids on immigrant communities. They have vowed to work closely with the business sector so that they can legalize the status of their temporary migrant workers.

The Ministerio de Trabajo says 52% of all construction laborers in the country are Haitian and 58.7% of those workers are illegal. Added to this, the Junta Agroempresarial Dominicana (JAD) estimates that 80% of rice-plantation workers and 60% of banana-plantation workers are Haitian.

Remittances are another important issue as the money sent home by Haitian workers living in the Dominican Republic amounts to 11% of all remittances received by Haitian families. Figures
published by the World Bank in June this year show that this percentage is only surpassed by the amount received from Haitians living in the US.

The Asociación de Constructores y Promotores de Viviendas (ACOPROVI) and the JAD say it is impossible to force companies to limit the number of immigrant workers that they hire to no more than 20% of the work force, as Dominican workers no longer want to do many unskilled jobs.

Osmar Benítez, vice president of the JAD, said it would cost companies between US$700 and US$800 and lengthy bureaucratic proceedings that could last several months to obtain a residence permit for each of its workers. Benítez said two of the largest agricultural companies in the country began proceedings to legalize their migrant workers and after six months only 42 have obtained temporary residence permits.

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