

UNWELCOME GUESTS

A STUDY OF EXPULSIONS OF HAITIANS AND
DOMINICANS OF HAITIAN DESCENT FROM THE
DOMINICAN REPUBLIC TO HAITI

INTERNATIONAL HUMAN RIGHTS LAW CLINIC
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PREFACE

This study was undertaken by the International Human Rights Law Clinic at the University of California, Berkeley School of Law (“Boalt Hall”) with assistance from members of the Demography Department and the Human Rights Center at the University of California, Berkeley. The clinic engages law students in innovative projects designed to promote and strengthen human rights protections in national, regional, and international fora.

Acting Clinical Professor of Law Laurel E. Fletcher, Associate Director of the International Human Rights Law Clinic directed this project with the participation of clinic interns Elizabeth Dahlstrom, José Raul Felix-Saul, Timothy S. Griffiths, Katherine A. Fleet, Lisa M. Frydman, Jennifer A. Lenga, Linda C. Maranzana, Jesse S. Morgan, Angela C. Perry, Abigail S. Reyes, Hillary Ronen, and Katherine Zucca. Dr. Erik Smith, a demographer, led a mission to Haiti in February 2001 to identify and collect the quantitative data for this study, and prepared a preliminary assessment of the data. Professor Ronald Lee, Dr. Tim W. Miller, Dr. Erik Smith, Hisashi Yamagata, and Wenlan Qian of the Demography Department at U.C. Berkeley conducted the final demographic analysis for the study. Clinical Professor Harvey Weinstein, Associate Director of the Human Rights Center and Dr. Patrick Ball, Deputy Director of the American Association for the Advancement of Science (“AAAS”), Science and Human Rights Program consulted on the study design. The report was written by Professor Fletcher and clinic interns Dahlstrom and Morgan. Professor Weinstein provided editorial comments. Boalt Hall staff member Rolando Pinto provided Creole interpretation services, and Daphne Trowbridge-Williams prepared the manuscript for publication.

The researchers gratefully acknowledge the contribution of many individuals and organizations in the preparation of the study. In particular, we extend our gratitude to the Haitian *Office National de la Migration* (“ONM”) for providing us access to their records; and to the *Groupe d’Appui aux Réfugiés et Repatriés* (“GARR”) for providing generous support, including data and advice. Also we thank the Haitian and Dominican government officials who provided us interviews.

We acknowledge the cooperation of the *Movimiento de Mujeres Dominico-Haitianas* (“MUDHA”) in this project. Finally, we wish to thank the Center for Latin American Studies, University of California, Berkeley and the Hewlett Foundation which underwrote the travel costs associated with the study.

I. INTRODUCTION AND EXECUTIVE SUMMARY

This study examines patterns of the forced migration and experiences of Haitians and Dominicans of Haitian descent who left the Dominican Republic and entered Haiti between August 1999 and July 2000. In October 1999, the Inter-American Commission for Human Rights (“Commission”), a regional, treaty-based human rights investigative and enforcement body, released a report critical of the Dominican government’s treatment of Haitians within its jurisdiction. Within days of its publication, the Dominican government initiated a large-scale action that forced large numbers of Haitians and Dominicans of Haitian descent out of the country. According to press reports, Dominican officials seized individuals suspected of being illegal Haitian migrants, and within hours or days, transported them to the Haitian border and forced them across. Individuals were not afforded the opportunity to contest the action, to notify family members, to collect wages owed or otherwise to settle their affairs. Though Dominican and Haitian authorities officially describe this process as one of “repatriation,” the reported lack of individualized adjudication and the large numbers of individuals affected leads us to describe these incidents as collective, mass expulsions.

A coalition of nongovernmental organizations (“NGOs”), including the International Human Rights Law Clinic, University of California, Berkeley School of Law (Boalt Hall), initiated legal action before the Commission to halt the forced removals.¹ A key question in the legal proceedings is whether the government engaged in a policy of collective, mass expulsions – forcing Haitians and Dominicans of Haitian descent to leave the country in violation of individual due process guarantees provided in the American Convention on Human Rights (“American Convention”) and Dominican law. To shed light on this question, this report analyzes demographic data, interviews with government officials, academics, and representatives of NGOs as well as victims to identify and illustrate patterns in the outflow of Haitians and Dominicans of Haitian descent. The significant findings of this study include:

- There were two peaks in the number of expulsions: the first in November 1999 and the second in March 2000. The first peak corresponds to reports of collective, mass expulsions. During each of the peak periods, the composition of expellees changes, with more families and more long-term residents among the outflow. Expulsions are widespread throughout communities in which Haitian immigrants live (known as bateyes) and are not limited to the border region.

- The majority of expellees are male between twenty and forty years old. The percentage of females ranges from 21% to 29%. Children comprise from 8% to 19% of those expelled. Approximately 5% to 8% of expellees are born in the Dominican Republic. Most adults have lived in the Dominican Republic for over two years prior to expulsion and a substantial number, 20%, have lived for over fifteen years in the country. The majority of men were employed in the agricultural sector prior to expulsion; large numbers of males also reported working in construction and factories. Female expellees were dedicated to a broader array of economic activities, including agriculture, domestic work, and commerce.
- Expellees are not afforded individual due process and victims suffer a variety of human rights deprivations in the course of expulsion. Typically, Dominican officials summarily arrest expellees, generally in bateye communities or in public places, based on a suspicion that they are Haitian, detain them immediately, and expel them within a matter of days. Approximately 10% of expellees report being beaten or otherwise physically abused by Dominican officials. Expellees arrive in Haiti without their possessions, completely impoverished by the expulsion process. Large numbers of individuals are separated from their spouses and approximately 16% become separated from their children who remain in the Dominican Republic.

Our analysis of these findings is contained in Section III. In particular, the study leads us to identify several antecedents to expulsion including, the history and prevalence of anti-Haitian sentiment, power relations between Haiti and the Dominican Republic, and the political economy of Haitian migration. Based on the study and taking into account the political economy of the Haitian-Dominican migration system, we recommend improvements to this system to reduce the vulnerability to human rights deprivations of Haitians and Dominicans of Haitian descent in the Dominican Republic. Our recommendations are set forth in full in Section IV and include the following:

To the Dominican government:

- Improve data collection and publication of census information about deportations of the population of Haitians and Dominicans of Haitian descent in the Dominican Republic;
- Strengthen rule of law and due process protections for Haitians and Dominicans of Haitian descent subject to deportation by adopting the proposed national immigration law and implementing the recommendations of the Special Rapporteur for Migrant Workers to the Inter-American Commission for Human Rights;

- Limit the participation of the army in migration issues and initiate an independent, impartial investigation regarding its role in enforcement of Dominican migration law and policy, with particular attention to accusations of abuses by individual officers;
- Hold individual governments actors, including army officers, accountable for breaches in conduct regarding treatment of migrants; and
- Address the prevalence of anti-Haitian bias in Dominican society by increased leadership in this area including, the implementation of educational programs and engagement of stakeholders in civil society to identify appropriate interventions to promote acceptance of and respect for Haitians.

To the Haitian government:

- Increase the capacity of ONM or other agencies to receive and monitor the inflow of Haitians returning from the Dominican Republic;
- Directly address the root causes of migration by creating economic opportunities in communities that generate migrants to the Dominican Republic; and
- Continue programs to provide identity documents to its nationals.

To the Inter-American Commission for Human Rights:

- Expand in-country investigation and monitoring activities regarding human rights violations against Haitians and Dominicans of Haitian descent by state and non-state actors.

II. HAITIAN MIGRATION AND EXPULSIONS

A. ROLE OF THE INTER-AMERICAN SYSTEM

In 1959, the Organization of American States (“OAS”), a regional peace and security alliance of the Americas, created the Inter-American Commission on Human Rights (“Commission”) to investigate allegations of human rights abuses in member states, to make recommendations, and to serve as a factual consultant to the OAS on human rights matters. In 1978, the member states of the OAS signed the American Convention on Human Rights, which established a permanent court to enforce its provisions. The Commission and the Inter-American Court of Human Rights (“Court”) comprise what essentially is a two-tiered, regional judicial enforcement system for human rights.²

The Commission actively has reported on human rights conditions in the Dominican Republic. It has conducted several on-site visits and has issued two country reports. In addition, the Commission has created a Special Rapporteur on Migrant Workers to investigate human rights issues regarding this population. In the Special Rapporteur’s annual report for 2000, he discussed at some length the legal case filed in the Inter-American System against the Dominican Republic for the 1999 collective, mass expulsions, drawing further attention to this issue.³

In addition to its reporting activities regarding forced removal of Haitians from the Dominican Republic, the Commission has adjudicated and initiated legal proceedings before the Court regarding the 1999 expulsions. Upon receiving reports of mass, collective expulsions of Haitians, a group of NGOs, including the International Human Rights Law Clinic, sought an emergency order from the Commission to protect “all Haitians and Haitians of Dominican descent residing in the Dominican Republic who are subject to deportation and expulsion.” On November 22, 1999 the Commission issued such an order, with which the Dominican government refused to comply. In rejecting the precautionary measures, the government specifically denied that it was conducting “massive expulsions.”⁴

While the case was pending before the Commission, the Commission acted within its jurisdiction and requested that the Court issue provisional measures. Provisional measures are interventions aimed to protect an immediate threat of irreparable harm and are not final judicial

rulings. In this case, the Commission requested the Court to direct the Dominican government to protect “Haitian and Dominican persons of Haitian origin that are subject to the jurisdiction of the Dominican Republic . . . who run the risk of being ‘expelled’ or ‘deported’ collectively.”⁵ In support of its submission, the Commission represented that the rate of expulsions was approximately 2,000 per month. In addition, the Commission asserted that over 20,000 individuals had been expelled in the mass expulsions of November 1999.⁶

In August 2000, the Court conducted a hearing on the matter, and, while it declined to issue measures in favor of the collective of potential victims, it requested supplemental information about the situation of people living communities along the border or “bateyes.”⁷ The primary motivation for undertaking this study thus, is to provide information regarding the individuals and communities affected by Dominican expulsions. As of the date of this writing, the case remains pending in the Inter-American System.

B. OVERVIEW OF EXPULSIONS

Despite the country’s reliance on Haitian labor, the Dominican government has initiated large-scale expulsions of Haitians and Dominicans of Haitian descent from the country on three occasions in the past decade. Although Dominican authorities continually “repatriate” groups of Haitians, the episodes of collective, mass expulsions assume increased significance because they suggest the existence of a Dominican state policy and practice that may cause mass dislocation and human suffering. Thus, without minimizing the quotidian nature of these routine repatriations, we review briefly the incidents of collective, mass expulsions that have occurred since 1991.

1. Episodes Between 1991-1997

In 1991, the Dominican government responded with severe measures to criticism by the United States-based NGO, America’s Watch, and an investigative television news program that aired in the United States regarding Dominican treatment of Haitians in the country. On June 13, 1991, President Balaguer issued Decree 233-91, which authorized the expulsion of all undocumented Haitians under age 16 and over age 60. An estimated 35,000 people were expelled, with many more leaving of their own accord to avoid military harassment and abuse. In its September 1991 Report, the Commission concluded that Decree 233-91 “imposed a mass

expulsion . . . [and] . . . unleashed an indiscriminate persecution against the Haitians and their descendents, whether or not born in the [country], to remove them from the country.”⁸

On the heels of the expulsions, in September 1991, a military coup drove Haitian President Aristide from power, destabilizing the country and sending thousands of Haitians across the border to the Dominican Republic in search of safety. A wave of military repression followed an unsuccessful attempt in October 1993, to return Aristide to office and caused between 2,500 and 3,000 Haitian political refugees to enter the Dominican Republic. In response, the Dominican government reinforced the border to prevent more refugees from entering. During the 1991-1994 coup period, the Dominican authorities made no effort to identify and assist Haitians who fled repression and were in need of protection. Instead the government continued to preclude Haitian economic migrants and political refugees alike from residing in the country.

The Dominican Presidential election in 1996 brought with it a rise in anti-Haitian rhetoric and propaganda from the Balaguer administration. During the election, the Commission received reports of state officials rounding up Haitians and Dominicans of Haitian descent and destroying their documents.⁹ The opposition leader, Leonel Fernandez, unseated President Balaguer and took office in August of 1996. Despite Fernandez’ rhetoric about improving Dominican-Haitian relations, a second campaign of mass expulsions began shortly after his inauguration. During November 1996 and January 1997, an estimated 15,000 Haitians and Dominicans of Haitian descent were expelled. Bilateral talks on migration between Fernandez and Haitian President Rene Preval, while symbolically important, did little to change Dominican practices. Expulsions continued to rise and an estimated 25,000 deportations occurred between January and March of 1997.

2. 1999 Episode

On October 7, 1999, the Commission published its second report on the Dominican Republic. This report criticized the government for its prior expulsions of Haitians and Dominicans of Haitian descent without due process. Soon after the report’s release, the Dominican government for the third time that decade began collective, mass expulsions. Reports indicate that officials indiscriminately arrested and expelled those suspected of being Haitian –

targeting mainly individuals with black skin, including those who had never been to Haiti and spoke only Spanish – and expelled them to Haiti. Similar to past episodes, authorities did not afford individuals the opportunity to prove their Dominican citizenship or legal status, and those expelled were unable to contact their families or collect their belongings before being forced from the country.

The wave of expulsions subsided in December 1999, after the Dominican government signed a bilateral agreement with Haiti that established new procedures and standards for deportation. Yet, even after signing this Protocol, reports continued that the Dominican government persisted in expelling Haitians and Dominicans of Haitian descent. While the Dominican government has the sovereign right to regulate immigration, the manner in which it removes individuals from its borders is a human rights issue. As such, Dominican immigration policy and practice has been subject to international scrutiny.

C. PURPOSE OF STUDY

We undertook this study to gain a clearer understanding of the demographic composition and experiences of the population of those expelled from the Dominican Republic. The purpose of this study is to examine the following areas:

1. What are the demographic characteristics of the outflow of forced migrants from the Dominican Republic?
2. How do Dominican officials treat those subject to deportation, and what types of procedures do officials follow in determining which and how Haitians and Dominicans of Haitian descent are removed from the country?
3. How do Dominican practices of deportation and expulsion affect families?

D. STUDY DESIGN AND METHODOLOGY

The researchers employed qualitative and quantitative methods to conduct the study. Researchers interviewed key informants and expulsion victims, and relied on narrative responses to a survey instrument administered to expellees. These materials provide rich data about the study subject. We also utilized available statistical information to provide quantitative

information about this social phenomenon, thereby providing data not discernable through observation or other methods. Finally, we employed demographic analysis to construct a clearer understanding of the patterns of forced migration. By using a combination of these methods, the study provides a richer perspective on the context, nature and scope of forced migration from the Dominican Republic to Haiti than these techniques in isolation would provide. We describe the sources of data for the study below.

1. Key Informant and Victim Interviews

In February and July 2001, we interviewed numerous key informants including, academics in Haiti and the Dominican Republic studying migration issues, representatives of NGOs working with the affected populations, Haitian and Dominican migration officials, and private Dominican companies that employ Haitian workers. We identified NGO representatives and academics to interview through prior contacts with NGOs working on Haitian issues. In addition, NGOs in the Dominican Republic identified government officials and representatives of private sugar companies to be interviewed; however, the researchers solicited the participation of these individuals directly. Similarly, NGO representatives in Haiti identified government officials responsible for implementing migration policy, and the researchers directly requested the participation of such individuals. Researchers interviewed a total of twenty-four key informants.

In February 2001, we also interviewed thirteen victims who had been expelled from the Dominican Republic to Haiti. At the time researchers conducted these semi-structured interviews, the expellees had been living in a settlement supported by a Haitian NGO since their expulsion. Representatives of the NGO solicited participation of interview subjects. The selection criteria for the sample were individuals who had been expelled from the Dominican Republic between August 1999 and March 2000. In the course of interviewing respondents, researchers learned that four victims had been expelled earlier than August 1999 (in 1996, March 1999, June 1999 and July 1999, respectively). In addition, researchers interviewed one victim who had been expelled eight days prior to the interview. Although the times of expulsion were different, the experiences reported by these victims were not otherwise distinguishable from those expelled during the study period.

The key informant and victim interviews were tape recorded and transcribed. Researchers in Haiti conducted interviews in French or Creole; in the Dominican Republic the interviews were in Spanish. The interviews were conducted with simultaneous English translation and English transcripts of interviews were prepared and reviewed for accuracy. In a few cases, respondents requested that the interview not be recorded. In these cases, the researcher took notes during the interview. Notes from un-taped interviews were transcribed into English as well. Researchers coded and analyzed the interview transcripts and notes individually based on key concepts identified by the team.¹⁰ Subsequently, researchers reviewed and compared coding and analyses conducted by other team members.

2. Data Sets

We obtained three data sets regarding Haitians and Dominicans of Haitian descent who entered Haiti from the Dominican Republic between August 1999 and July 2000, each collected by a different organization: (1) the *Office National de la Migration* (National Office of Migration) (“ONM data set”), the Haitian governmental agency responsible for migration; (2) the *Groupe d’Appui aux Réfugiés et Repatriés* (“Committee for Welcoming Repatriates”) (“GARR data set”), a Haitian NGO that assists involuntary migrants from the Dominican Republic to Haiti; and (3) the *Dirección de Migración República Dominicana* (“Dominican Republic Migration Agency”) (“Dominican Republic data set”), the Dominican agency charged with implementing state migration policy. The ONM and Dominican Republic data sets contain daily lists and certain demographic information regarding individuals involuntarily returned to Haiti. In addition, the GARR data set includes qualitative answers to specific survey questions.¹¹

The data sets are not uniform in content. Each covers different time periods and locations, and the questions asked or information recorded about those crossing the border varies.

a. ONM data set

The ONM data set consist of 2,156 entries recorded by ONM field officers in and around the northern border crossing of Ouanaminthe from November 1999 through July 2000. Field officers recorded the name of the person expelled, profession, place of birth, date s/he entered the

Dominican Republic, transportation method into the Dominican Republic, sex, age, and amount of money received at the ONM office.

b. GARR data set

The GARR data set consists of 674 individual survey results collected by members of the organization who interview individuals entering Haiti at three border crossings – Fond Parisien, Thiotte and Anse-a-Pitre – during the period of August 1999 through December 2000. GARR members do not monitor these border crossings continuously. Rather, members interview individuals who contact the group for humanitarian assistance, or, during periods in which large numbers of individuals are entering, GARR members will travel to border areas to interview and assist those in need.

c. Dominican Republic data set

Researchers obtained the published monthly figures from the Dominican Republic Migration Agency of the numbers of Haitians returned to Haiti from January 1998 through May 2000. In addition, researchers obtained lists compiled by the Dominican government of those expelled on various days that contain the date expelled, as well as the name, age, and sex of the expellee.

Appendix B describes the techniques used to analyze the quantitative data.

E. LIMITATIONS

1. Quantitative Data

The most notable limitation is the lack of a uniform data set containing consistent demographic information regarding those expelled. Further, the manner in which the data were collected suggests that they do not reflect the total number of individuals who left the Dominican Republic and entered Haiti during the study period.

Comparison of the ONM data with deportation lists maintained by the Dominican government suggests that the data are a reliable estimate of the number of those expelled who received a “repatriation order” from the Dominican government. (*See Appendix B for further explanation of data analysis.*) Thus, while these data are a sample of the flow of expellees from

the Dominican Republic, they do not inform us as to the total numbers of individuals expelled from the Dominican Republic during this period. Further, there is no reliable source for such counts.

The published statistics from the Dominican government show sporadic reports of deportations from the provinces (*See Appendix B, Table 7*). This may be attributed either to (1) sporadic reporting of expulsions or (2) sporadic expulsions, or some combination of the two. If due to sporadic reporting, this suggests that the true number of expellees is much higher. If due to sporadic expulsions, this could be caused by seasonal fluctuations in migrants to various provinces – expulsions rise and fall in response to the numbers of migrants in the community – or it could be caused by fluctuations in enforcement – officials decide to “crack down” on Haitians in a particular area.

Key informants on both sides of the border agree that neither the Haitian nor the Dominican Republic governments, nor NGOs working with those who are expelled maintain accurate records regarding the numbers of individuals forced across the border. For example, the Haitian government agency charged with assisting involuntary migrants from the Dominican Republic estimates that, due to its limited presence at selective border crossings, it only is able to count approximately 30 to 40% of those who are expelled. Similarly, GARR estimates that its staff of volunteers counts only around 50% of those who cross in the areas in which it operates. Haitian consul officials in the Dominican Republic report that the deportation lists they receive frequently are incomplete and that the Dominican officials often deport busses of individuals without providing any documentation to their Haitian counterparts.

Further, the data suggest that Dominican documentation undercounts those expelled. One NGO assisting Haitian expellees observed that migration officials disseminate repatriation orders while army officials, who also transport expellees, do not issue this document. And the NGO estimated that for every busload of individuals transported by the Migration Agency to the border, the army transports three, thus indicating the official statistics undercount the outflow. Finally, in our review of the Dominican migration archives we discovered that documentation was not maintained in an orderly fashion; files were not kept in chronological order and records forwarded from regional offices were incomplete. Thus, record keeping of expulsions appears to be incomplete and there is no comprehensive database that could be assembled.

2. Qualitative Data

With regard to the qualitative data, one limitation is the small size of the data sample. Also, sampling was by referral or selection and therefore may not be representative.

Because researchers from the United States conducted the interviews, there may be cultural biases present in the study. Also, the participation of some of the researchers in a legal action related to the study subject may have influenced the content of the questions or the way in which they were asked. Every effort was made to minimize research bias, through training of interviewers. The benefit from researcher involvement in the court proceeding is a deeper understanding of the legal and factual issues that frame the study. Another factor that reduces the potential for threat to the study's validity is that members of the research team who play no role in the legal proceedings conducted the demographic assessment.

F. BACKGROUND

1. Haitian Labor in the Dominican Republic¹²

The development of the sugar cane industry after World War I and the use of Haitian labor in this sector have shaped the migration patterns of Haitians to the Dominican Republic. The United States occupied the Dominican Republic from 1916-1924. The destruction of the European beet-sugar industry during World War I created the opportunity for the Dominican Republic to become a major sugar producer. In order to satisfy the demand for labor, the United States initiated the practice of recruiting Haitian to work on Dominican sugar plantations.

Reliance on Haitian labor in the sugar industry continued after the United States withdrew from the country, and Haitians became an exploited, yet stable supply of workers. As early as 1936, the Dominican military began intercepting illegal Haitian immigrants at the border and forcing them to work on sugar plantations. Then, beginning with the nationalization of the sugar industry in the 1950's, President Trujillo formalized Haiti's supply of laborers. In 1952, Trujillo signed the *Convenio*, the first bilateral labor agreement with Haiti which contracted the Haitian government to provide thousands of Haitian workers to perform seasonal labor in the Dominican cane fields. The agreement remained in effect until 1986, when the Haitian dictator "Baby Doc" Duvalier relinquished power and fled the country.¹³

Once they arrived in state-run Dominican sugar mills, Haitians workers were subject to strict regulations. Workers were not allowed to leave the bateyes – the communities on sugar cane plantations in which workers were housed – and constantly were under armed guard. Often, Haitians were not paid in money but in vouchers, redeemable only at a company store that discounted 20% of their value. When Haitians were paid money, it usually was less than the minimum wage owed to farm workers. Furthermore, payment was based on the weight of cane cut and it was not unusual for scales to be unfairly rigged against the laborers. Most NGOs who monitored the situation agreed that the conditions of Haitian cane workers were “very akin to slavery.”

Political instability and economic deterioration have continued to affect Haiti since the end of the Duvalier regime. As economic disparities between the two countries continue to grow, Haitians increasingly are willing to leave behind their home in search of employment in the Dominican Republic. In the mid-1990’s, official estimates of the number of Haitians living permanently in the Dominican Republic were between 400,000 – 500,000.¹⁴ Once employed almost exclusively in the sugar industry, Haitians now make up large parts of the workforce in other agriculture sectors, such as coffee and rice. Yet, in all these sectors, Haitians face long hours, low pay and a complete lack of job security. And living conditions of Haitian communities similarly are bleak; most bateyes do not have potable water, sanitation or medical and social services.

2. International and National Law Regarding Deportation

International attention to expulsion of Haitians from the Dominican Republic raises the question of what are the applicable legal norms that regulate these practices? International standards regarding judicial guarantees and protection are well-established and apply to the determination of the legal status and deportability of Haitians in the Dominican Republic. In particular, it is well-settled that articles 8 (the right to a fair trial) and 25 (right to judicial protection) of the American Convention establish minimal due process protections that apply to deportation proceedings. These are broad principles that provide the foundation for but do not articulate the specific measures that will ensure fair deportation adjudication. The Commission’s Special Rapporteur on Migrant Workers noted the absence of consensus on norms and practices that states adopt in treating immigrants and opined that in light of the nature of the rights at stake

in expulsion proceedings, that states should provide several guarantees. These recommendations include the following: (1) determinations must be conducted by a legally accountable and impartial adjudicator; (2) immigrants subject to proceedings must have an effective opportunity to be heard; (3) immigrants must be able to understand the proceedings and so translation and interpretation services should be provided when necessary; (4) free legal counsel should be made available to those in proceeding, (though not necessarily paid for by the state); (5) decisions by the adjudicator must be eligible for judicial review; (6) consular access must be ensured, particularly for those in detention; and (7) those in detention must be treated humanely.¹⁵

In addition, the prohibition against collective expulsions explicitly is provided for in international instruments, including article 22(9) of the American Convention. The Special Rapporteur noted that collective expulsions are not determined by any particular number of persons, but the term encompasses those instances in which the decision to expel is not based on an individualized basis, but on “group considerations.”¹⁶ Therefore, the size of the group does not determine whether expulsions legally are deemed collective, rather states are obligated to “judge each case of expulsion or deportation individually.”¹⁷

Turning to domestic law, Dominican Immigration Law, Law 95, and its regulations, establish that an individual subject to deportation is to be afforded the “opportunity to be heard and to present arguments on his or her behalf.” Migration officials may initiate an investigation of an individual if there is reason to believe that person is eligible for deportation. Authorities may request an order of deportation from the Director General of Migration should their investigation conclude the individual is eligible for deportation. However, before the order is carried out, the individual subject to deportation is given the opportunity to contest the order and evidence presented by the state. The Secretary of State of the Interior and Policy reviews the evidence of both parties and issues a final decision.

3. Dominican Deportation Policy

In an interview with researchers, the Director General of Migration and his staff explained that the government applies the law through a three-stage deportation process. First, migration officials detain an individual suspected of lacking legal status. The individual may present any documents establishing his or her legal status in the country. Second, the migration officials investigate the case and establish the authenticity of any documents provided by detainee. During this stage, foreign citizens may communicate with family members who may then bring documentation to support the detainee's legal status in the country. If no documents are produced, there exists a third and final opportunity for a detainee to prove his or her legal status. A detainee may enlist the assistance of the Haitian Consul in Dajabon or Barahona to establish the individual's legal entitlement to remain in the country. The Director General of Migration stated that only those residing in the country illegally will be deported. Those who produce documents that prove their legal status "simply will not be repatriated." The Director General did not mention review of his department's decision to deport by any other official or agency including the Secretary of State of the Interior and Police.

The Migration Agency also administers a temporary work authorization program to document Haitian workers, primarily in the agricultural and construction sectors. These documents are renewable. However, at the end of the authorization, the employer is responsible for returning the workers to Haiti.

Migration inspectors conduct deportations. Inspectors, who number approximately 100, receive training in human rights and document identification. According to the Director General of Migration, officers do not carry guns and do not use physical force during repatriations. Rather, if a person resists arrest, inspectors will release the individual and arrest them "at the next opportunity." The Director General explained that those subject to deportation are transported in "comfortable" buses and treated humanely throughout the process.

In addition to its domestic law, migration is regulated by the "Protocol of Understanding" the Dominican and Haitian governments signed after the 1999 expulsions. This agreement establishes additional procedures regulating the time, place and manner of deportations. For example, under the agreement, Dominican officials will only deport individuals during specified

hours and days and only at one of three designated border sites. The Dominican government is to provide Haitian consular officials with lists of individuals it deports and to provide those forced to leave the country a copy of the order authorizing their deportation.

Further, the agreement contains a number of provisions regarding the substantive treatment of Haitians subject to repatriation. For example, Dominican authorities are to prevent family separations in the process of deportations. The agreement provides that Dominican officials will endeavor to keep those repatriated together with their belongings, and to return to individuals any non-fraudulent documentation they presented.

4. Dominican Deportation Practice

Our interviews with Dominican migration officials provide additional information regarding how these policies are implemented. Migration officers target for deportation “Haitians who are wandering and begging in the streets... particularly in the capital [and] Santiago. . . .” Officers arrest these individuals, who tend to be women and children, usually upon receiving reports that Haitians in a particular area are “disrupt[ing the public] order[] or do[ing] all kinds of things that go against morals or good habits.” An example of this behavior was that of a Haitian woman who has “put the kid on her shoulder and even takes out her breast and breastfeeds in the street. . . .” Another example was Haitian families who place their children in “strategic places to beg from cars and people.” Officials claim that sometimes these families are “violent, banging on car windows at stoplights to get the drivers to open the windows.”

Migration officials explained that Haitians who fall into this category, i.e. those not gainfully unemployed, do not enjoy the usual three-stage deportation process. Authorities presume Haitians who are begging are illegal. As one official put it: “[Repatriation] is a process—it’s red tape—so you don’t say we arrest them, put them in a truck and take them away. Your identification? You don’t have it. You’re illegal.”

Dominican officials employ summary inspection procedures to documents presented by Haitians suspected of lacking legal authorization. The Director General of Migration defended this practice by asserting that migration officials could determine the authenticity of documents upon visual inspection. As one official stated: “[Haitians] have a master’s degree in falsifying

documents.” Migration officers asserted they can identify fraudulent documents because they are “poorly done.” Thus, they explained the entire deportation process takes very little time. The Director General estimated that it takes approximately two to four hours for migration officials to transport a group of approximately forty individuals to the border, review their documents, determine they are deportable and order them across the border.

5. Migration Theories and Haitian Migration Flows

Academics offer several theories to explain migration. Some scholars rely on neo-classical economics and interpret migration as the result of rational choices by wage earners who determine that their labor will be worth more if they relocate.¹⁸ In addition to individual preferences, research also indicates that kinship and community inform migration decisions.¹⁹ Other writers emphasize external social, political, economic influences on migration. For example, governments or employers may recruit migrants to relocate for work.²⁰ Or, according to the dual labor market theory of migration, economic incentives of capitalism lead employers to organize workers into a two-tier pyramid in which the lower tier jobs require minimal skills and pay minimum wages and thus are attractive to migrants. While these explanations focus on the labor demands of receiving countries as creating migratory flows, other theories center on factors such as industrialization, urbanization, globalization, or environmental degradation that create inhospitable living conditions and encourage migration.²¹ Still other scholars employ the concept of a system to map out all the relevant variables of migration and their interconnections.²² By integrating a time component, a systems approach to migration allows migratory flows occurring today partially to be explained in terms of related migratory flows in the past.

In the case of Haitian-Dominican migration flows, previous studies have employed several of these theories to explain Haitian migration to the Republic. Some researchers attribute the presence of Haitians in the Dominican Republic primarily to economic and political relations as well as to labor trafficking between the two countries.²³ In other words, Haitians are “pushed” out of the country by the grave conditions of environmental degradation and poverty that exist in Haiti, and “pulled” into the Dominican Republic by hope for improved welfare. John Salt has documented the role government officials play in this system. Many promote Haitian migration by facilitating the entry of Haitian workers – including those who enter without legal

authorization – and thus profit from this regime. This informal, yet structured migration system suggests that the border between Haiti and the Dominican Republic constitutes primarily an economic, not legal, obstacle. Migrant traffic is recognized as well as an “industry . . . where it is possible to identify vested interests which seek to develop, manage and promote migration flows.”²⁴

Despite mechanisms to facilitate entry, several aspects of the population of Haitians migrating to the Dominican Republic inhibit this community from flourishing. First, Haitian cane cutters migrate from rural areas in Haiti to rural areas in the Dominican Republic, and from a developing country to a developing country. This contradicts the usual migration patterns in which migrants travel from rural to urban areas and from developing countries to industrialized nations. Second, unlike most migrants who tend to have resources, Haitian migrants are among the poorest of the poor. Finally, Haitian migrant networks are not well developed in the Dominican Republic and thus migrants do not receive the cultural, social and economic support that facilitates and maintains communities.

While the above works focus on the inflows of Haitian migration, this study examines the outflow of Haitians and Dominicans of Haitian descent. In light of the economic and political factors that encourage Haitian migration to the Dominican Republic as well as the profile of these migrants, we believe the Haitian population in the Dominican Republic is vulnerable to human rights abuses. Poor, frequently without legal status, and socially isolated, Haitians in the Dominican Republic have little opportunity to organize and assert their rights. The United Nations has noted that many large-scale migrations around the world have been “accompanied by increased instances of racism and xenophobia.”²⁵ And migrants frequently are subject to violence, physical injury, threats, and intimidation by public officials as well as private individuals, groups or institutions.²⁶ We hypothesize that Dominican enforcement of its migration policies is characterized by inhumane treatment and a disregard for legal procedures. We proposed this study to increase our knowledge regarding the links between migration flows and human rights abuses.

III. FINDINGS

These findings consist of two parts: (1) a demographic profile of the population of those expelled and (2) data regarding their treatment by Dominican officials during the expulsion process.

A. SIZE AND DEMOGRAPHIC ASSESSMENT OF QUANTITATIVE DATA SAMPLE

1. Comparison of Baseline Profile and Peak

We identified two peaks in the number of expulsions. The first occurs in November 1999 and the second in March 2000. (*See Appendix B, Figures 3a and 3b*). Distinct peaks also may be observed by examining of the outflow by daily counts. (*See Appendix B, Figures 4a and 4b*). The first peak corresponds to reports of mass expulsions. There were no press reports of mass expulsions that correspond to the second peak. However, one key informant in contact with Haitians who are expelled reported an increase in forced removals during March 2000. This individual attributed the elevation in outflows to political campaigning in the Dominican Republic. The incumbent party wanted to display its national allegiance by increasing expulsion of those perceived to be illegal Haitian migrants.

During each of the peak periods, the composition of expellees changes, with more families and more long-term residents among the outflow. (*See Appendix B, Table 6*) Also significant is the large decrease in the GARR data of percent of expellees who spend some time in prison. During the November 1999 outflow, 22% of expellees reports being imprisoned in the course of their expulsion – far lower than the 55% observed during the other months.

2. Location of residence

Expellees interviewed by GARR reported where they had been living in the Dominican Republic at the time the Dominican authorities expelled them. Using mapping techniques, we were able to match 39% of the place names representing the locations of 43% of the expellees. The majority of the expulsions recorded in the GARR data occurred in November 1999. Appendix B, Figure 2a shows that the expulsions occurred throughout the country but primarily from the southern (43%) and the eastern (48 %) parts of the island.²⁷ Appendix B, Figure 2b graphs the location of 462 bateyes in the Dominican Republic, located throughout the country.

The expulsion map shows a close correspondence with these bateyes as well as the main cities in the Dominican Republic. The primary conclusion of these maps is that expulsions were widespread throughout the country and not limited to the border areas. This conclusion further is supported by migration data from the Dominican government showing that six provinces reported expulsions in November 1999 (Santiago, 1067; Higuey, 739; Contanza, 383; Pedernales, 354; La Vega, 252; Santo Domingo, 188). (See Appendix B, Section V, and Tables 7 for further discussion.)

3. Statistical Profile of Expellees

Despite the lack of comprehensive counts of Haitians and Dominicans of Haitian descent forced to enter Haiti, the data set enables a statistical breakdown of a sample of the migration flows through a demographic assessment of the population expelled during this period. Table 1 represents the characteristics of those expelled from the Dominican Republic based on ONM and GARR data.

Table 1. Characteristics of those Expelled from the Dominican Republic

	<u>ONM</u>	<u>GARR</u>	t-statistic testing that population means are the same ²⁸ (degrees of freedom and p-value in parentheses)
Number of respondents	2,156	674	
Dates of expulsions	November 1999 to July 2000	August 1999 to December 2000	
Peak months of expulsions (and number expelled)	November 1999 (498) March 2000 (852)	November 1999 (392)	
Percent female (over age 15)	21%	29%	-3.82 (964, .001)
Percent under age 15	8%	5% or 19%*	2.62 (1323, .008)
Percent over age 60	2%	4% or 3%*	-2.13 (894, .033)
Median age	27 years	30 years	-6.15 (1058, .001) (using mean ages)
Percent born in DR	4%	5% or 8%*	-1.47 (1001, .140)
Percent living for at least two years in DR	51%	77%	-13.0 (1313, .001)
Mean number of years lived in DR (GARR) and Mean number of years since last entered DR (ONM)	3.9 years	8.3 years	-11.4 (808, .001)

* Includes estimate of number of children deported based on parental interviews.

a. Age and sex

Males comprise the vast majority of the population and predominately are in the twenty to forty year-old age range. (See Appendix B, Figures 1a and 1b represent the age/sex distribution of those expelled in ONM and GARR data.) According to ONM data, approximately 80% of those expelled are men, and almost half are below age twenty seven. Approximately 8% are children below age fifteen and 2% are older adults above age sixty. About 4% of those expelled were born in the Dominican Republic.

The data from GARR shows broadly similar characteristics, with some notable exceptions. It appears that the manner in which GARR counted children is unreliable. Therefore, we developed a new calculation for the number of children that is explained more

fully in Appendix B, Section III. Using our estimates, we derive a new age distribution of expellees in which 19% are children aged 0-14 years and 3% are adults over sixty. Our adjusted estimate of the percent of expellees born in the country is between 5% to 8%.

The statistical profile is illuminated by individual victims interviewed. For example, one fifty-three year old Haitian man described that he had been expelled from the Dominican Republic in November 1999, after working there for almost ten years. He is married, but his wife and children remained in Haiti when he migrated to work in the Dominican Republic. He had been employed there as a cane cutter since 1990. He possessed work authorization, which he had renewed annually. He described how he was expelled when four Dominican guards approached him as he returned from work and forced him to get in a car using the butt of a rifle. One of the guards told him: “The government doesn’t want Haitians. You have to go back to your country.”

Another victim is a Dominican-born mother who grew up in Bateye Lopelad, married a man from the community and had one child. Before her expulsion, she had never been to Haiti. She was arrested on her way to work with her eight-month old son, also born in the Dominican Republic.

Our interviews illustrate that those expelled include those in extremely vulnerable conditions. One man, blind and unable to work, was “expelled while under medical supervision.” One woman in her eight month of pregnancy was also expelled. She reported that she had no ties to Haiti and had no place to stay.

Figure 1. Sex Distribution of those Expelled from the Dominican Republic

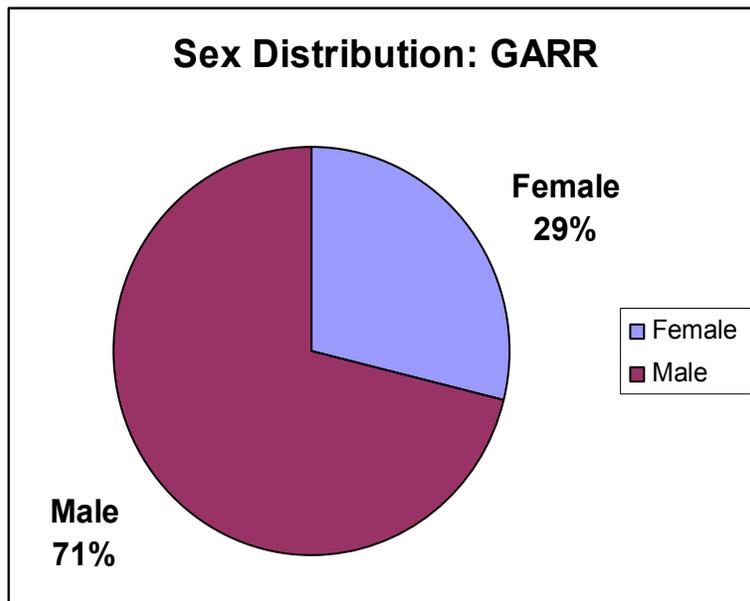
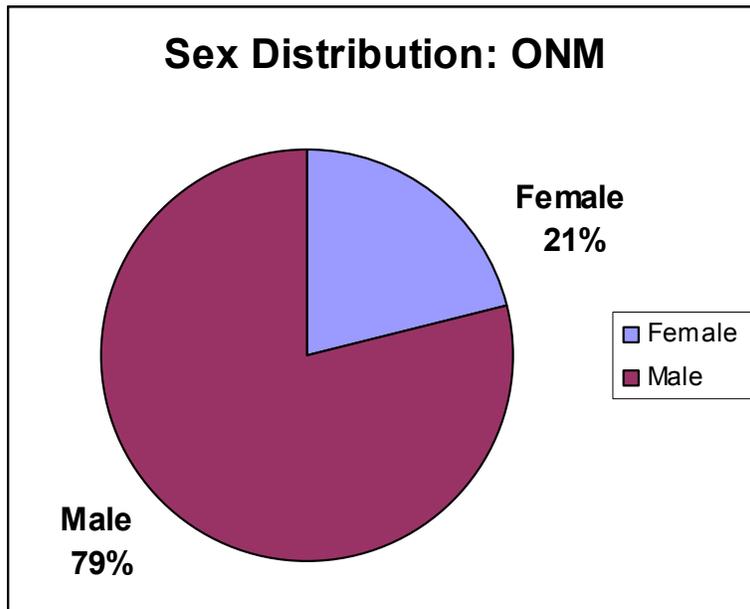
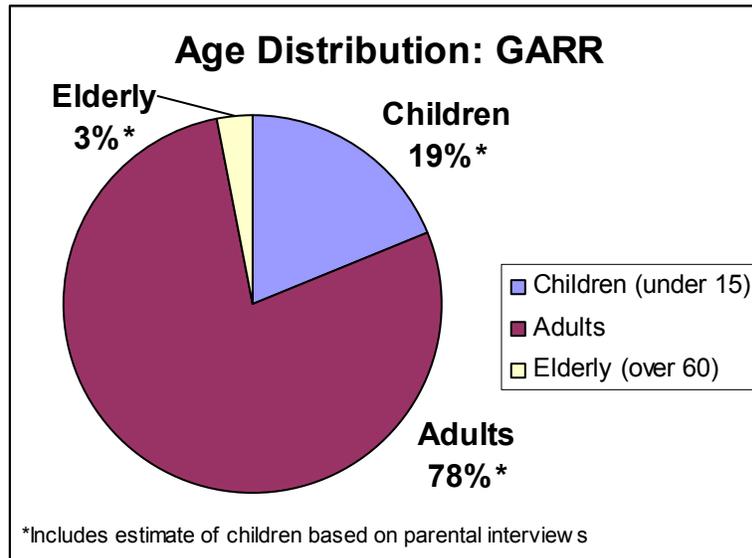
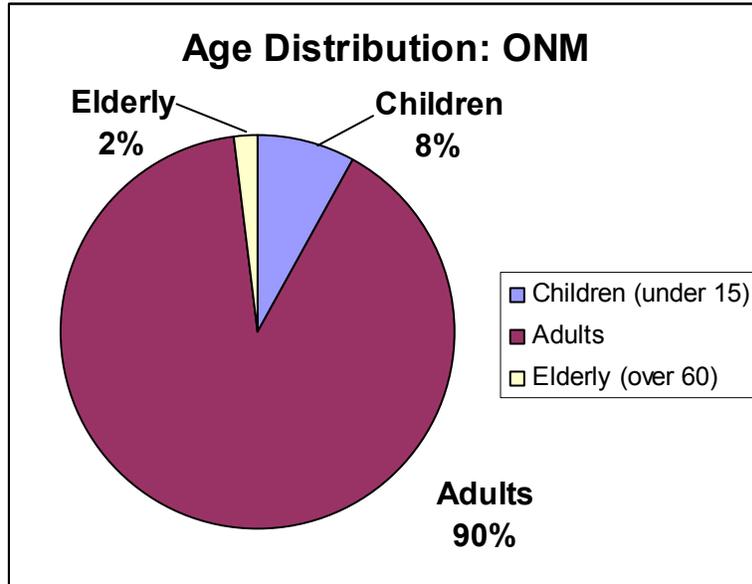


Figure 2. Age Distribution of those Expelled from the Dominican Republic



b. Length of residency

Most adults have lived in the Dominican Republic for over two years. While 20% spend less than two years in the country prior to expulsion, there is a substantial portion who are long-term residents; 20% of those expelled lived for over fifteen years in the Dominican Republic. On average, those expelled had resided for eight years in the Dominican Republic prior to their

expulsion. And, for the vast majority, this was their first expulsion from the country. (See Appendix B, Table 6).

Victim testimony and key informants also indicate that Dominican officials expel long-term Haitian residents. Key informants distinguish between Haitians who are caught attempting to enter the Dominican Republic without legal authorization (*refoulé*),²⁹ those who reside in the Dominican Republic and are expelled (*repatrié*), and those born in the Dominican Republic to Haitian parents but who do not have proof of Dominican nationality and are expelled (*deporté*). The Haitian government and GARR do not include the first category in their records; while the latter two categories are the focus of documentation efforts by government and NGOs. This suggests that the administrative records of the data sets reflect the population of Haitians and Dominicans of Haitian descent who have settled in the Dominican Republic, as opposed to those who are attempting first entry.

Further, NGOs on both sides of the border opined that the Dominican government targets long term Haitian residents for expulsion to disrupt communities and to prevent Haitians from becoming a permanent presence in the country. One NGO representative explained that the Dominican government raided an entire bateye community and sought to expel its Haitian residents after the factory in which many were employed had closed, and presumably their labor was no longer needed in the local economy. A Haitian official explained that Dominican migration policy aimed to prevent Haitians from becoming “too permanent” and that those who had lived in the country for more than five years were more likely to be targeted for expulsion.

At the same time, several key informants identified what they termed the “January paradox.” This term refers to a period from approximately December through March. During this time the Dominican government is thought both to expel and permit entry of Haitians. The government expels Haitian attempting to re-enter the Dominican Republic after visiting family over the holidays. At the same time, sugar companies recruit Haitian workers to harvest sugar cane. However, we were unable to confirm this occurrence. First, we did not observe an increase in the numbers of expulsions in the ONM and GARR data during this period. This may simply be because that those expelled while attempting re-entry are not counted in the statistical data. Second, we did not identify or analyze any data regarding inflows of individuals entering

the Dominican Republic from Haiti and thus have no data that enable us to observe simultaneous inflows and outflows.

c. *Marriage and families*

The majority of those expelled were married:³⁰ 66% of men and 86% of women. Approximately 1/3 of the men were unmarried, 1/3 of the men were married but their wives were living in Haiti, and approximately 1/3 of the men were married and residing with their spouse in Dominican Republic prior to expulsion. Women were more likely to be married and more likely to be living with their husbands than men. (*See Appendix B, Table 4*)

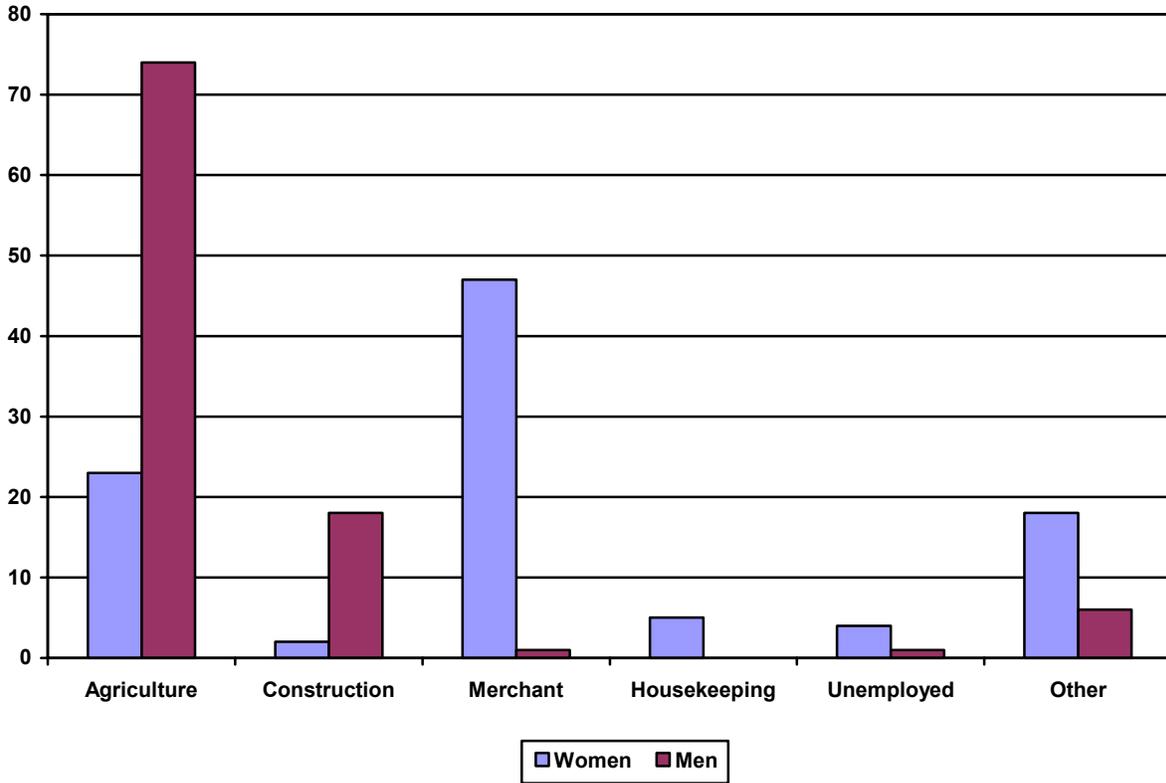
d. *Employment*

Tables 2a and 2b depict the variety and relative concentration of economic activities in which expellees were engaged. The data show that the majority of men were employed in the agricultural sector prior to expulsion. Twenty-six percent of ONM respondents and 45% of their GARR counterparts reported non-agricultural employment. This variation may be due to employment patterns within the samples themselves. Most Dominican urban areas and industrial zones are located in the southern half of the island from where the majority of GARR respondents were expelled. Haitian men not working in the fields were most likely to be employed either in construction or factories. Almost ¼ of male GARR respondents were employed in construction work and a similar percentage reported working in factories. Of ONM respondents, 18% indicated that they worked primarily in construction.

As compared to the men, the female expellees were dedicated to a broader array of economic activities.

Table 2a. Occupations (ONM)

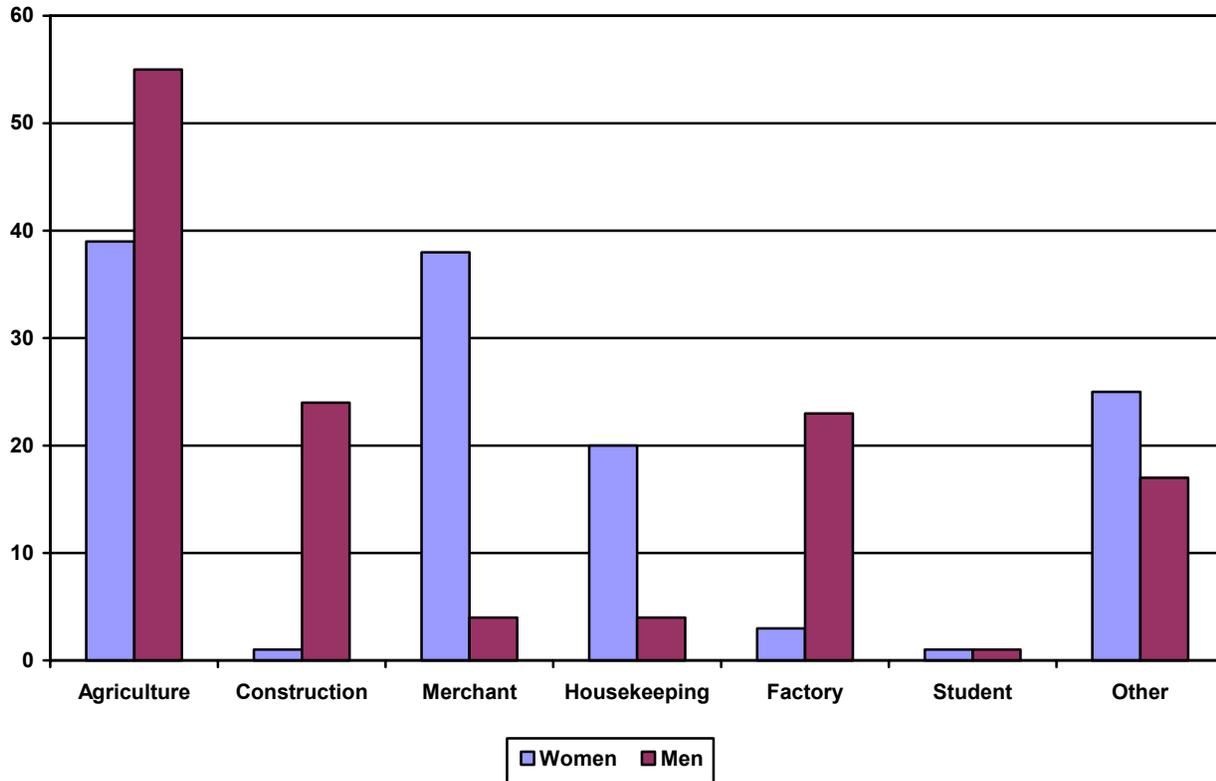
**Percentage of respondents reporting work in each area.
Multiple occupations possible.**



Nearly half of the women in the ONM data (47%) report listed their occupation as merchants, while the figure in GARR data is 38%. A significant proportion of female GARR respondents reported being employed in housekeeping (20%).

Table 2b. Occupations (GARR)

Percentage of respondents reporting work in each area.
Multiple occupations possible.



e. Education

The data show that levels of education, as indicated by the ability to sign one’s name, are quite low among respondents, with approximately half of expellees able to do so. Lower rates are found among women and adults over forty years old. (See Appendix B, Table 3)

B. EXPERIENCE OF EXPELLED POPULATION

1. Interaction with Government Officials

The matching exercise of Dominican and ONM data (described in detail in Appendix B, Section VII) indicates that Dominican migration officials have little contact with deportees. This is significant as it suggests that the government may not be affording due process to individuals it removes. The matching exercise revealed severe clustering of reported ages (“heaping”) in the

Dominican Migration data on ages 20, 30 and 40 but no such heaping was observed in the ONM data.³¹ (See Appendix B, Figure 5b) Such heaping frequently is observed in demographic data when questioners guess the age of a subject rather than ask the person directly. The testimony of victims and other key informants corroborates this lack of individualized treatment by Dominican migration officials.

For example, none of the expellee victims we interviewed reported any meaningful opportunity to challenge his or her forced removal from the country. Although few expellees reported they had documents – 1% indicated they possessed Haitian passports, 6% Haitian identity cards, and 4% Dominican identity documents – victims report that Dominican officials destroyed documents expellees possessed that might establish their legal status to remain in the country. One interviewee said that many of the people with whom he was expelled had papers but “the military people tore them up and threw them on the ground.” Others reported that officials never asked to see their papers, or refused to respond to requests from expellees to present documents. Still others reported telling their arresting officers that they had papers, either with them or at their home. Though the policy of the migration department is that detainees may communicate with family members who can provide documents, none of the victims we interviewed reported they had this opportunity.

Some victims, even those with identification, were too intimidated to interact with the officers. One victim explained her situation by saying that “I knew that if I did not get in the car, the police would beat me. I had my children with me and I did not want anything to happen to them.” Other expellees believe that it is futile to try to communicate with their arresting officers. One expellee who was arrested at gunpoint, said that he did not try to talk to officers “because they will never listen.”

Victims and key informants also reported that a variety of Dominican agencies conduct expulsions. For example, some victims did not observe any representatives from the migration department but had contact only with army personnel. Others describe being expelled by the police. Victims identified the agency involved based on the uniforms and weapons of those carrying out the expulsions. Key informants noted that the army is closely involved in migration affairs and frequently conducts expulsions on its own initiative.

2. Time, Place and Manner of Deportations

The GARR Data indicate that migration officials arrest the vast majority of those expelled (88%). Of those arrested, 39% were arrested on a bateye, 59% outside a bateye, and 3% stated they were arrested while at work.

Interviews with victims suggest that Dominican officials assume that anyone who they identify as Haitian is subject to summary arrest and expulsion. One victim reported that “the police would yell ‘hey Haitian’ and when you would turn around they would take you.” Over half of all arrests took place outside bateye communities and expellees report being arrested in public places, while shopping, walking on the street, going to or from church, taking a bath, on the way to the hospital and even while giving birth. Similarly, arrests at homes were executed in summary fashion. As described by one victim: “We were at home and the guards forced us out. We could not take anything with us and we left empty-handed.” Another stated: “I have seen people being arrested in their houses at midnight. The guards did not let them take anything with them. They left in the clothes they were wearing.”

Physical harassment or abuse by Dominican officials was reported by 10% of respondents. Being pushed, shoved, and hit with rifle butts were the most common forms of physical abuse. As one expellee described this treatment: “The police arrested me and put me in jail for two days. They hit me twice with their weapons and threw me on the ground like a dog.” Another told of losing two teeth as a result of being pushed by his arresting officers.

Other expellees were subject to racist or derogatory comments by Dominican officials. One woman recounted: “They took my hand and said ‘Morena, let’s go. You are going to your home.” Another was called a “donkey.” A student who had arrived in the Dominican Republic to take classes relayed that the guards told him: “Haitians who live in the Dominican Republic don’t let Dominicans work.” Another who was expelled reported that while being dropped off at the border, Dominican guards taunted him with phrases, including: “Go to your country. Tell your President to work for you.”

Once arrested, it was common for expellees to be detained while officials gathered up more people. About one-third of GARR respondents reported being detained prior to expulsion. The length of detention usually ranged from one night to three or four days. The conditions

under which expellees were detained were inadequate; expellees report frequently they received little food and water and were subject to arbitrary treatment by Dominican authorities. One stated that the prison in which he was held provided no food or water and no toilet. Another detainee, who was held one night in a San Cristobal prison, reported that the guard gave him food but this was the choice of the individual guard. Another man explained that guards punished him by cutting his hair while he was detained. The discretion of guards is also illustrated by the case of another expellee who reported that he was forced to work on a farm owned by the police in exchange for his release. At the end of his detention, he was expelled without proper clothes.

Similarly, conditions under which expellees were transported were harsh and degrading. Several victims reported officials forced them to remain on the bus for hours or days at a time. “They did not let us get out to go to the bathroom. When we needed to go to the bathroom, they gave us [a plastic bag].” Another reported that his group, consisting of approximately 30 people, was given a single bucket to use as a toilet.

3. Loss of Property

The vast majority (78%) of GARR respondents report leaving property of some kind behind in the Dominican Republic. The most common form of left property was paychecks (46%) followed by animals (45%), and houses (28%). Many arriving at the Haitian border state that they “left everything” in the Dominican Republic. In addition, 104 respondents arrived in Haiti without any possessions. There is little data regarding the manner in which dispossession occurred, however, an additional 112 respondents explicitly state they were “expelled empty-handed” or “[were] not given time” to collect their belongings. These examples suggest that the inability of those expelled to dispose of their possessions deprived them of resources to reestablish their lives in Haiti. As one victim explained: “I did not have time to go to my house. I left my bed, chairs, table, stove, radio and \$1500 in pesos.” Another witnessed “a man expelled with five children with nothing to support them because the guards did not let him return to his house to take his belongings.” One female respondent made clear the importance of access to property in the Dominican Republic: “I would like to see my husband return to the [Dominican Republic] to reap his farms because this is his only resource . . .besides this, he has nothing.”

Others who had been expelled reported that Dominican guards stole their belongings. As one explained: “I have a gold chain and a watch, which the guards took away from me.” Another survey indicated that the guards took all the money the expellee had, \$6.00, and ordered him to board a truck that transported him to Haiti. Another woman reported paying the police twenty pesos to permit her to stay in the Dominican Republic. The police took her money and deported her anyway. In addition to money and jewelry, officials confiscated larger items from expellees, including cameras and bicycles.

NGO representatives report being unsuccessful in attempts to intervene with Dominican officials to secure access for those expelled to the property they left behind. The need to do so is underscored by the diminished state in which expellees arrive. NGO monitors state that many expellees did “not know how [they] will survive.” Many of those expelled state they planned to return to the Dominican Republic to retrieve their property.

4. Effects of Deportations on Families

Families become separated as a result of expulsions. The data show that large numbers of individuals were separated from their spouses as a result of their expulsion: 13% of men and 19% of women. Overall, approximately 16% of expellees became separated from their children who remained in the Dominican Republic. In the majority of these cases (62%), these children were apparently in the care of the other spouse. We have no data regarding who cared for the children in the other 38% of cases in which no parent remained in the Dominican Republic. In 20% of the cases, the deported parent was unmarried. And in 14% of the cases, the expelled parent had lived in the Dominican Republic (prior to expulsion) while the spouse resided in Haiti. In 3% of the cases, both parents were expelled together, leaving their children behind.

Unless family members happened to be together and arrested by the authorities as a group, separation of nuclear families inevitably occurs in the expulsion process. Individuals are not able to contact next of kin or relatives to send word that they have been arrested or expelled. Women victims report they were forced to leave behind children and babies as young as one-month old. Men report being expelled without their families who remained in the Dominican Republic with no means of supporting themselves.

The inability to contact family members leads some to seek reentry into the Dominican Republic to reunite with family members. “I want to stay in Haiti,” explained one Haitian expellee, “but I have to go back to the [Dominican Republic] to get my children.” Even those who state that they never wanted to work or live in the Dominican Republic again indicate that they plan to return to retrieve their family members. Comments such as: “I was so mistreated that I would never return to the [Dominican Republic], once my wife and children are here [in Haiti]” were not uncommon.

Approximately 5% of expellees were born in the Dominican Republic, most of these are children under age 15. The adults among this group had fewer familial ties to Haiti upon which to rely for assistance to reestablish productive lives in Haiti. For example, a thirty-one year old Dominican of Haitian descent who had been expelled without his wife or five children, reported that he did not know anyone in Haiti.

5. Disruption of Education

Because they can no longer afford to pay for it, loss or disruption of education is another consequence of deportation for some of those removed to Haiti. Expellees frequently list access to education as the primary form of assistance they seek. For example, one expellee stated: “I would [like to] receive assistance so I can send my kids to school. I do not have any family in Haiti.” Children echoed this sentiment as well. One young Haitian expellee reported “[she] would like to go to school if her mother could afford to pay tuition.” Another said “I would like to see my parents receive help so they can send me to school.” One interviewee, a resident of the Dominican Republic since 1974, explained that after he was expelled, his wife sent his six children to live with him in Haiti. Five of the six of them had been born in the Dominican Republic and have Dominican birth certificates. “In the Dominican Republic they went to school,” he said, “but now they do not It is very hard for the children here.”

IV. DISCUSSION

The study findings provide a more complex picture of the Haitian migrant population affected by expulsions, their treatment during this process, and the factors that contribute to their summary removal from the Dominican Republic. We discuss each of these aspects of the Haitian-Dominican migration system below.

A. SIGNIFICANT DEMOGRAPHIC CHARACTERISTICS

The findings confirm and challenge several common assumptions regarding Haitians living in the Dominican Republic. Males, largely illiterate and in their late twenties, employed in agricultural work are the typical migrants. This picture is consistent with the type of Haitian laborer the Dominican and Haitian governments actively recruited for decades to harvest sugar cane in the Dominican Republic. Despite significant changes in the agricultural sector in the last fifteen years, notably the end in the mid-1980s of the bilateral labor contract between Haiti and the Dominican Republic and the more recent privatization of the sugar cane industry, the continued pattern of Haitian male employment in this area indicates the durability of this employment pattern.

However, the GARR and ONM data also point to greater complexity in the composition of the Haitian population. For example, men are employed in large numbers outside of agriculture, particularly in the construction industry. The distribution of residences of Haitians throughout the country, including in or near cities may facilitate employment in areas like construction and manufacturing – sectors associated with urban settings. Further, a large number of Haitians in the Dominican Republic are women. Many work in the agricultural sector, but greater numbers report they are working as merchants. While the data sets do not provide greater detail about the working conditions, the data are consistent with reports and observations of Haitian women selling food or other items from stands, and working as small-scale merchants. Similarly, the numbers of women who reported working in housekeeping is consistent with the popular image of Haitian women employed as domestic servants.

Families are a significant feature of the lives of Haitians in the Dominican Republic. The majority of men and women are married, though many have left their spouses in Haiti.

Similarly, although the fertility rates of Haitian women in the Dominican Republic are roughly equivalent to the rates in Haiti, many women are living in the Dominican Republic without their children. These data suggest that Haitian migrants continue to create families with the same frequency as Haitians who remain, but that families may live divided by the border. While we did not collect data regarding the impact of migration on the quality of family and community life, this is an area that deserves greater attention. We do not know enough regarding the economic, social, and cultural effects of the absence of parents and spouses on families and communities in Haiti as well as those in the Dominican Republic.

Yet there is reason to assume that families are impacted by migration on both sides of the border. A significant finding is the length of time that those who had been expelled had lived in the country. While there was a significant difference between ONM and GARR data in the length of time expellees lived in the Dominican Republic prior to their forced departure – GARR respondents lived in the country an average of 8.3 years, almost twice the term length observed in the ONM data – this difference may simply reflect a difference in migration flows measured by ONM and GARR, respectively. For example, GARR may be counting more settled migrants, which is consistent with the finding that GARR counts more families than ONM. Or the difference may reflect a difference in the wording of the questions in the ONM and GARR survey forms. ONM asks respondents for the date of entry into the Dominican Republic while GARR asks how long the respondent has lived in the Dominican Republic. Therefore it is possible that many of those interviewed by ONM listed their date of most recent entry rather than the date of their first entry to the country.

However, even the ONM data suggests that Haitians in the Dominican Republic are not transitory but relocate their lives to the Dominican Republic. This picture contrasts with the temporary legal status available to Haitians, a legal category that assumes Haitians in the Dominican Republic are agricultural workers who enter the country to harvest crops and return home after the season is over. Yet the quantitative data suggest that seasonal residence tends to be the exception rather than the norm. And the picture that emerges of this population is one in which Haitians come to the Dominican Republic, settle and establish families, lives and communities. This understanding of Haitians as constituting settlements and communities is not reflected in Dominican policy, which continues to treat its Haitian population as transitory. Thus

the study suggests that new thinking is needed by policy makers regarding Haitians in the country.

B. MIGRATION OUTFLOW AND DUE PROCESS

The study findings suggest that the summary deportation process described by the Director General of Migration is associated with serious, widespread due process violations and mistreatment of expellees as a class. Although the Migration Agency represented that it limits its deportations to Haitians who are unemployed, without work authorization, and disrupting enjoyment of public spaces, the quantitative and qualitative data do not bear out this policy. What emerges from the study is an expulsion process in which Dominican officials attempt to identify people of Haitian origin and summarily expel them from the country. This is a key finding because the issue of due process is a central question of the study. There are two significant aspects of the deportation process to which the data draw attention: (1) the scope and application of Migration Agency deportation policy; and (2) the lack of individual determination of deportability. We turn to each below.

1. Immigration Policy: Scope and Application

The study findings indicate that the scope of expulsions is widespread in terms of geography as well as the depth of the population impacted. Expulsions of Haitians occur in Haitian communities throughout the country. This is a significant finding as it contrasts with the limited geographic scope of expulsions implied by Court. And those expelled tend to be longer-term residents rather than recent arrivals. Significantly, during the peak outflows this trend increases; the average length of residence rises and the composition changes to include greater numbers of families. If, as migration officials explained, increased repatriations were due to increased inflow of migrants, we would expect that the average length of residence would *decrease* and *fewer* families would be included among those expelled. The GARR and ONM data suggest that increases in outflow are driven by factors other than a rise in illegal migration. Alternately, if enforcement of migration policy increases due to increased inflow, the data indicate that enforcement efforts are not targeted at the recent arrivals, but rather in established communities of Haitians.

Similarly, as more established communities are targeted, more women and children are expelled. Despite the bilateral agreement that provides that the Dominican Republic will seek to avoid separation of families, the study indicates that family separation remains a significant problem. This finding has important social, policy, and legal implications. Our findings suggest the disruption is significant and motivates some to return to the Dominican Republic to reunite, thus (re)exposing them to summary expulsion. In addition, if one of the goals of Dominican migration policy is to reduce the population of unauthorized Haitians in the country, separation of families does not necessarily achieve this desired result.

Further, the expulsion of Dominican-born children of Haitian parents – which are a majority of the children who are expelled – presents serious legal issues. While Dominican migration officials justify expulsion of children on the ground that their parents are illegal, these offspring are entitled to Dominican nationality under domestic law and therefore have a claim to remain in their homeland. Dominican officials argue that they are keeping families together by expelling Dominican-born children along with their Haitian parents, yet ignore the possibility that legal entitlement of these children to Dominican nationality might require the family to remain intact in the country.³²

Significantly, the study did not identify any specific criteria government officials use to select individuals for expulsion. We do not know why officials selected any particular individual, and individual victims were unable to identify why they had been arrested, other than that authorities thought they were Haitian. Indeed, quantitative data indicate a considerable diversity exhibited within the population with regard to expellees' age, occupation and period of residency in the Dominican Republic. This suggests that all Haitians (or those of Haitian appearance) are vulnerable to summary expulsion. This is consistent with the finding that a great majority of those expellees were arrested outside of bateyes or at work. The suggestion by several key informants that Haitians who leave the bateyes become more visible, and therefore more vulnerable to arrest and expulsion by officials, is supported by the GARR and ONM data. Thus public visibility of Haitians is a salient risk factor for summary expulsion and suggests that Haitians (and those authorities suspect as being Haitians) as a class are vulnerable to expulsions.

2. Due Process Violations

In addition to the broad nature of expulsions, the Dominican Republic enforces its immigration laws in a manner that eviscerates the legal safeguards designed to prevent abuses and results in systemic human rights violations. The legal question of whether the government engages in expulsions turns in large part on whether Dominican authorities conduct individualized determinations in deportation proceedings. Dominican officials claim that the criteria for deportation are (1) employment status; (2) lack of legal documents; and (3) disruptive public behavior. Yet the quantitative and qualitative data indicate that authorities do not apply these criteria fairly. The Dominican policy to deport only those Haitians who are do not have documents, are unproductive and are disruptive in fact is applied to those who are or appear to be Haitian.

In contrast to the official policy, only a small number of expellees stated that they were not working at the time of their expulsion. And no individual victim reported being afforded the opportunity to prove that he or she was employed. Officials appear to assume that Haitians without documentation are unemployed, thereby using lack of documentation as a proxy for eligibility of deportation. The study found that few expellees (less than 10%) had documents. This is consistent with the government's policy of deporting those without work papers. However, because migration officials also assume that Haitians do not possess valid papers, those suspected of being undocumented Haitians who nonetheless have papers are unable to contest their eviction from the country.

The majority of those expelled did not possess documents, although there were no data regarding the reasons for the lack of identity papers. Human rights groups have reported that many Haitians in the Dominican Republic are entitled to, but never receive work authorization papers. In theory these individuals should be able to establish their legal status if the Dominican government conducted individualized deportation hearings with appropriate due process guarantees. For others without legal status, appropriate due process procedures would postpone, but not alter, the decision of Dominican authorities to order them removed from the country. Yet both categories of Haitian migrants suffer under current Dominican migration policies and practices because the data indicate that the presumption of illegality results in widespread disregard and violation of basic human rights protections of Haitians *as a class*.

The study suggests that the presumption of illegality has far-reaching effects. The GARR data indicate that those arrested are taken directly into custody and expelled from the country without the opportunity to collect their belongings, a finding which the migration department corroborated. In addition, the decrease during expulsion peaks in numbers of expellees who are imprisoned before they are removed may be an indication that the administrative capacity of the Dominican migration infrastructure breaks down under the strain of increased numbers of expulsions. The government may transport expellees directly to the border rather than holding them first in prisons. In either situation, expellees are deprived of their possessions. Further, 10% of migrants report beatings by government agents in the course of their expulsion. The manner in which Dominican authorities conduct deportations of Haitians deprives individuals of humane treatment. These results raise serious concerns regarding adherence to domestic and international due process guarantees. They also raise important questions about the links between the lack of documentation and human rights abuses.

Thus those who need due process protections the most – those without legal status to remain yet who are entitled to humane treatment – are least able to enforce their rights. The absence of a robust adherence to rule of law in the enforcement of immigration policy not only makes it virtually impossible for Haitians successfully to challenge deportation, but also inflicts upon nearly all those subject to these procedures some form of inhumane treatment.

C. ANTECEDENT CAUSES TO EXPULSIONS

In addition to finding that the Dominican government enforces its migration policy in a manner that results in widespread human rights violations of Haitian expellees, the study identified several antecedents to this occurrence including, a history of anti-Haitian sentiment, unequal power relations between Haiti and the Dominican Republic, and support for an economy of trafficking of Haitians to the Dominican Republic. Scholars, political analysts, and human rights activists have discussed these factors prior to our study. However, we find the emergence of these themes important, as they were not the primary focus of the study. Their prevalence corroborates these prior reports and suggests that these factors continue to be relevant to Haitian migration. We discuss the ways in which each antecedent manifested itself in the study to achieve a fuller understanding of the political economy of migration between the two countries.

1. Anti-Haitian Sentiment

An important theme that emerges from our study is the prevalence of deeply ingrained anti-Haitian bias within Dominican society. Both the literature regarding Haitian migration and the key informants in the study discuss the influence of anti-Haitian bias in the Dominican Republic. We found that history, the press, and Dominican stakeholders constitute different dimensions of this issue. Together, they are a significant barrier to achieving substantive changes in Dominican migration policy and practice that will improve the treatment of Haitians in the country.

a. Historical causes

Scholars have noted that, as a group, Haitians in the Dominican Republic are scorned for their African heritage, in a country that clings furiously to its Spanish and European roots. Haitians are also seen as “savage” and “pagan” due to their practice of voodoo, whereas the Dominican religious tradition is primarily Catholic.³³ Furthermore, dominant stereotypes suggest that Haitians are more physically suited to “work like animals” and that their place in Dominican society is to do the jobs that no one else wants to do. Within public space, Haitians are viewed as “other” and inferior to Dominicans. This diminishment of Haitians facilitates and supports efforts by the Dominican state and civil society actively to resist integration of Haitians into Dominican society.

These sentiments have historical roots. The Dominican Republic gained its independence from Haiti in 1844. Dominicans characterize the preceding twenty-two year Haitian occupation as a period of repression and mistreatment, and political and opinion leaders continue to invoke the occupation to justify fears of a Haitian takeover and encourage anti-Haitian sentiment. In addition, the dictatorship of Trujillo and his racist ideology played a significant role in establishing many of the labor, migration, and expulsion practices that exist in the Dominican Republic today. Trujillo, who ruled from 1930 to 1961, classified Dominicans as white and Haitians as black, deeming Haitians racially and culturally inferior. His virulent anti-Haitianism climaxed with Trujillo’s 1937 massacres of thousands of Haitians, ostensibly to solve the country’s poverty. The massacres continue to affect Haitians and we note their influence on Haitian cultural consciousness. NGOs in the Dominican Republic working to promote Haitian

rights fear their advocacy may provoke a violent state-sanctioned backlash and risk of a backlash inhibits their efforts on behalf of Haitians.

b. Role of the press

Similarly, another theme that emerged in the study is the role that the press plays in framing public discussion of Haitian issues. Trujillo used the press to create a national dialogue of racism and fear of Haitianization of the country. Today, although the Dominican media are active and independent, our review of press coverage of Haitian issues, particularly of the legal case regarding deportation pending in the Inter-American System indicates that reporting is not balanced. Nationalist, anti-Haitian perspectives receive prominent attention and key informants working with the Haitian population find it difficult to make their voices heard through the public media.

For example, the press liberally covered the episodes of mass expulsions of Haitians in the 1990s. These expulsions were associated with political events that challenged Dominican sovereignty in various ways: the potential effects of political turmoil in Haiti threatened the country with an influx of Haitians seeking safety; elections in the Dominican Republic in which Haitian policy figured prominently raised concerns about the presence of Haitians in the country; and international criticism of Dominican treatment of Haitians fueled a nationalist response.

Yet the study found that not all peak outflows are reported in the press. Further research needs to be conducted. However, we suspect that sporadic coverage may have several consequences. First, coverage of these “political” expulsions may help give them symbolic significance within the country: the government crackdown and removal of illegal Haitians becomes linked to political, economic, and cultural defense of the nation. Second, the fusion of expulsions and national defense may make it difficult for civil society to garner support for the rights of Haitians. Public debate of the issue becomes framed as a choice between support of the country and support of those (Haitians) who threaten it. Advocates for Haitians, unable to reframe the terms of debate, remain politically weak. Finally, selective press coverage renders invisible the expulsions of Haitians that take place daily and thus may help to mask the structural aspects of Dominican migration practice and the human rights abuses it generates.

c. Anti-Haitian bias among stakeholders

In addition to highlighting the importance of the social impact of anti-Haitian bias, our interviews also suggest that anti-Haitian bias is prevalent among the stakeholders in and decision makers of policy on issues affecting Haitians. The finding of bias suggests that state policy makers and those who implement it may exercise their authority in a manner adverse to Haitians. This hypothesis is supported by the current interpretation and implementation of migration laws to effectuate summary expulsions.

Other key informants cited negative public opinion of Haitians as a constraint on the actions they could initiate or the opinions they could express in support of Haitians. It could be that those in this group actually harbored anti-Haitian biases but justified their behavior based on external attitudes. Nevertheless, our data indicate that popular views regarding Haitians influence government officials and prominent figures in public life. This does not bode well for the prospects of improving the status and treatment of Haitians in the country. Given the violent history, pervasive nature and strength of anti-Haitian sentiment, the opportunities to promote a public dialogue in which the positive contributions of Haitians can be recognized and valued are extremely limited. If public speakers will not advocate for improved human rights conditions for Haitians, where and how will private individuals begin to change their attitudes toward Haitians in their communities?

2. Power Disparities Between Haiti and the Dominican Republic

The Dominican Republic and Haiti are and always have been interdependent, for a variety of geographical, historical, economic and social reasons. Increased interdependence, however, has not been commensurate with equal power. Similar to anti-Haitian bias, the study identified power disparities between Haiti and the Dominican Republic as a factor that contributes to expulsions. In particular, the data suggest that power imbalances operate at the level of state relations and policy implementation. These inequities, in turn, are components of the framework for individual interchange between Haitian migrants and Dominican authorities. Thus, the abstract level of state-to-state relations is linked to the experiences of Haitians subject to the expulsion process.

Today, the Dominican Republic's economy is the fastest growing in Latin America, while Haiti's is the poorest.³⁴ All poverty indicators in the Dominican Republic are improving and figures estimate that 83% of Dominicans are literate and life expectancy is at 71 years.³⁵ In contrast, less than half of adult Haitians are literate and life expectancy is only 54 years.³⁶ Although Haiti remains an agricultural society, deforestation and years of destructive land practices have stripped 40% of its land area of productive soil.³⁷ While land monopolization is not a major problem in Haiti, like it is in much of Latin America, most plots of land are too small or too mountainous for even subsistence farming. The development disparities contribute to the outflow of Haitians to the Dominican Republic. In addition, the political disparities influence the ability of the Haitian government to improve the way in which the Dominican government treats Haitians in the country.

For example, Haitian government officials and other key informants frequently remarked that the Dominican migration and other officials often disregard – without sanction – agreed upon deportation procedures, such as providing lists to Haitians officials of those whom the government is removing.³⁸ Similarly, Haitian officials are unable or unwilling to initiate effective remedial or preventative measures to address breaches in the deportation process. Haiti entered into an agreement with the Dominican Republic at the conclusion of the collective, mass expulsions in the fall of 1999 that established procedures to ensure the humane removal of unauthorized Haitians. However the study findings show that there has been no decrease in many of the practices the agreement sought to curb, such as family separations and loss of property.

The data suggest that Haitian officials have little leverage over their Dominican counterparts. The threat of increased Haitian migration constitutes the state's most powerful political tool. Yet, the political and moral costs to pursuing such a policy are too high to make this a realistic threat. Haiti capitalizes on international attention to expulsions to the extent to which Dominican migration practices are seen as the cause of the humanitarian crisis generated by collective, mass expulsions. The state acts publicly on this issue primarily when the international community is focused and sympathetic. Outside of these peaks in international interest, Haitian government officials do not appear to exercise diplomatic or political pressure to protect Haitian migrants. Thus the role of Haitian officials involved with outflows essentially is a

passive one of providing humanitarian assistance to those removed from the Dominican Republic, leaving the daily abuses associated with expulsions unremediated by the state.

Finally, power relations influence the interactions between Haitian expellees and Dominican authorities. The study found that expellees did not provide verbal or physical resistance to Dominican authorities. The actual use or threat of force by army and migration personnel may quell active challenges to the expulsion process. However, also significant is the passivity and resignation expellees display to the treatment they received. Many victims express that their motivation for cooperating with authorities is due to a belief that they do not belong nor are a part of the country. The qualitative data suggests that Haitians in the Dominican Republic are conscious of their subordinated status and this awareness suppresses the possibilities for this group to mount collective resistance and generate a political challenge to Dominican migration enforcement practices.

3. The Political Economy of Trafficking

The study also identified the existence of a political economy of Haitian migration to the Dominican Republic that contributes to expulsions. The primary aspects of this system include (1) the status of the Haitian economy and Haitian migrants; (2) Dominican private employers; (3) a political climate in the Dominican Republic hostile to Haitians; (4) Dominican enforcement of immigration laws and policies; and (5) corrupt Dominican officials. These components inter-relate and influence one another, yet are not necessarily tightly or centrally coordinated. In fact, the system may be more robust because it does not depend on the various actors within it to be aware of the actions of others. Rather, the dynamic is one in which each aspect of the system operates independently, yet contributes to maintenance of the whole. The study suggests that the Haitian-Dominican migration system facilitates current migration enforcement practices and the human rights breaches associated with them. We begin to elucidate these links, however further research in this area is needed to increase our understanding of the complex nature of migration between the two countries.

a. Components of the Haitian-Dominican migration system

The quantitative data corroborate prior research that indicates Haitians who search for work in the Dominican Republic are among the country's poorest citizens. Mostly illiterate and

in need of economic support, these migrants are ill equipped to navigate the bureaucratic requirements to obtain valid work authorization permits. The majority of migrants does not possess identity documents from the Haitian government and must rely primarily on Dominican employers and officials to facilitate their compliance with the legal requirements for employment. Thus the relatively low level of human resources of this group makes them vulnerable to exploitation.

Indeed, the study indicates that Dominican employers take advantage of their Haitian workforce. The lack of legal documentation of the expellees – virtually all of whom report they were working – suggests that Dominican employers are not assisting their Haitian workers to obtain proper papers. In addition, some informants report coordination between employers and government officials to expel workers before they are able to collect their wages. Further, while a significant number of expellees were arrested at work, there were no data to suggest that employers intervened to prevent the removal of employees. More investigation is needed, but this finding raises concerns that employers actively collude with or passively benefit from Dominican migration enforcement policies.

The pervasive social and political hostility toward Haitians in the country contributes to the ability of employers of Haitian workers unilaterally to set terms and conditions of employment and impedes migrant workers from holding private actors accountable for mistreatment. The short-term interests of employers in maintaining a supply of low-wage labor conflict with the interests of Haitian workers to improve their labor conditions. However, for Haitian migrant workers, labor relations play out in a hostile political climate, one that impedes their ability to effectuate change. Simply put, Haitian migrant workers are not eligible to vote in elections and the nationalist politics of the dominant political parties constricts public debate as well as inhibits efforts to establish mechanisms to safeguard the rights of Haitians. While there are organizations that serve Haitian communities in the Dominican Republic, there are no strong political constituencies advocating for their rights. Thus the study suggests that legal reform that would increase enforcement of Haitian rights will not be generated from within civil society absent substantial changes in the political landscape.

The political climate also contributes to the ability of Dominican authorities to operate with virtual impunity in enforcement of migration law and policy. In addition to the systemic

human rights violations against Haitians engendered by migration enforcement practices, the qualitative data indicate that individual Dominican officers abuse their authority to profit personally from their power over expellees. For example, victims and key informants reported that individual Dominican army officers forced Haitians to work on their private farms for a period of days before expelling them from the country. And one informant commented that army personnel sought to be stationed along the border because these positions afforded the opportunity to augment their pay through bribes and “informal taxes” they could levy on people and goods crossing the border.

b. Implications of the Haitian-Dominican migration system

The present migration system benefits the immediate interests of the powerful Dominican stakeholders who have close contact with Haitians. Our findings suggest that Dominican employers and government officials reap personal material gain from Haitians who have no effective recourse for unpaid wages, unfair labor practices, and summary arrest and expulsion. While in the long term, the economic and political health of the country suffers when the rule of law is weak, business interests, border guards, migration officials and local army officers appear to act in their short-term and personal interests. NGOs working on Haitian issues report receiving strong public criticism of their efforts and have been unable to reorient the basic social perspective of Dominicans on this issue. In particular, the advocates for Haitians who filed the OAS suit against the Dominican government have struggled to have their voices heard among the well-publicized and politically expedient views of Dominican nationalists.

Haitians in the Dominican Republic, lacking legal status and bearing the brunt of Dominican nationalist policies, are least able to demand better treatment from Dominican authorities. At the same time, Haitian officials and key informants agree that the Haitian government seeks to promote economic growth with the goal of, over time, reducing migration to the Dominican Republic. This prioritization de-emphasizes public pressure on the Dominican government to reform its deportation practice. Thus the Haitian state appears to intervene when expulsions surge to create a humanitarian crisis, but tolerates the daily suffering of its citizens. This may reflect a policy choice based on political calculation not to provoke the Dominican government. Or, it may reflect the fact that the victims are among the most marginalized Haitians, and thus are unable to mobilize political support to protect their interests. Another

possibility is that the Haitian government may be reluctant to intervene because migration of its poorest citizens alleviates demand for government services.

While in recent months, the Dominican government has taken some important measures to improve participation of Haitians and Dominicans of Haitian descent in civil life, these actions have been modest and do not appear to be part of a broader reform agenda. For example, the government announced a change in its birth registration policy to facilitate young children obtaining birth certificates, a document required to attend public schools. And in April 2002, President Mejia unilaterally issued a birth certificate and educational scholarship to a top honors student of Haitian descent whom state authorities had refused to register. Yet these decisions largely are symbolic; President Mejia granted registration only to a single student and the changes in registration procedures do not eliminate the requirement that children must present proof of their parents' legal status in the country – a major obstacle for children of Haitian migrants. One question raised by the study is whether there is support to institute the significant structural changes required to effectuate legal, economic, social change for large numbers of Haitian migrants.

Thus, there is no apparent actor within the system who has the will *and* power to effect reform. Past interventions by the international community have had mixed results. While international attention on mass expulsions and other human rights abuses of Haitians increases political pressure on the Dominican government to alter its practices, the state also has reacted to criticism from abroad with swift reprisals against the victimized groups. The 1991 and 1999 mass expulsions were preceded by foreign condemnation of Dominican treatment of Haitians. While interventions are risky, abstaining from action is not a promising option. Without foreign involvement, the migration system and its abusive effects are unlikely to be ameliorated.

Interventions by international institutions, donor countries, humanitarian organizations, and human rights advocates are critical, but the study suggests that these efforts must be carefully tailored to achieve the desired results. Particularly because economic disparities between the Dominican Republic and Haiti will persist for sometime, attention must be paid to developing processes that will encourage respect for the rights of Haitians in the Dominican Republic. Each component of the migration system must be addressed to achieve transform. Legal reform, while necessary to strengthen protection of Haitian migrants, is insufficient.

Interventions are necessary to change the social attitudes of Dominicans toward Haiti and Haitians so that civil society becomes a stakeholder in immigration reform. Individuals and communities within the Dominican Republic need to acknowledge and understand Haitians not as fundamentally different, but as sharing common or universal experiences and principles. Political figures should be supported to exercise leadership in this regard and to articulate a public vision of a society in which Haitians, and social diversity, are valued. Respect for the rule of law must be promoted at the individual, community, and state levels. As the state legitimately may exercise its sovereign right to regulate its borders, rule of law is the lynchpin to protect against abuses and violation of human rights.

V. RECOMMENDATIONS

The findings suggest the need for changes to improve the treatment and condition of Haitians and Dominicans of Haitian descent in the Dominican Republic. In particular, the areas of data collection, Dominican migration policy and practice, as well as the social and political attitudes toward Haitians should be addressed. To foster these improvements we make the following recommendations:

1. We believe that accurate information is necessary to make sound policy decisions and this need is particularly important in an area as complex as migration. Therefore it is essential to improve the data collection regarding the Haitian population in the Dominican Republic. Accurate census data as well as records of deportation should be gathered and maintained for Haitians and Dominicans of Haitian descent. At the same time, this information must be protected to ensure that it is not used to target or discriminate against this population. In particular we recommend that:
 - a. a census be conducted of Haitians in the Dominican Republic. The information collected should inform efforts to conduct outreach and improve services in Haitian communities and the Dominican government should not use the data to increase deportations. To promote confidence in the process, the census should be undertaken by an independent nongovernmental organization. To maximize participation by the subject population, the census takers should be community members or fluent in Creole.
 - b. the Dominican government improve its data collection and retention practices regarding those individuals ordered deported to Haiti. The government should publicize annually:
 - i. the number of deportation cases adjudicated and their disposition;
 - ii. an analysis of deportation cases broken down by age and sex; and
 - iii. the numbers of deportations of individuals with family members in the Dominican Republic and the custody arrangements for minor children of adults ordered deported.
2. We believe that legal education and outreach to Haitians considering migration to the Dominican Republic as well as those who have relocated to the country is critical to empowering this vulnerable community. We encourage efforts to increase awareness of the methods for legal migration to the Dominican Republic among potential and current Haitian migrants.
3. To curb exploitation of potential and current Haitian migrants, we support increased awareness and enforcement of laws against activities that facilitate unregulated migration such as recruitment of hiring of undocumented workers, falsification of documents, and trafficking.

4. We support increasing the capacity of the ONM or other similar Haitian agencies to receive and monitor the inflow of Haitians returning from the Dominican Republic. This may require additional international funding.
5. We believe that the rule of law must be strengthened in the Dominican Republic to promote human rights of Haitians and Dominicans of Haitian descent. In particular we recommend that:
 - a. legal protections for Haitian migrations be increased by the government adopting the new immigration law (*Propuesta Ley General de Migración*) proposed by the Dominican Foreign Ministry;
 - b. due process protections for Haitians subject to deportation from the Dominican Republic be strengthened. We urge the Dominican Republic and Haiti to observe the deportation procedures contained in the December 1999 bilateral agreement. We encourage the Haitian government to monitor treatment of deportees and to discuss reports of violations with Dominican authorities. Further, to ensure that the decision to remove an individual is conducted in a fair manner, we support the adoption of the recommendations issued by the Special Rapporteur on Migrant Workers for Inter-American Commission for Human Rights, namely that:
 - i. determinations must be conducted by a legally accountable and impartial adjudicator;
 - ii. immigrants subject to proceedings must have an effective opportunity to be heard;
 - iii. immigrants must be able to understand the proceedings and so translation and interpretation services should be provided when necessary;
 - iv. free legal counsel should be made available to those in proceedings, (though not necessarily paid for by the state);
 - v. decisions by the adjudicator must be eligible for judicial review;
 - vi. consular access must be ensured, particularly for those in detention; and
 - vii. those in detention must be treated humanely.³⁹
 - c. responsibility for implementation of deportation processes be vested solely in the Migration Department and the army should not be involved in enforcement of deportation orders and should not independently initiate deportations;
 - d. accountability for past abuses in expulsions by the army be implemented. An independent, impartial investigation should be undertaken regarding the role of the army in enforcement of Dominican migration law and policy with particular attention to allegations of abuses by individual officers. The Commission or similar international entity with a reputation for the highest standards of investigation should undertake this sensitive endeavor. Further, the Dominican government should cooperate fully with the Commission or other entity that

conducts this study and should provide unimpeded access to information and records requested by the investigating body and should initiate action if appropriate to hold individual personnel accountable for any breaches in conduct.

6. We believe that anti-Haitian bias and the climate of political hostility to Haitian interests must be addressed to promote respect and enforcement of Haitian rights. We applaud the Dominican government for its recent changes in its education policy to facilitate enrollment of Haitian children and children of Haitian descent in public school. We encourage the government to increase its efforts to improve participation by Haitians and Dominicans of Haitian descent in civil society. In particular we recommend the government:
 - a. include a human rights curriculum in public schools with particular emphasis on anti-Haitian bias;
 - b. convene a task force of distinguished educators, religious leaders, representatives of Haitian advocacy and community-based groups, and business leaders to identify actions and make recommendations to foster greater understanding and tolerance of Haitians in the Dominican Republic;
 - c. issue strong public statements by high-ranking officials following reports of attacks or other incidents involving threats to Haitian workers denouncing the breach in behavior and supporting strict adherence to the rule of law, including investigation and accountability for any crimes committed.
7. We encourage the Haitian government directly to address the root causes of migration by creating economic opportunities for its citizens. Additional study may need to be commissioned to determine the areas within Haiti that generate migration to the Dominican Republic. This data should inform development strategy and help reduce outflows.
8. We encourage the Haitian government to continue its activities to provide identity documents to all its citizens.
9. We support an expanded monitoring role of issues affecting Haitian migrant workers in the Dominican Republic by international organizations, in particular the Commission. The Commission is uniquely situated to serve in this role. In its capacity as fact finder to the OAS, the Commission should increase its investigative activities through the OAS office in Santo Domingo. In particular the Commission should:
 - a. receive and investigate complaints from individuals or organizations alleging human rights violations, including labor rights by state authorities as well as non-state actors;
 - b. publish annually a report summarizing the numbers and nature of the violations investigated, along with recommendations;
 - c. receive additional funding to conduct these activities

¹ In November 1999, the Center for International Law and Justice, the International Human Rights Law Clinic at the University of California, Berkeley School of Law (Boalt Hall), and the National Coalition for Haitian Rights requested the Inter-American Commission for Human Rights (“Commission”) issue emergency measures to protect Haitians from collective expulsions. The Human Rights Clinic at Columbia University’s law school joined the action in March 2000.

² The Commission, in its role as a fact-finder and consultant to the Organization of American States (“OAS”), has broad authority to issue reports on the human rights situation in any OAS member state. The Commission initiates a report, usually after receiving credible information from non-governmental organizations (“NGOs”) or individuals that human rights abuses are occurring. The Commission collects information from the government in question and NGO sources in addition to conducting an on-site visit. Dinah L. Shelton, *The Inter-American Human Rights System*, in GUIDE TO INTERNATIONAL HUMAN RIGHTS PRACTICE 119, 130 (Hurst Hannum ed., 3rd ed. 1999).

³ Second Progress Report of the Special Rapporteurship on Migrant Workers and Their Families in the Hemisphere, Inter-Am. C.H.R., OEA/Ser.L./V./2.111, doc. 20 rev., para. 99 (2001), at <http://www.cidh.org/annualrep/2000eng/chap.6.htm>, [hereinafter Second Progress Report]

⁴ *Id.* at paras. 23-30.

⁵ Order of the President of the Inter-American Court on Human Rights on September 14, 2000, 1, para. 1, at http://www.coreidh.or.cr/medidas%20ingles/e_iii_16_ing.html.

⁶ *Id.* at,1, para. 2.

⁷ Order of the President of the Inter-American Court on Human Rights on August 18, 2000, Deci[sion], para. 10, at http://www.corteidh.or.cr/medidas%20ingles/e_iii_15_ing.html. In addition, the Court issued provisional orders to protect the individuals named in the petition from further abuses and requested that the government and Commission submit periodic reports regarding the status of the protective measures. The Court continues to monitor this aspect of the case. *Id.*

⁸ Situation of Haitians in the Dominican Republic, Inter-Am. C.H.R., section 7, para. 1 (1991), at <http://www.cidh.org/annualrep/91eng/chapter52.htm>.

⁹ Report on the Situation of Human Rights in the Dominican Republic, Inter-Am. C.H.R., OEA/ser.L./V./2.104, doc. 49 rev. 1, para. 329 (1999).

¹⁰ Content analysis techniques such as coding enable researchers to identify categories or common subject matter(s) that recur in interviews and other data and to compare these statements, thus generating a more sophisticated analysis. See Trisha Greenhalgh & Ron Taylor, *Papers that Go Beyond Numbers*, 315. BRIT. MED. J., 740 (1997).

¹¹ See Appendix A for a copy of the GARR questionnaire.

¹² Except as specifically indicated, bibliographic sources for this section are the following: JAMES FERGUSON, DOMINICAN REPUBLIC BEYOND THE LIGHTHOUSE (1992); NAT’L COALITION FOR HAITIAN RIGHTS, BEYOND THE BATEYES: HAITIAN IMMIGRANTS IN THE DOMINICAN REPUBLIC (1995) [hereinafter BEYOND THE BATEYES], at <http://www.nchr.org/reports/bateyes.pdf>, Samuel Martinez, *From Hidden Hand to Heavy Hand: Sugar, the State, and Migrant Labor in Haiti and the Dominican Republic*, 34 LATIN AM. RESEARCH REV. 57, 73 (1999).

¹³ Selling labor proved to be extremely lucrative for Haiti, with “Baby Doc” Duvalier’s regime earning 2.9 million U.S. dollars per one year for 16,000 Haitian workers. FERGUSON, *supra* note 12, at 85.

¹⁴ Unofficial estimates of the number of Haitians in the country range from 400,000 to 1 million. Vitelio Mejia Ortiz, former Director General of Migration, placed the number at 400,000 in 1995 while political scientists and sociologists believe it was closer to 500,000. BEYOND THE BATEYES, *supra*, note 12, at 2.

¹⁵ Second Progress Report, *supra* note 3, at para. 99.

¹⁶ *Id.* at para 97 (5).

¹⁷ *Id.*

¹⁸ Cees Gorter et al., *Regional and Urban Perspectives on International Migration: An Overview*, in CROSSING BORDERS: REGIONAL AND URBAN PERSPECTIVES ON INTERNATIONAL MIGRATION 1, 5 (Cees Gorter et al. eds., 1998).

¹⁹ THOMAS FAIST, THE VOLUME AND DYNAMICS OF INTERNATIONAL MIGRATION AND TRANSNATIONAL SOCIAL SPACES 59 (2000).

²⁰ Douglas S. Massey et al., *Theories of International Migration: A Review and Appraisal*, 19 POPULATION & DEV. REV. 431, 444 (1993).

²¹ See, e.g., William B. Wood, *Ecomigration: Linkages Between Environmental Change and Migration*, in GLOBAL MIGRANTS GLOBAL REFUGEES: PROBLEMS AND SOLUTIONS 42 (Aristide R. Zolberg et al. eds., 2001) (regarding influence of environmental factors on migration).

²² See, e.g., FAIST, *supra* note 19; Robert C. Smith, *Current Dilemmas and Future Prospects of the Inter-American Migration System*, in GLOBAL MIGRANTS GLOBAL REFUGEES, *supra* note 21, at 121, 126.

²³ See, e.g., André Corten & Isis Duarte, *Five Hundred Thousand Haitians in the Dominican Republic*, 22 LATIN AM. PERSP. 94 (1995).

²⁴ John Salt, *The Business of International Migration*, in INTERNATIONAL MIGRATION INTO THE 21ST CENTURY 86, 106 (M.A.B. Siddique ed., 2001).

²⁵ *Special Rapporteur on the Human Rights of Migrants: Discrimination Against Migrants – Migrant Women*, U.N. HCHR Prep. Comm., 1st Sess., Agenda Item 7, at 1, U.N. Doc. A/CONF.189/PC.1/19 (2000), <http://www.unhchr.ch/huridocda/huridoca.nsf/Documents?OpenFrameset>.

²⁶ See International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, preamble, art.16, sec. 2, G.A. Res. 45/158, Annex, U.N. GAOR, 45th Sess., Supp. No. 49 [A] (Vol. I), at 262, 264, U.N. Doc. A/45/49 (1990) (as of July 1, 2002, 19 states parties have ratified the convention; the treaty will enter into force after 20 countries have ratified the instrument), *available at* <http://www.un.org/documents/ga/res/45/a45r158.htm>. Abuses of African migrants in South Africa bear striking similarities to reported abusive incidents against Haitians in the Dominican Republic. Allegations that immigration papers are destroyed and that dark-skinned South Africans are sometimes “herded” into “[d]eportation camp[s]” during immigration sweeps have a certain resonance with issues presently under consideration. See Jeff Handmaker & Jennifer Parsley, *Migration, Refugees, and Racism in South Africa*, 20 Refuge 40, 67 (2001), at http://www.yorku.ca/crs/refuge_-_volume_20,_issue_no__1.htm.

²⁷ For purposes of classification, we divided the country into three major regions defined by 19 latitude and –70.2 longitude.

²⁸ The null hypothesis of no difference between means, proportions, or frequency distributions was rejected at the 1% level for the differences discussed in this report (see Appendix B).

²⁹ The use by Haitian officials and key informants of the term *refoulé* to refer to undocumented Haitians differs from the use of this term in international law to refer to an individual who has been returned to a situation where his or her life or freedom would be threatened.

³⁰ The survey instruments use the term “marriage” to categorize the union of adult respondents. However, we suspect that many of those who report their marital status as that of “married” did not participate in a state-sanctioned civil proceeding but who nevertheless consider themselves to be in a committed relationship of mutual support.

³¹ Age heaping occurs when the enumerator or respondent tend to report certain ages at the expense of others. For example, when enumerators guess the age of a person, they tend to report ages which end in the digits 0 or 5.

³² Unfortunately, this claim has not been raised by any parent or child subject to Dominican expulsion in any domestic or international legal forum. *See* Second Progress Report, *supra* note 3, at para. 97 (finding that no international human rights body has addressed the legality of a state removing a minor citizen along with alien parents).

³³ MARTIN F. MURPHY, DOMINICAN SUGAR PLANTATIONS: PRODUCTION AND FOREIGN LABOR INTEGRATION 146 (1991).

³⁴ According to the World Bank, the Dominican Republic is now the largest borrower in the Caribbean with several industries; including telecommunications, tourism and construction; growing at a rate in excess of 10% annually. The World Bank Group, *Dominican Republic Country Brief*, (2002), <http://wbln0018.worldbank.org/external/lac/lac.nsf/ebaf58f382dbaf32852567d6006b028e/4b0b5cf70780b2fd8525690400526a53?OpenDocument> (last visited June 11, 2002); The World Bank Group, *Haiti Country Brief*, (2000), <http://lnweb18.worldbank.org/External/lac/lac.nsf/3af04372e7f23ef6852567d6006b38a3/e34108284560c0208525686d0062266c?OpenDocument> (last visited June 11, 2002).

³⁵ The World Bank Group, *Dominican Republic Country Brief*, *supra* note 34.

³⁶ The World Bank Group, *Haiti Country Brief*, *supra* note 34.

³⁷ ANTHONY V. CATANESE, HAITIANS: MIGRATION AND DIASPORA 25 (1999).

³⁸ This pattern bears similarities to migrations from poorer to richer countries in other parts of the world in which the wealthier, receiving, nations fail to comply with domestic and international norms for treatment of migrants yet face few, if any legal or political challenges to this practice.

³⁹ Second Progress Report, *supra* note 3, at para. 99.

APPENDIX A

GARR SURVEY INSTRUMENT

1. First Name _____ Last/Family Name _____

2. Where were you born? Haiti 9 Dominican Republic 9
Place name where you were born? _____

3. How old are you? _____

4. Sex: Male 9 Female 9

5. Are you with someone (married)? Yes 9 No 9

6. Where is he or she now? Haiti 9 Dominican Republic 9

7. Do you have children? Yes 9 No 9 How many: _____

8. Where are they now? Haiti 9 Dominican Republic 9

9. Where are you from in the Dominican Republic? _____

10. What were you doing in the Dominican Republic? Agricultural work 9 Merchant 9
Housekeeping 9 Factory work 9 Small business work 9
Student 9 Construction 9 Sugar Cane 9
Other _____

11. Where did you live in the Dominican Republic? _____

12. What brought you to Haiti?
They sent me back 9 I decided to return 9

13. If you were to stay in Haiti, where would you live? _____
Provide the address _____

14. How many times have you been repatriated? (if you were repatriated)
One time 9 Two times 9 More than 2 times 9

16. Were you repatriated with someone in your family? Yes 9 No 9

17. How many? _____

18. Who: Children (number) _____ Husband/Wife _____
Other (what is their relation?) _____

19. How were you repatriated? _____
Other (specific) _____

19. Where were you arrested? (If arrested)
At the bateye 9 On the road 9 At work 9

21. Were you imprisoned before being repatriated? Yes 9 No 9

22. How many days were you in prison? _____

23. Were you hit/beaten? Yes 9 No 9

24. Did you leave belongings in the Dominican Republic? Yes 9 No 9
What kind of belongings: House 9 Animals 9 Garden/land 9
Work wages 9 Other (specify) _____

25. What do you want to do now?
Return to the Dominican Republic 9 Stay in Haiti 9

26. What documents did you have in the Dominican Republic? Haiti Passport 9

Haiti ID card 9 Dominican ID card 9

Other (specify?) _____

27. Where are these documents now? _____

28. What are you most in need of now?

General remarks from the Committee Member filling out the form (conditions of repatriation, other information):

Information about the person's documents (if they have any): type of document, document number, date, name of issuing authority, etc.

APPENDIX B

THE EXPULSION OF HAITIANS AND DOMINICANS OF HAITIAN DESCENT FROM THE DOMINICAN REPUBLIC:

AN ANALYSIS BASED ON ADMINISTRATIVE RECORDS

I. Main Points of the Analysis

A. Diversity of deportees. The typical deportee conforms to the dominant image of a Haitian migrant: he is a young, male, agricultural worker who has worked in the Dominican Republic for less than a year. The statistics reveal the true diversity of deportees which include women and children, factory workers, married men separated from their Dominican Republic families, long-term residents, and Dominicans of Haitian descent.

B. The total number of deportations is unknown. Our data represent a sample of the flow of “official” deportees. We do not know the size of the flow of “unofficial” deportees, nor any information on their characteristics or treatment.

C. Dominican Republic migration officers have minimal contact with deportees. Matching data collected by ONM to official Dominican Republic deportation lists showed us that the ONM data represent a nearly complete count of the official deportees. This provides independent confirmation of our data set and gives us confidence in the validity of our data. At the same time, the matching exercise revealed that Dominican Republic officials do not collect accurate information on deportee’s names and ages. The age data revealed severe heaping on ages 20, 30, and 40 which is frequently observed in demographic data when questioners guess a person’s age rather than asking them. This is an important fact in that it confirms reports of deportees about the haphazard manner in which Dominican Republic officials issued the official deportee forms (AH-101 forms): giving forms to some individuals and not others and failing to inquire about such minimal information as the person’s name and age. This is important for two reasons. First, we only see those people who receive this form. Those who do not receive it are “unofficial” deportees and do not appear in Dominican Republic statistics nor in the administrative records of ONM. Second, this haphazard manner exemplifies the minimal interaction deportees have with migration officers, underscoring the lack of due process.

D. First deportation after a lengthy residence in Dominican Republic. While 20% of deportees had spent less than 2 years in the Dominican Republic prior to deportation, there was also a substantial group of long-term residents, with 20% of deportees living more than 15 years in the Dominican Republic prior to deportation. On average, deportees had lived for 8 years in the Dominican Republic prior to their deportation. This was the first deportation experienced by the vast majority of deportees. These are important facts which counter the myth that these deportations represent workers who are routinely deported at the end of cane-cutting season, who re-enter at the start of the next season.

E. Dominicans of Haitian descent. For the most part, these are overwhelmingly young children born in the Dominican Republic. About 5% of the deportees are Dominicans of Haitian descent.

F. Family separation. In almost $\frac{1}{4}$ of the cases, deportees are separated from their spouse and/or children. 10% are separated from both their spouse and children; 8% are separated from their spouse; and 6% from their children. In rare cases (3%) both spouses were deported leaving the children behind. In most cases of child separation, the children are with the other spouse who has not been deported.

G. Loss of property. The vast majority of adults (78%) reported leaving behind property (in the form of wages, house, animals, and gardens). Based on interview comments, we find an additional 9% reported leaving behind “belongings”, rather than property per se.

H. Beatings and imprisonment. About 10% report being beaten during their deportation. Nearly $\frac{1}{3}$ report being imprisoned for few days.

I. Families and long-term residents deported during mass expulsions. We observe peaks in deportations for the months of November 1999 and March 2000. The November 1999 peak corresponds to reports of mass expulsions. We find that the composition of deportees changes during this period: more families and more long-term residents are deported.

J. Those deported through the south were working throughout the Dominican Republic. We were able to use GARR data to map expulsions. This map showed us that the GARR deportees were drawn from all over the Dominican Republic: 43% from the south, 48% from the east, and 9% from the north. It also lends support to the reports of deportees apprehended in the north being deported from the southern border crossing.

K. Official Dominican Republic statistics give sporadic reports of deportations from the provinces. This is either due to (1) sporadic reports or (2) sporadic deportations or some combination of the two. If due to sporadic reports, it suggests that the true number of deportees is much higher. If it reflects sporadic deportations, this could be caused by the seasonal fluctuations in migrants to various provinces (deportations rise and fall in response to fluctuations in migration) or it could be caused by fluctuations in enforcement (officials decide to “crack down” in a particular province).

II. Data Description

This study describes the expulsion of Haitians and Dominicans of Haitian descent from the Dominican Republic from August 1999 to July 2000. It is based on an analysis of administrative records maintained by the Group d'appui aux refugies et repatries ("GARR"), an aid group working at the major southern border crossings and by Haiti's Office National de la Migration ("ONM") which maintains an office in Ouanaminthe at the major northern border crossing.

These data are a sample of the flow of expellees from the Dominican Republic. They provide us with a statistical profile of the characteristics of these expellees, but they do not inform us as to the total numbers expelled from the Dominican Republic. There is no reliable source for such counts.

GARR collected data on expellees in a 3-page questionnaire. We analyze a total of 674 questionnaires administered to those expelled between August 1999 and December 2000. ONM recorded basic information (name, age, profession, etc.) for each expellee on a list. We analyze 2,156 entries recorded between November 1999 and July 2000.

III. Who is Being Expelled?

Figures 1a and 1b present the age/sex distribution of those expelled according to ONM and GARR data. The population appears to be overwhelmingly male and concentrated in the age range 20-40. According to ONM data, about 80% of those expelled are men. About half are below age 27. About 8% are children below age 15 and 2% are older adults over age 60. About 4% were born in the Dominican Republic. Most of the adults have lived for at least 2 years in the Dominican Republic. Data from GARR shows broadly similar characteristics, with some important exceptions.

About 5% of GARR interviews were for children age 0-14, while 8% of ONM entries were for children aged 0-14. The low percent of children in the GARR data seems odd since by other measures such as time in the Dominican Republic and proportion female we expect that GARR data contains more deported families than ONM. This low count of children in GARR is probably caused by the survey implement: GARR used a 3 page interview form while ONM used an entry list format. It appears that children were not regularly interviewed by GARR. So counts of children based on counts of GARR interview forms are unreliable. Instead, we can count children using the GARR interviews of their parents which report the number of children accompanying the parent in the deportation. The 127 women aged 20-39 interviewed by GARR report a total of 193 children deported with them. Therefore, the ratio of children deported per woman aged 20-39 is 1.5. Using ONM data there is a much smaller ratio of 0.5 (171 children aged 0-14 and 309 women aged 20-39) indicating that far fewer children are being deported. This difference between ONM and GARR could be due to either underreporting of children in ONM or that migration flow measured by ONM contained far more women without children than in GARR.

The GARR data also provide us information on the number of children (whether deported or not). Women aged 20-39 report an average of 358 children, or about 2.8 children per woman. This is consistent with population data from Haiti which show a ratio of children aged 0-14 to women aged 20-39 of 3.0. The Haitian women living in the Dominican Republic appear to be quite similar to those living in Haiti based on fertility levels. Note that the average number of children deported per woman (1.5) is less than the average number of children per woman (2.8) because some women are deported leaving behind their children in the Dominican Republic (18%) and some women were living in the Dominican Republic without their children (22%).

Using our estimates of children based on parental reports in GARR, we can derive a new age distribution of deportees in which 19% of those deported are children aged 0-14 and 3% are elders aged 60+. Since children are very likely to have been born in the Dominican Republic, we would also adjust our estimate of the percent of deportees born in the Dominican Republic from 5% to 8%.

Table 1. Characteristics of those expelled from DR based on ONM and GARR data

	<u>ONM</u>	<u>GARR</u>	t-statistic testing that population means are the same (degrees of freedom and p-value in parentheses)
Number of respondents	2,156	674	
Dates of expulsions	November 1999 to July 2000	August 1999 to December 2000	
Peak months of expulsions (and number expelled)	November 1999 (498) March 2000 (852)	November 1999 (392)	
Percent female (over age 15)	21%	29%	-3.82 (964, .001)
Percent under age 15	8%	5% or 19%*	2.62 (1323, .008)
Percent over age 60	2%	4% or 3%*	-2.13 (894, .033)
Median age	27 years	30 years	-6.15 (1058, .001) (using mean ages)
Percent born in DR	4%	5% or 8%*	-1.47 (1001, .140)
Percent living for at least two years in DR	51%	77%	-13.0 (1313, .001)
Mean number of years lived in DR (GARR) and Mean number of years since last entered DR (ONM)	3.9 years	8.3 years	-11.4 (808, .001)

* Includes estimate of number of children deported based on parental interviews.

The other notable differences between ONM and GARR data is the length of time deportees lived in the Dominican Republic prior to deportation. GARR data shows an average of 8.3 years, twice that of ONM. This might simply reflect a difference in the migration flows measured by ONM and GARR. GARR may be counting more settled immigrants (this is also consistent with the finding that GARR counts more families). On the other hand, this may also reflect a difference in the wording of the questions in ONM and GARR. ONM asks for the date

of entry into the Dominican Republic, while GARR asks how long the respondent has lived in the Dominican Republic. It is quite possible that many of those interviewed by ONM may be listing their date of most recent entry rather than when they first entered the Dominican Republic.

Data from ONM also show the vast majority of men deported were working in agriculture as seen in Table 2a. GARR data also shows men primarily employed in agriculture, but with significant proportions in construction and factory jobs.

Table 2a. The main occupations (based on ONM data)

<u>Occupation</u>	<u>Women</u>	<u>Men</u>
Agriculture	23%	74%
Construction	2%	18%
Sales	47%	1%
Housekeeping	5%	0%
Unemployed	4%	1%
Other	18%	6%
Total	100%	100%

Chi-squared statistic = 1044.532, with d.f. = 7, p-value = < 0.001

Table 2b. The main occupations (based on GARR data)

<u>Occupation</u>	<u>Women</u>	<u>Men</u>
Agriculture	39%	55%
Construction	1%	24%
Sales	38%	4%
Housekeeping	20%	4%
Factory	3%	23%
Non business	3%	5%
Student	1%	1%
Other	25%	17%
Total	129%	135%

Note the figures add to more than 100% because respondents could check more than one occupation.

Education levels as indicated by the ability to sign one's name are quite low, with about half of expellees able to do so. Lower rates are found among women and older adults as seen in Table 3

Table 3. Percent of ONM respondents able to sign their name by sex and age group

Age	Men	Women	Both
10-19	50%	34	47
20-29	56	41	53
30-39	47	34	44
40+	29	25	29
Total	49	36	46

IV. How Are They Being Expelled?

Data from GARR provide us with both direct and indirect information on the process of expulsion. For the vast majority (88%) this represented their first repatriation to Haiti. Most (88%) were arrested. Of those arrested, 39% report being arrested at the bateye, 58% outside the bateye, and 3% at work. About one-third were imprisoned for a few days prior to deportation. About 10% report they were beaten. Few had documents: 1% with Haitian passports, 6% with Haitian identification cards, and 4% with Dominican Republic identification cards.

In addition, indirect information on the nature of the expulsions is provided by data on family separations and property left behind. According to the GARR data, 80 men reported they were deported with spouses and only 22 women reporting they were deported with spouses. If everyone were interviewed by GARR, these numbers should be equal. In the statistics that follow our analysis assumes that 11 of these women had husbands who were also interviewed by GARR and 11 did not.

Table 4. Deportees by location of spouse

	Men	Women
Not married	34%	14%
Married	66%	86%
Deported with spouse	20%	38%
Spouse remains in Dominican Republic	13%	19%
Spouse in Haiti	32%	27%
Spouse location not reported	1%	2%

The majority of those deported were married: 66% of men and 86% of women. About 1/3 of men were unmarried, 1/3 of men were married but their wives were living in Haiti, and about 1/3 of men were married and residing with their spouse in the Dominican Republic prior to expulsion. Women were more likely to be married and more likely to be living with their husbands than men. Significant numbers of deportees were separated from their spouses: 13% of men and 19% of women.

Table 5. Parents separated from children by deportation

	Percentage who have left children behind in Dominican Republic by marital status	Distribution of all those separated from their children by marital status
Not married	10%	20%
Deported with spouse	3%	3%
Spouse in Dominican Republic	57%	62%
Spouse in Haiti	7%	14%
Spouse location not reported	13%	1%
Total	16%	100%

Overall about 16% of deportees were separated from their children who remained in the Dominican Republic. In the majority of cases (62%), these children were apparently in the care of the other spouse. We do not know who cared for the children in the other 38% of cases in which no parent remained in the Dominican Republic. In 20% of the cases, the deported parent was unmarried. In 14% of the cases, the deported parent lived in the Dominican Republic while their spouse lived in Haiti. And in 3% of the cases, both parents were deported at the same time, leaving their children behind.

The vast majority of adults (78%) reported leaving behind property (in the form of wages, house, animals, gardens). Those expelled reported leaving behind wages (46%), animals (45%), gardens (47%) and houses (28%). Based on interview comments, we find an additional 9% reported leaving behind “belongings,” rather than property per se. About 15% of interviewer comments reported the expellee arrived “empty handed.”

V. Maps of Expulsions

In the GARR data, respondents reported where they had been working in the Dominican Republic when they were expelled. We matched these place names to latitude and longitude coordinates provided by the United States National Imagery and Mapping Agency. We were able to match 39% (or 134) place names representing the locations of 43% of expellees. Occasionally, places share a common name. For example, Santo Domingo is the name of the capital of the Dominican Republic and is also the name of 2 small cities located in the mountains. In these cases, we have selected the city with the lowest altitude. Most of the expulsion recorded in the GARR data occurred in November 1999. Figure 2a shows that the expulsions occurred throughout the country. Figure 2b graphs the location of 462 bateyes in the Dominican Republic (based on place names from NIMA with “Bateye” in the title). As is evident, bateyes are widespread throughout the country. The expulsion map shows a close correspondence with these bateyes as well as the main cities in the Dominican Republic. The main conclusion from the expulsion map is that expulsions were widespread throughout the country and not limited to border areas. Official Dominican Republic government data confirms this pattern of widespread expulsions with 6 provinces reporting expulsions in November 1999

(Santiago, 1067; Higuey, 739; Contanza, 383; Pedernales, 354; La Vega, 252; Santo Domingo, 188).

Based on key informant interviews, there was some sense that the Dominican Republic was involved in “repatriation redirection” in which expellees removed from the north of the Dominican Republic are expelled from the south and vice versa. The GARR data collected from the southern border crossings lends support to this hypothesis. As is evident in the expulsion maps, significant numbers of expellees are arrested in the north of the Dominican Republic and expelled in the south. Dividing the country into 3 major regions defined by 19 latitude and -70.2 longitude, we find 43% of expulsions from the south, 48% from the east, and 9% from the north.

VI. Timing of Expulsions

Figures 3a and 3b show the number of deportations by month based on GARR and ONM data. We observe peaks in deportations for the months of November 1999 and March 2000. The November 1999 peak corresponds to reports of mass expulsions. Figures 4a and 4b show deportations by day. Here we also observe distinct peaks of expulsions. Table 6 shows that the composition of deportees changes during this period: more families and more long-term residents are deported. Also significant is the large reduction in the percent of deportees who spend some time in prison. During the November 1999 mass expulsions, 22% of deportees reported being imprisoned during their deportation (much lower than the 55% observed during other months). This may be an indication of the “system” breaking down under the strain of mass expulsions with deportees taken directly to the border rather than being held in prisons.

Table 6. Comparison of expulsions during peak periods of November 1999 and March 2000

	<u>ONM</u> <u>Nov 1999</u>	<u>ONM</u> <u>Mar 2000</u>	<u>ONM</u> <u>Non-peak</u>	Chi-square statistic testing that population means are the same (degrees of freedom and p-value in parentheses)
Number of respondents	498	852	806	
Percent female	38%	15%	20%	99.35 (2, .001)
Percent under age 15	16%	7%	5%	52.720 (2, .001)
Percent over age 60	2%	1%	3%	7.822 (2, 0.020)
Mean age	26.5	27.1	29.5	242.129 (158, .001)
Percent born in DR	8%	3%	2%	32.939 (2, .001)
Percent living for at least two years in DR	45%	58%	48%	26.663 (2, .001)
Mean number of years living in DR	4.3 years	4.2	3.3	222.864 (74, .001)

	<u>GARR</u> Nov 1999	<u>GARR</u> non-peak	T-test statistic testing that population means are the same (degrees of freedom and p-value in parentheses)
Number of respondents	392	282	
Percent female	34%	25%	2.559 (634, .0107)
Percent under age 15	21%	14%	-0.533 (555, 0.594)
Percent over age 60	4%	3%	.705 (648, .481)
Mean age	31.2	31.4	-0.2021 (589,0.840)
Percent born in DR	8%	9%	-0.457 (585, .647)
Percent living for at least two years in DR	80%	73%	1.9583 (569, 0.051)
Mean number of years living in DR	9.1 years	7.2 years	2.5584 (519,0.011)
Arrested	97%	93%	2.0979 (403, 0.036)
In prison	22%	55%	-9.2792 (533, .001)
DR ID Card	4%	3%	0.7138 (649, 0.475)
Haiti ID Card	5%	6%	-0.4708 (577,0.638)
Haiti passport	1%	1%	-0.785 (489, 0.432)
Beaten	12%	9%	1.264 (644, 0.2067)
Separated from spouse			0.6838 (586, 0.494)
	18%	16%	
Separated from children	15%	17%	-0.953 (544,0.3408)
Wages left in DR	39%	50%	-2.9012 (595,0.004)
House left in DR	22%	35%	-3.6314 (551,0.001)
Garden left in DR	44%	46%	-0.6367 (603,0.525)
Animals left in DR	44%	44%	0.0672 (605,0.947)
First repatriation	87%	94%	-2.3737 (626,0.017)
Worked in Agriculture	49%	49%	-0.1448 (605,0.884)
Worked in Construction	12%	21%	-2.952 (522, 0.003)
Worked in Selling	13%	14%	-0.5335 (588,0.593)
Worked in Factory	19%	13%	2.0715 (649, 0.039)
Worked in Housekeeping	9%	7%	1.1024 (645,0.271)

Official Dominican Republic statistics report about 17,000 deportations in 1999. These are broken out by province and month in Table 7. The deportations for many provinces appear to be sporadic with many months with no deportations. This is either due to (1) sporadic reports or (2) sporadic deportations or some combination of the two. If due to sporadic reports, it suggests that the true number of deportees is much higher. If it reflects sporadic deportations, this could be caused by the seasonal fluctuations in migrants to various provinces (deportations rise and fall in

response to fluctuations in migration) or it could be caused by fluctuations in enforcement (officials decide to “crack down” in a particular province).

Table 7. Deportations by Province and Month in 1999

	Jan	Feb	Mar	Apr	Ma y	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Santo Domingo	705	482	1,038	1,176	21	836	1,005	553	1,315	556	1,067	516	9,270
Santiago	119	217	60	218	203	173	53	332	49	41	188		1,653
Higuey		556									739	155	1,450
Mao		442	28	334				265	407				1,476
Maco		334											334
Jarabacoa			251										251
La Vega			189							354	252		795
Bonao			63										63
Contanza					403						383		786
Bavaro								1,030					1,030
Barahona									42				42
Perdinales											354		354
Total	824	2,031	1,629	1,728	627	1,009	1,058	2,180	1,813	951	2,983	671	17,504

Source: “Relacion de Nacionales Hatianos Repatriados a su Pais de Origen en el año 1999.” Mimeo, Dirección General de Migración.

VII. Comparison of ONM Records to Official Dominican Republic Deportation Lists.

The Dominican government compiles deportation lists of those expelled which include the date expelled, name, age, and sex. We have these lists for various days for expulsions though Dajabon in the north and Jimani in the south. We can compare these lists to the data maintained by ONM in the north and GARR in the south. There are several difficulties in making this comparison.

In a completely documented case, an expellee would be questioned by Dominican officials and their name, age, and sex would be listed on the deportation list. The official would then give an “Orden de Repatriacion” paper (form AH-101) to the expellee. On crossing to the Haitian side of the border, the expellee would visit the ONM office or one of the GARR offices to receive assistance (the AH-101 form is required to receive such assistance except in rare circumstances). The expellees name, age, and other information would then be collected by GARR or ONM.

The first problem concerns the likelihood of complete and accurate records for the same individual in both sources. The Dominican Republic immigration or military officials collect information in Spanish. The names they report on the deportation list appear to be more Spanish-sounding than Creole or French. This may be a reflection of significant language barriers or perhaps the adoption of Spanish names by long term residents of Haitian descent.

This means that the same individual may appear in the Dominican Republic list under one name and in the GARR or ONM data under a different name. Matching will be quite difficult. Despite these problems, it is possible to find individuals who are listed in the Dominican Republic deportation lists and the ONM data. For example, we were able to identify one of the victims interviewed in both data sources.

The second problem is that expellees who do not possess the AH-101 form cannot receive migration assistance in Haiti, except in rare instances. This means they will not appear in the Haiti ONM data and in addition are unlikely to appear in the Dominican Republic deportation lists. Hence, there is a flow of expellees of unknown size which does not appear in either data source and cannot be estimated from these sources.

The third problem we encountered in making these comparisons is the limited overlap between the dates for which we have Dominican Republic deportation lists and the dates for which GARR or ONM report activity. The period we have analyzed below is for deportations reported by the Dominican Republic for the 14th-16th of March 2000 and for expellees recorded in ONM data for the 14th-17th of March 2000.

During the 3 day period from March 14th to 16th 2000, the Dominican Republic deportation lists record 441 deportations through the northern crossing of Dajabon. ONM records 497 individuals seeking assistance at their office during 4 days from March 14th and March 17th. The fact that these flows are roughly the same size is encouraging. The flows have about the same percentage of women, with the Dominican Republic data reporting women comprised 20% of deportations and the ONM data reporting women comprised 19% of those seeking help. Finally, the age pattern of flows seems quite consistent between the two sources as seen in Figures 5a and 5b. Note that there are also 13 minors reported in the Dominican Republic data for whom ages are not recorded. Figure 5b also shows that there is some age heaping on ages 20, 25, 30, 35, 40, and 45 in the Dominican Republic data. This usually occurs when either the interviewee does not know their own age or cannot understand the question or the interviewer guesses the person's age. The fact that we observe little age heaping in the Haiti ONM data suggests one of the latter 2 explanations.

Attempting to match solely on age and sex, we found 56 matches for women and 293 matches for men as reported in the table below. These overstate the number of matches since such a generous match criterion will include many false matches (two different individuals who have the same age and gender will be reported as a match).

Table 8a. Matches for women based on age

		Dominican Republic deportation list		Total
		Found	Not found	
ONM records	Found	56	34	90
	Not found	30		
Total		86		

Table 8b. Matches for men based on age

		Dominican Republic deportation list		Total
		Found	Not found	
ONM records	Found	293	80	373
	Not found	61		
Total		354		

Use of a more narrow criteria based on age, sex, and name initials results in far fewer matches as indicated in the table below.

Table 8c. Matches based on age, sex, and initials

		Dominican Republic deportation list		Total
		Found	Not found	
ONM records	Found	66	431	497
	Not found	375		
Total		441		

Use of this matching exercise for capture-recapture estimation of the unobserved flows (those not found in either the Dominican Republic lists or ONM data) is not advisable. Two of the basic assumptions of the technique are violated. First, these data sources are not independent of one another because appearing in the ONM data source is only possible if one has received an AH-101 form which is probably strongly associated with the probability of appearing on the Dominican Republic deportation list. Hence more matches are found than would be that case if the sources were independent of one another. Second, there is imperfect matching between sources due to the problems with names and ages noted earlier. There are no doubt many mismatches and missed-matches. The more generous the matching criteria, the greater the number of mismatches (falsely claimed matches).

The close correspondence between ONM and the official Dominican Republic lists in terms of overall size of the flow as well as sex and age composition most likely indicate that we have a reliable estimate of the number of expellees who received an AH-101 form. We have no information as to the size of the flow of expellees who were not issued such forms and hence do not appear in official Dominican Republic records nor in ONM administrative data.

VIII. Conclusion

Using administrative records maintained by ONM and GARR, our analysis focused on the characteristics of deportees, their treatment during deportation, and the personal and familial consequences of these deportations. To the best of our knowledge, this represents the sole source of systematic information about these Haitian deportees.

Figure 1a. Expellees by age and sex, ONM data

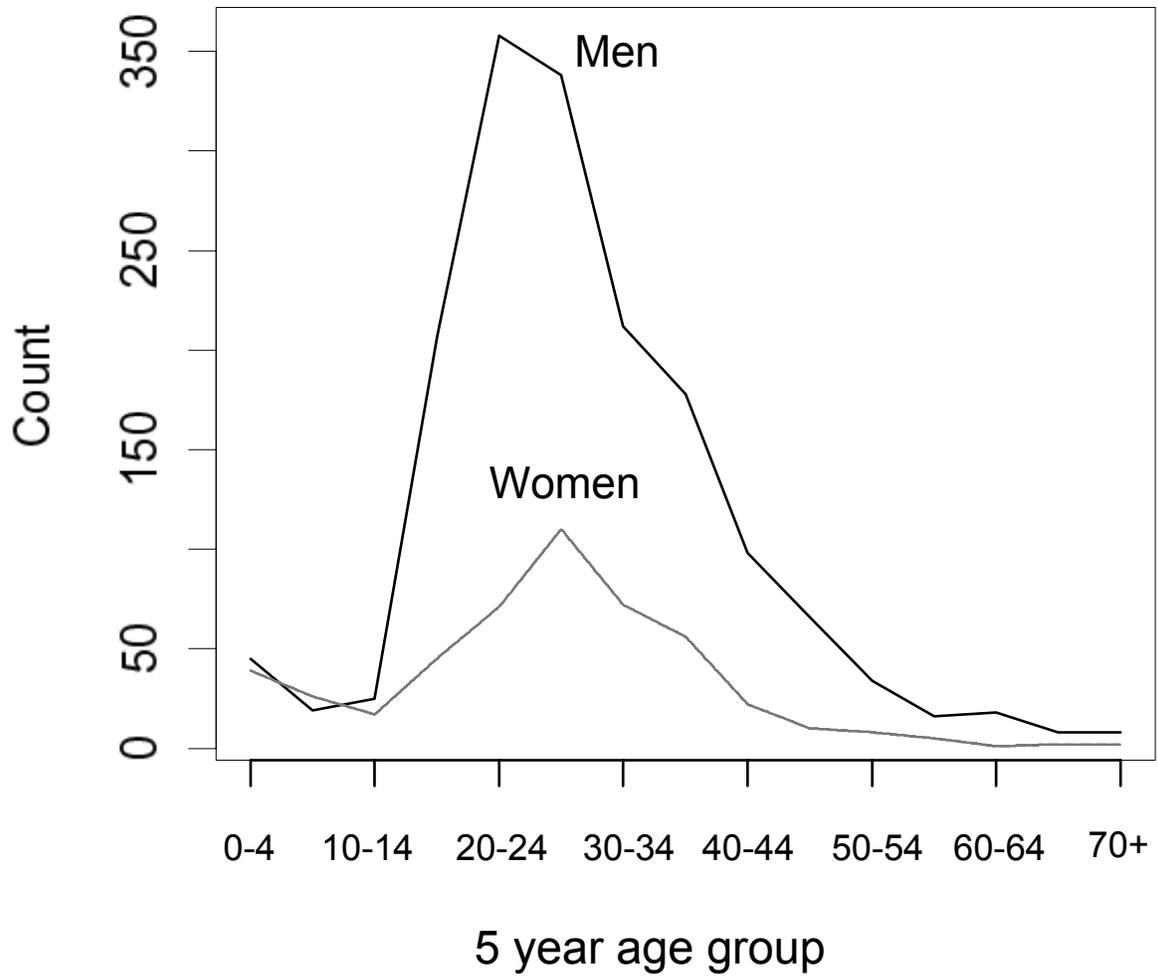


Figure 1b. Expellees by age and sex, GARR data.

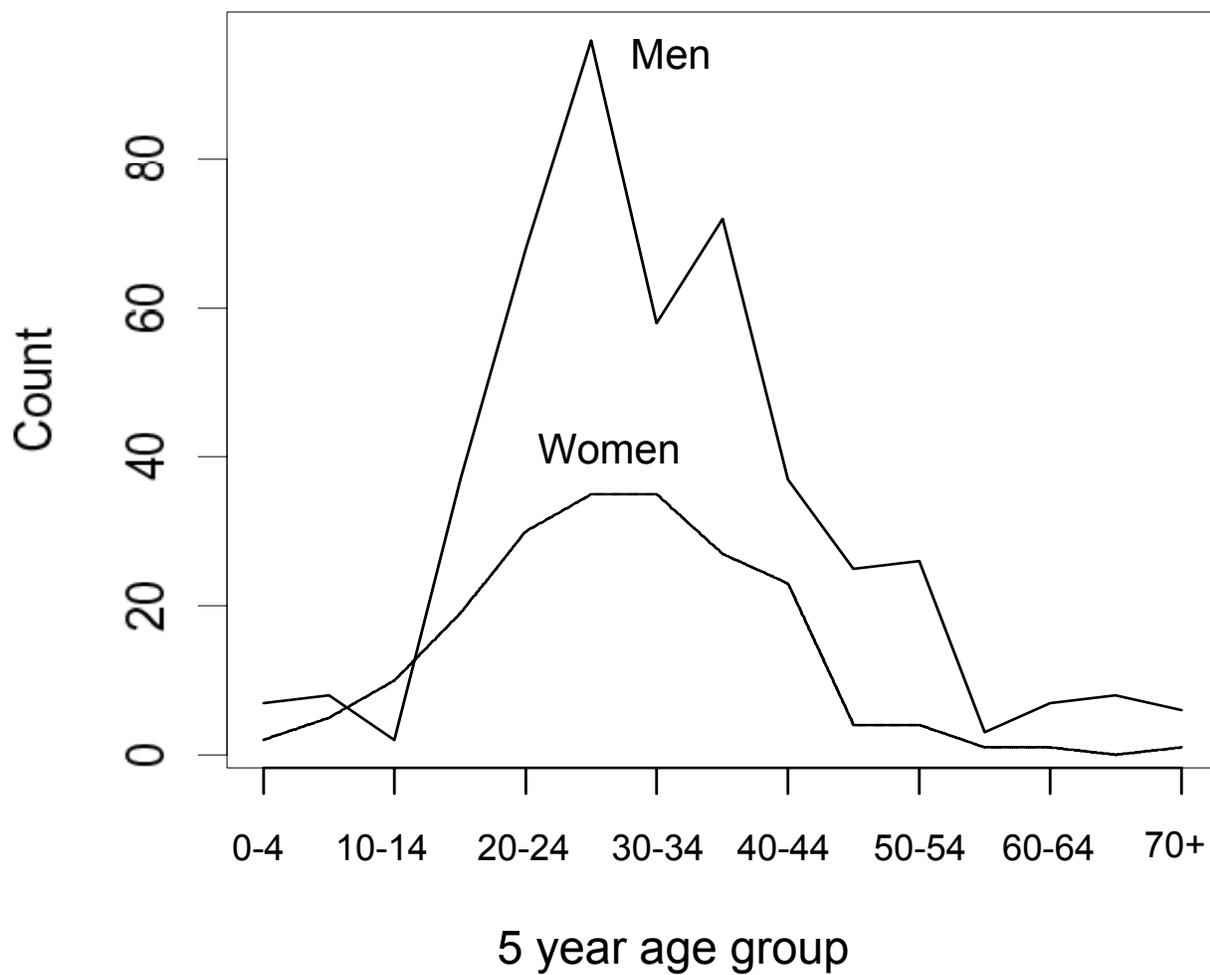


Figure 2a. Where deportees lived in the Dominican Republic

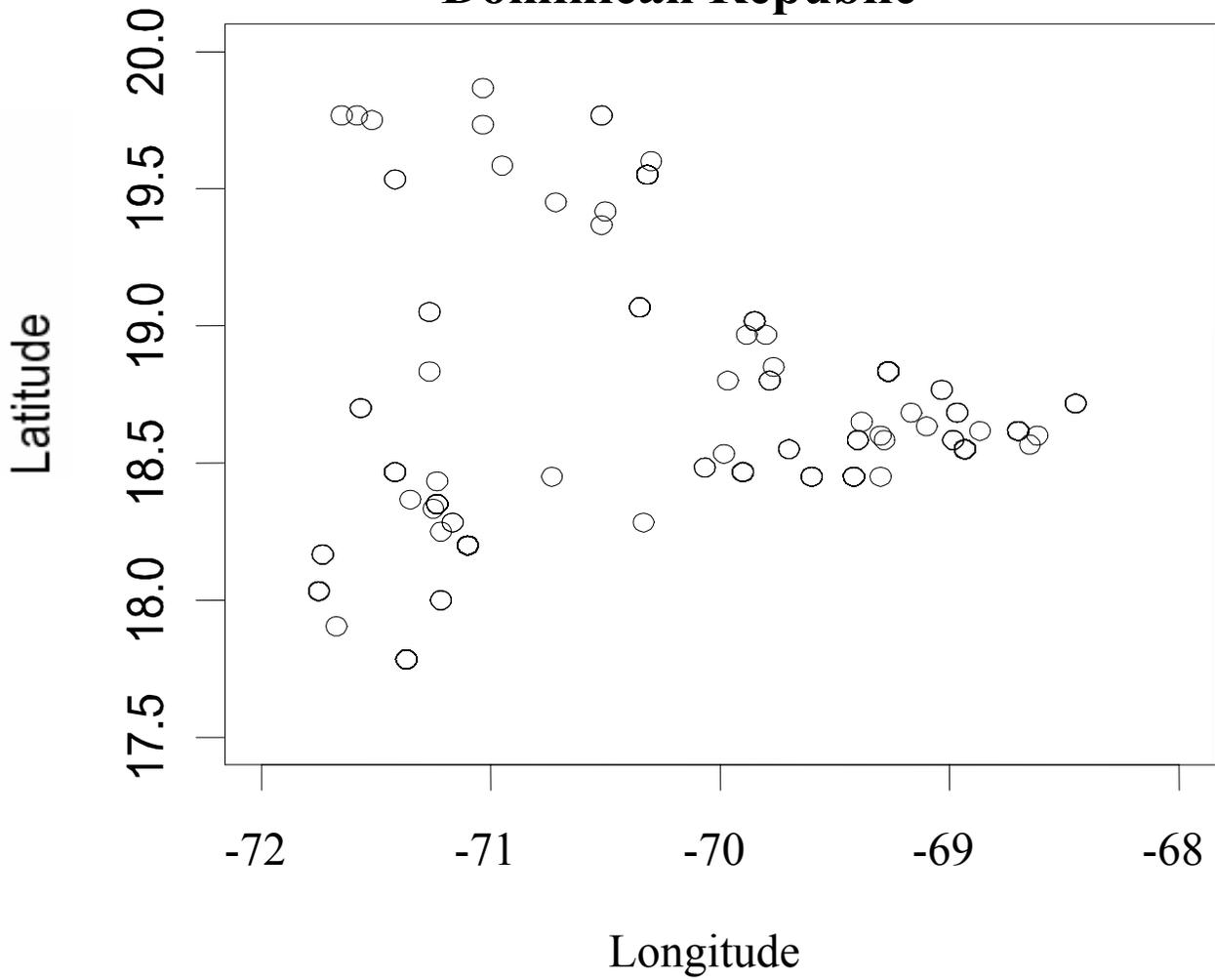


Figure 2b. Bateyes in the Dominican Republic

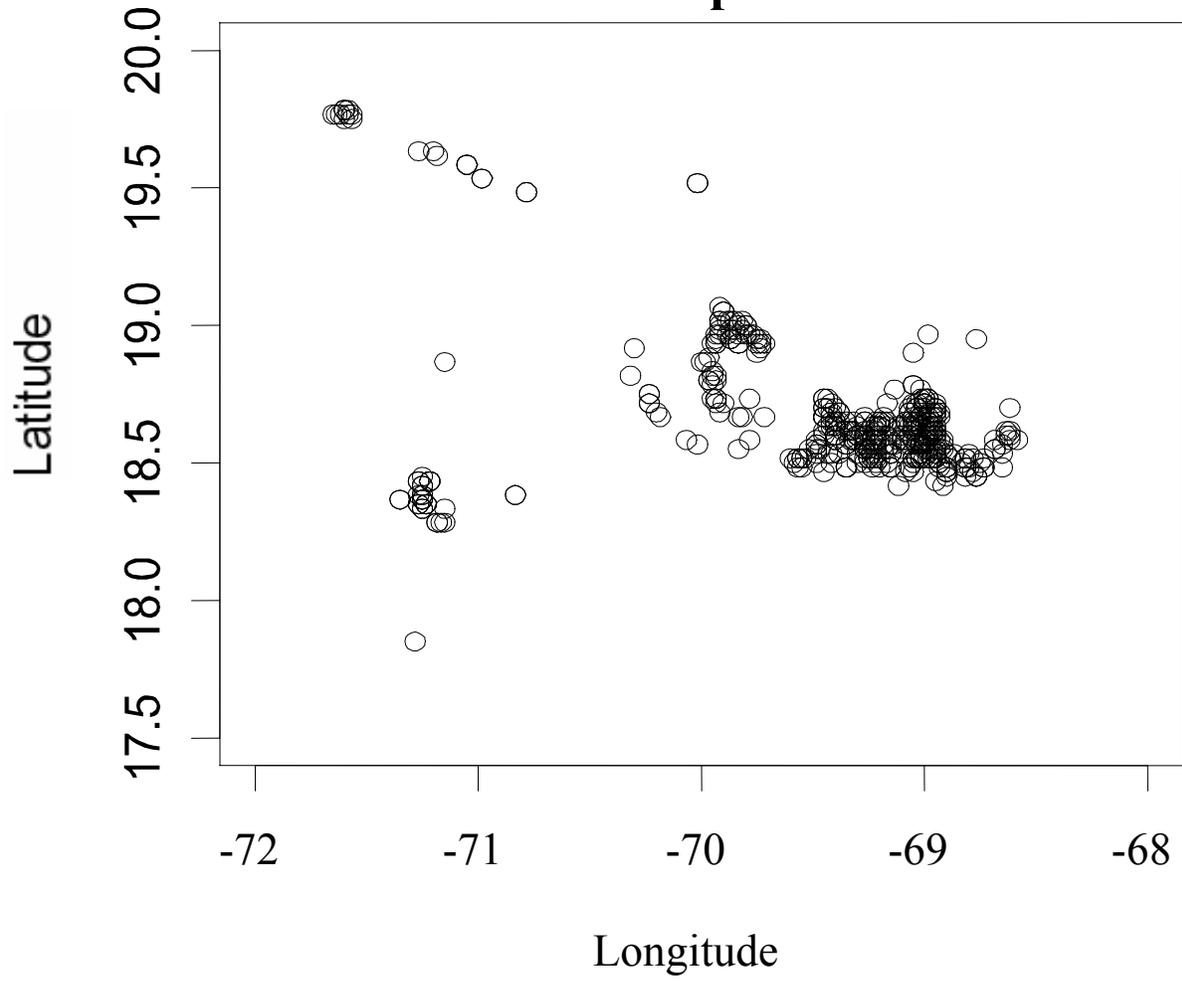


Figure 3a. OMN Monthly Exits: Nov 99 to July 00

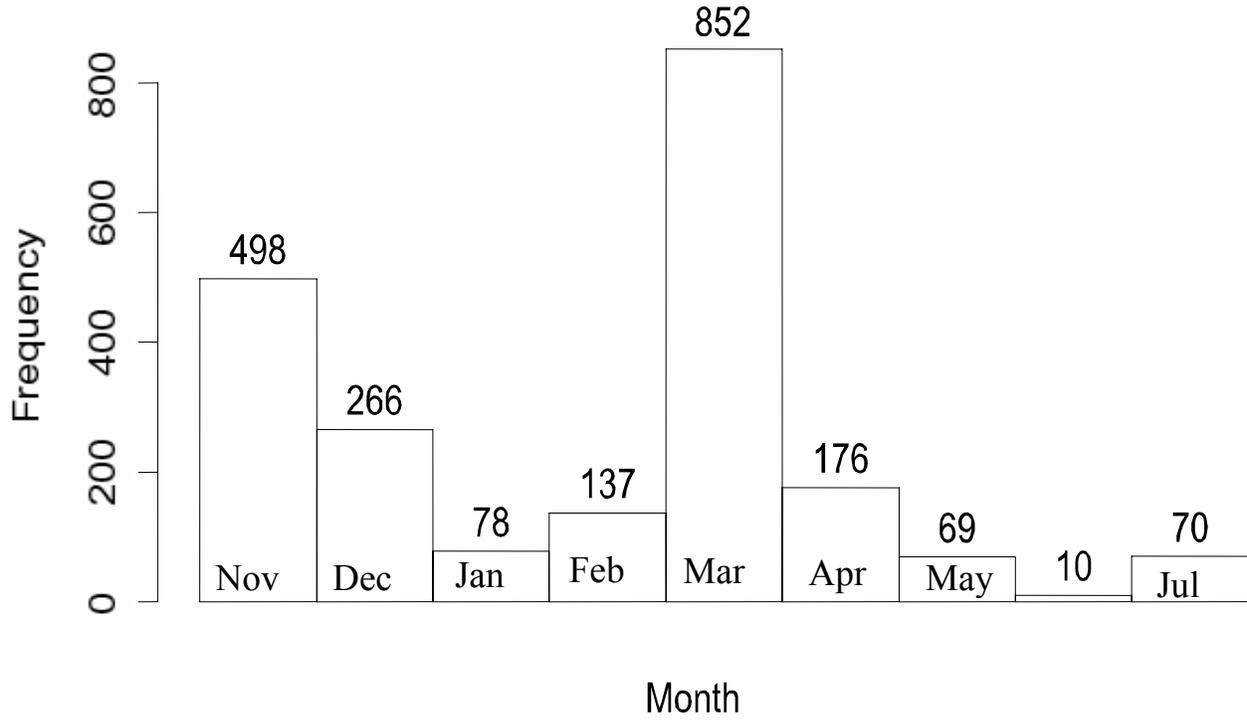


Figure 3b. GARR Monthly Exits: Aug 99 to Dec 00

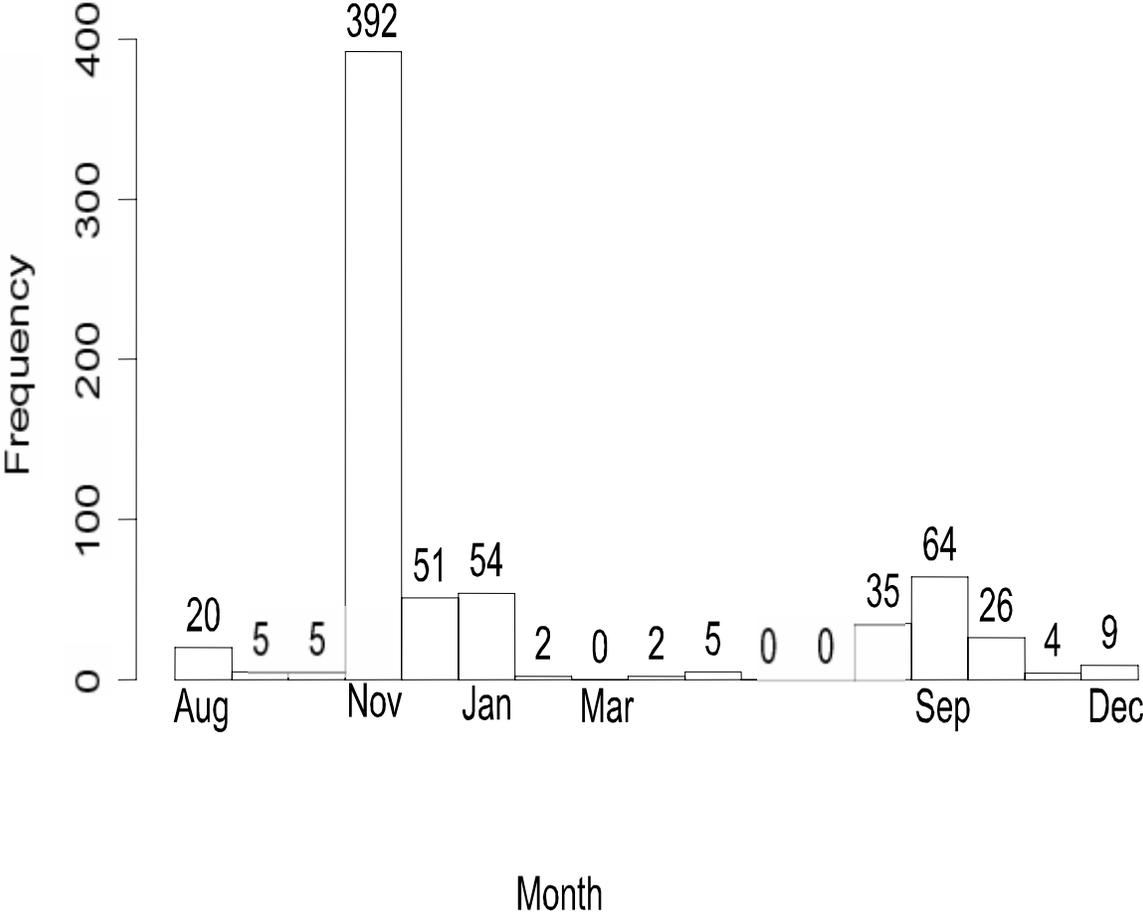


Figure 4a. OMN Daily Exits: November 20, 1999 to July 31, 2000

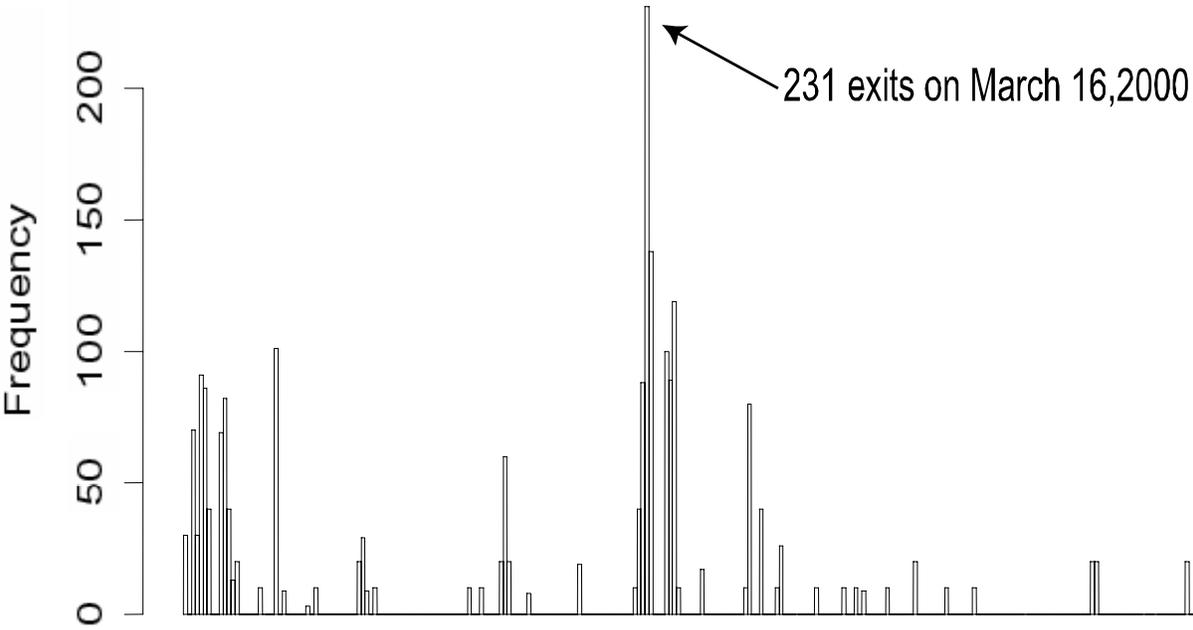


Figure 4a. GARR Daily Exits: August 1, 1999 to December 20, 2000

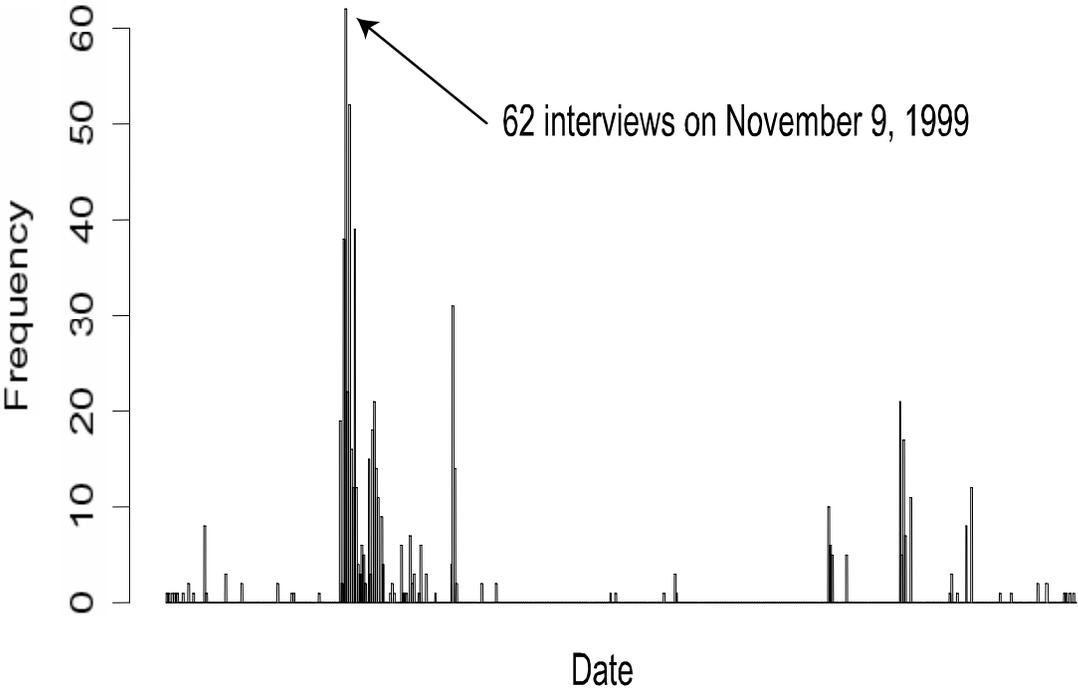


Figure 5a. Age distribution from ONM

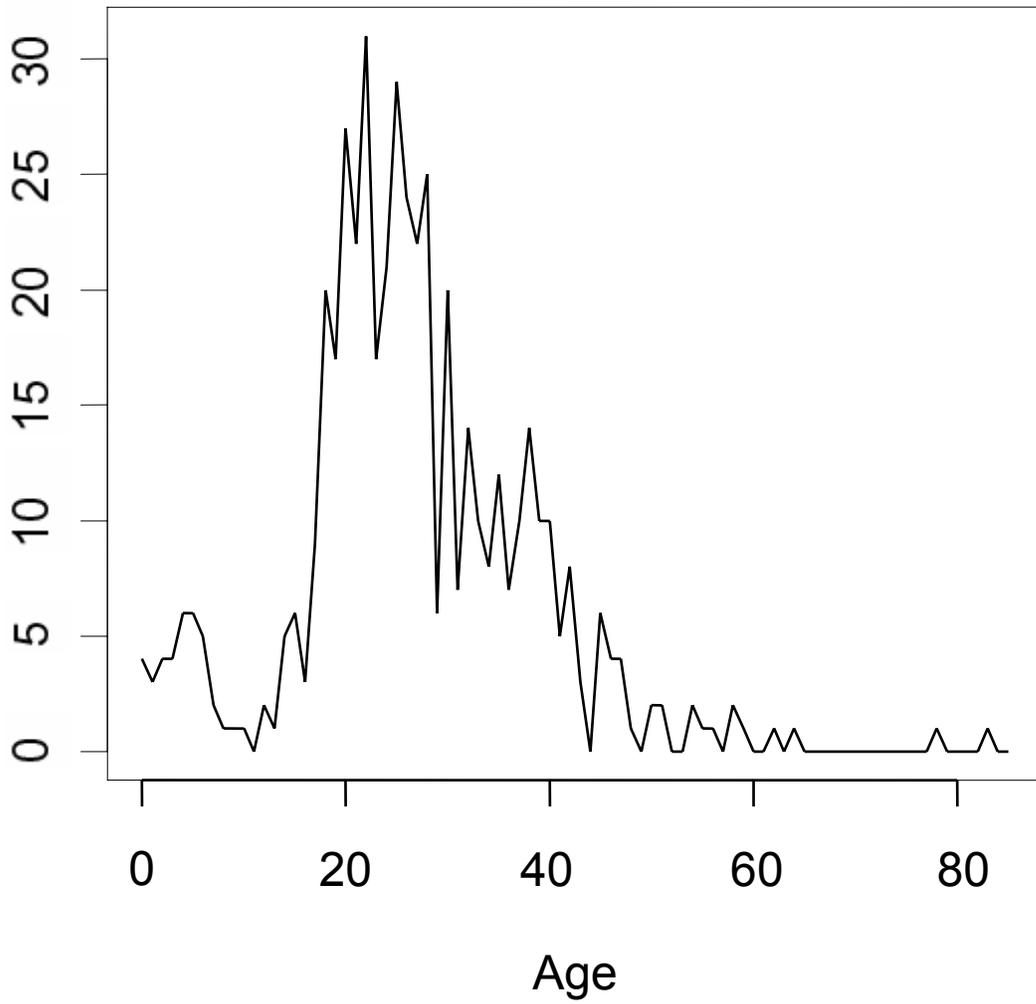


Figure 5b. Age distribution from the Dominican Republic list

