

RESOLUTION NO. 2015-R-72

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, CONDEMNING THE DOMINICAN REPUBLIC'S IMPENDING MASS DEPORTATION OF HAITIAN IMMIGRANTS; URGING THE DOMINICAN REPUBLIC TO COMPLY WITH INTERNATIONAL HUMAN RIGHTS LAW AND HALT ALL IMPENDING DEPORTATIONS; AND FURTHER URGING THE OBAMA ADMINISTRATION TO USE ITS POLITICAL AND ECONOMIC LEVERAGE TO GET DOMINICAN AUTHORITIES TO REVERSE COURSE; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

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

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, the Mayor and City Council of the City of North Miami, Florida, condemn 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; and

WHEREAS, these outrageous actions are of grave and immediate concern to the citizens of the City of North Miami and to millions of Haitian Americans and other U.S. citizens throughout the United States, as evidenced by widespread protests and demonstrations here and nationwide which have galvanized Haitian diaspora communities as never before; and

WHEREAS, the United States must stand for human rights and justice but the Obama administration has to date been shamefully silent regarding these massive ongoing and threatened Dominican rights violations; and

WHEREAS, the leadership and political and economic power and influence of the United States would be the single most effective tool to effectuate a reversal of course by Dominican authorities, if the White House and State Department were to replace their shameful silence with leadership and action; and

WHEREAS, many Americans are calling for such strong White House leadership including Baltimore Mayor and former Maryland Governor Martin O'Malley in his June 17 *Huffington Post* piece, "Moral Leadership in Our Own Hemisphere," condemning this threatened "abhorrent affront to human rights by one of our closest neighbors"; and

WHEREAS, the Obama administration's silence is hypocritical not only in light of American history and values but also given the specific statements and writings over the years, on the obligation of the United States to lead in the face of such outrages, by the President himself, the Vice-President, and other officials including U.S. Ambassador to the United Nations Samantha Power; and

WHEREAS, the events unfolding in the Dominican Republic over the last few years and currently are reminiscent of infamous historic injustices including the 1930s Nuremberg laws which stripped civil and human rights from German-born Jews; and

WHEREAS, the actions of the Dominican government are as wrong as if the United States government were suddenly to decree that U.S.-born blacks (or Italian-Americans, Irish-Americans, or other minorities) are not US citizens, despite generations of citizenship and residence in the United States, and were then, after an arbitrary and flawed registration period, to seek to deport them, causing massive panic; and

WHEREAS, these Dominican government violations, intimidation, and "affronts" have already caused widespread chaos and tens of thousands of Dominicans of Haitian ethnic background to flee into Haiti in fear for their lives; and

WHEREAS, these violations happening in our own backyard are tremendously destabilizing, and threaten to be increasingly destabilizing, to neighboring Haiti, which as Gov. O'Malley states "is still reeling from the second deadliest earthquake this century, which killed

more than 100,000 people. Five years later, 85,000 Haitians remain homeless, and Haiti's economy and infrastructure remain in shambles. The influx of potentially hundreds of thousands of new residents from the Dominican Republic would only create more chaos in a country that in desperately in need of humanitarian assistance and long-term sustainable development"; and

WHEREAS, these violations therefore have grave implications for Haiti's stability, Dominican Republic-Haiti relations, regional security, and the national security, credibility, and standing of the United States internationally; and

WHEREAS, the eyes of history for the foregoing reasons are on the United States and the Obama administration today, President Clinton's silence in the face of the 1994 Rwanda genocide was a historic low point in his administration for which he later apologized, and the administration's current shameful silence in the face of these violations threaten to permanently stain President Obama's legacy.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. The Mayor and City Council of the City of North Miami, Florida, ("Mayor and City Council") hereby condemn the Dominican Republic's impending mass deportation of Haitian immigrants.

Section 2. The Mayor and City Council urge 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 3. The Mayor and City Council condemn as shameful and unworthy of American history and values the silence to date of the Obama administration in the face of these historic and ongoing violations.

Section 4. The Mayor and City Council urge the Obama administration, specifically President Obama and Secretary of State John Kerry, to immediately use, and prioritize using, all of their political and economic power, leverage, and influence, involving trade and many other points of leverage and persuasion, both publicly and privately, to get the government of the Dominican Republic to immediately and fully reverse course, stop all of these violations, and restore and guarantee fully and in their entirety the human and civil rights of all its citizens, residents and migrants.

Section 5. The City Clerk is directed to transmit a certified copy of this resolution to United States President Barack Obama, Secretary of State John Kerry, and U.S. Representative to the United Nations Samantha Power, presidential candidates, Dominican Republic President Danilo Medina, and United States Ambassador to the Dominican Republic James Brewster.

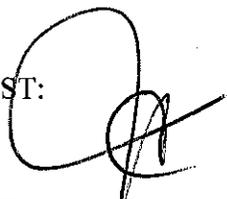
Section 6. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 14th day of July, 2015.



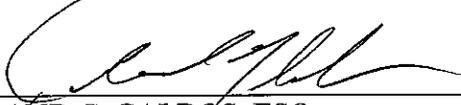
DR. SMITH JOSEPH
MAYOR

ATTEST:



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



ROLAND C. GALDOS, ESQ.
INTERIM CITY ATTORNEY

SPONSORED BY: COUNCILPERSON ALIX DESULME
CO-SPONSORED BY: MAYOR SMITH JOSEPH, D.O., Pharm. D.

Moved by: Galvin

Seconded by: Keys

Vote:

Mayor Smith Joseph, D.O., Pharm. D.
Vice Mayor Carol Keys, Esq.
Councilperson Scott Galvin
Councilperson Philippe Bien-Aime
Councilperson Alix Desulme

<u>X</u>	(Yes)	<u> </u>	(No)
<u>X</u>	(Yes)	<u> </u>	(No)
<u>X</u>	(Yes)	<u> </u>	(No)
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<u>X</u>	(Yes)	<u> </u>	(No)