

Miami, July 14, 2015

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama,

The undersigned law professors write to you to express our collective concern and request you to take action to stop the ongoing mass deportation of Dominicans of Haitian descent by the government of the Dominican Republic. As legal experts and concerned members of our society, we consider this a human rights emergency, and we call upon you to act on the impending threat to the lives of hundreds of thousands of our brothers and sisters. The deportation policy of the Dominican Republic violates three interrelated and fundamental norms of international, human rights and Dominican Constitutional law. It is a renunciation of the principle of birthright citizenship; it threatens an entire class of people with the status of statelessness, claimed by neither the Dominican Republic nor Haiti; and it is implemented through a policy of racial profiling.

As is the case for most of us, the fact that we were born in this country allows us to possess certain rights--we are protected by our Constitution, and among other things, can vote, and certain liberties are not to be disregarded without due process. Sadly, that birthright is being denied in the Dominican Republic. Hundreds of thousands of our neighbors in that land recently learned that their rights as citizens vanished in large part because of the color of their skin. It is, for instance, as if someone arbitrarily determined that because our forefathers and mothers were brought here on slave ships, or perhaps because we are here because our ancestors were invited by a lax immigration system, we are no longer welcome.

What would we be expected to do?

What if both political leaders and our court system decided we had to leave this country? Now let's add to our problems--we were also part of your country's poorest people, a people with virtually no political clout and certainly little economic force. We would have immediately become stateless, and would have nowhere to turn to for redress. It couldn't happen, could it?

But as we are sure you know, in a 2013, decision widely decried as racially motivated, the Dominican Republic Constitutional Court ("DRCC") decided, despite the language of its relevant constitution, citizenship was no longer conferred by birth on Dominican soil. The DRCC, however, did not stop there; it held that its decision applied retroactively for nearly 100 years. In other words, despite the language of its constitution, human rights norms, and decades of reasonable practice, in one stroke of a pen, the DRCC held generations of Dominican citizens,

who have only known the Dominican Republic as their home, are now stateless. The DRCC couched its decision as an attempt to gain control of a growing immigration problem; however, this is not an immigration issue as these individuals were citizens, and no legal perversions should have ever changed that reality.

The DRCC's ruling was met with huge international outcry and debate. The Caribbean Community and Common Market ("CARICOM") and the United Nations decried the Dominican Republic for creating a stateless minority. Moreover, the ruling was condemned by, among others, the Congressional Black Caucus of the United States Congress, the Inter-American Commission on Human Rights, the United Nations Office of the High Commissioner for Human Rights, the Robert F. Kennedy Center for Justice and Human Rights, and the Open Society Justice Initiative for its creation of stateless individuals.

As you are also aware, statelessness is the lack of any nationality, or the absence of a recognized link between an individual and any state--in other words the complete lack of political, social, or cultural rights. By virtue of the DRCC's decision, the Dominican Republic created the largest group of stateless individuals in the Americas. To make matters worse, the government declared a June 17th deadline to commence mass round-ups, and mass deportations. Before deportations and expulsions began, reports indicate that roughly 3,000 people fled the Dominican Republic for fear of violence towards them. Since the June 17th deadline, there are accounts that approximately 4,000 Dominicans have been expelled to Haiti, and just this week, the Dominican Republic reported that 37,000 so-called undocumented have self-deported. As these numbers demonstrate, the governmental action at place is having its intended horrific results.

The Dominican government, prior to the DRCC's ruling in 2013 and since the ruling, has conducted expulsions by rounding up individuals who "look Haitian", have a last name that sounds French, or whose Spanish accent does not sound Dominican. As a result, many people, regardless of whether they have documentation demonstrating residency or citizenship, have been and will continue to be arbitrarily expelled to Haiti.

We are proud this country created the very notion of human rights and international law with among other things, the establishment of the League of Nations and the United Nations. Yet in this land, we often decry tyrannical violations of human rights from both our political and economic competitors--we are quick with Iran, China, and Russia, but just to our South, we turn a blind eye. We merely ask that you not forget your own powerful words:

"[L]aw can be disappointing at times, a matter of applying narrow rules and arcane procedure to an uncooperative reality; a sort of glorified accounting that serves to regulate the affairs of those who have power--and that all too often seeks to explain, to those who do not, the ultimate wisdom and justness of their condition."

Imagine if millions of Americans were told tomorrow that they were no longer Americans. Imagine if tomorrow millions of Americans were told that all they had lived for and worked for would be stripped from them. As one of the world's greatest persons reminded us, "Injustice anywhere is a threat to justice everywhere." The Dominican marginalization and denationalization of its people based on their ancestry reminds many of history's worst atrocities;

think the holocaust, think the Armenian genocide. While mass killings will hopefully not be revisited in the Dominican Republic, look up the Parsley Massacre. Something must be done soon.

As the leader of the country and of its people that cherish liberty and freedom, we cannot stand by and merely wait while hundreds of thousands of the world's poorest and most vulnerable people face mass deportations and potentially even mass killings. One of the world's gravest humanitarian crises is occurring just off our shores at this very moment. Please Mr. President, let us apply your guidance:

"I have seen, the desperation and disorder of the powerless: how it twists the lives of children on the streets of Jakarta or Nairobi in much the same way as it does the lives of children on Chicago's South Side...I know that the response of the powerful to this disorder -- alternating as it does [with] dull complacency...."

Mr. President, let us not be complacent here, and let us use our faith in liberty and the force of our economic and political power to end this crisis. A simple public statement could affect a country in human rights abuses, and may lead that land to the negotiation table. Further, we ask that you call upon Secretary Kerry to convene a high-level working group to address this issue, to convene a summit to address the matter, and consider Temporary Protected Status for those left stateless by these horrific governmental actions.

Respectfully submitted,

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