

Danilo Medina

President of the Dominican Republic

15 May 2014

No. 012313

H. E.
Abel Martinez Duran
President of the Chamber of Deputies
National Congress

Dear Mr. President:

In accordance with the powers to propose legislation vested in me under Article 96 of the Constitution of the Republic, I hereby submit through you for the consideration of the National Congress a draft "Law to establish a special regime for persons born on national territory who were irregularly registered in the Dominican Civil Registry, and on naturalization".

The bill that we are proposing is the outcome of a broad process of consultation and search for consensus among the various sectors of Dominican society. It is inspired by the fundamental principles on which our country is based, such as human dignity, freedom, equality, the rule of law, justice, solidarity and peaceful coexistence.

It is a proposal that is based on the sovereign exercise of the democratic organs of our State, on the national interest and on full observance of the rulings of our Constitutional Court and Dominican law.

Having consulted with different political, business and religious leaders of Dominican society, we are convinced that the final text we have agreed offers a responsible and balanced response to two fundamental needs: on the one hand, to safeguard national interests in strict compliance with the laws of the Republic, and on the other, to guarantee the fundamental rights of all persons who live in Dominican territory, and particularly those who were born and grew up in the country.

The reality is that the Dominican Republic has for decades had shortcomings in the registration, documentation and identification of both nationals and foreigners.

The fact that there are large numbers of people who are born in the national territory but who are not properly registered and who therefore lack legal identity is a reflection of an unacceptable weakness of our institutions. Our government is determined to reverse this state of affairs by taking concrete steps, among which are the recent agreement signed between the Ministry of Education and the Central Electoral Board, the Social Protection Investment Project being carried out by the Government's social cabinet in cooperation with the Electoral Board and with the support of the World Bank, as well as other initiatives already under way to properly register our population.

The present legislative initiative seeks to supplement those efforts by providing a response for a very specific population, namely, those persons who were born in the Dominican Republic of foreign parents, both of whom were in irregular status.

It is important to bear in mind that the parents of these persons, the majority of whom are children, are of more than one hundred different nationalities, and include nationals of the United States, Spain, the United Kingdom, Japan and Haiti.

We are convinced that when the mechanisms established in this law are implemented, we will be able to make significant progress towards the goal of giving all those who live in our country the documents that pertain to them, and thus ensure that they can go on with their lives.

Although all of the people who are the subject of this law share two characteristics, namely, that they were born in the Dominican Republic and are the children of foreign parents, they should be divided into two groups according to their current document status and thus different solutions will be found to the problems of each of the two groups.

First, there are those persons born in the Dominican Republic whose birth certificates were irregularly processed by government officials even though the declarants had not met the requirement of presenting a valid identification card at the time of registration. However, based on that documentation, those persons have acted on the presumption that they enjoy Dominican nationality.

We are speaking in this case of people born in the Dominican Republic, who have always lived in our country, who think of themselves as Dominicans and who in all cases also have an official document issued by the Dominican State which enabled them to lead their civil lives with certainties and specific expectations based on that documentation.

The fairest, most rapid and definitive form of ending the uncertainty felt by these people and their descendants is to regularize these documents, and remove forever the possibility that their rights might be restricted because of administrative failings for which they had no responsibility and in which they did not participate.

It is important to note that only those persons registered in the Dominican Republic's civil registry between 1929 and 2007 may apply for the benefits of this legislative initiative, which means that the population so defined is capped in number and cannot increase in the future.

We also propose that all civil acts of those persons who are in this situation and who will be beneficiaries of this law be recognized retroactively to their date of birth.

It will allow these men and women, who have lived their entire lives with a legal identity as Dominicans, who in many cases obtained their identity cards and their primary and secondary school certificates, and some of whom indeed voted or married on the basis of that documentation, to have their documents recognized once and for all as valid and therefore to continue their lives as normal.

A second group, different in nature, is composed of children of foreigners who are able to prove that they were born in the Dominican Republic but who were not registered in any public registry. This group must apply to the Plan for the Regularization of Foreigners in Irregular Status, currently in process and may later, if they so decide, apply for the naturalization procedure established in the law on the matter.

As provided in current immigration law, those persons may register first in the foreigners' registry provided they provide proof of their birth by the means stipulated in the regulations of this law. Those persons who are able to prove their birth but who are not yet registered in the foreigners' registry will have 90 days in which to file their request with the Ministry of the Interior and Police.

Individuals will have 60 days starting from the date of registration in the foreigners' registry in which to avail themselves of the provisions of Decree 3271-13, which institutes the National Plan for the Regularization of Foreigners in irregular immigration status.

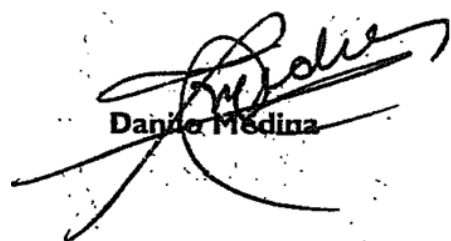
Once they have duly completed the process of regularization and have obtained the pertinent immigration status in accordance with the categories set out in the current Immigration Law, the children of foreigners who were born in the Dominican Republic may, two years after obtaining regular status, opt for the naturalization process stipulated in the law regulating the matter.

We understand that rigorous mechanisms must be set in place to protect the integrity of the Civil Registry, and therefore no benefit will be granted to persons who directly or indirectly participated in any type of fraud or serious irregularity. The bill calls for criminal penalties for interested parties and for government officials who engage in falsification or other illicit practices.

Finally, we are convinced that approval of this bill is a historic opportunity to move forward in building a country where there is true equality and social justice and that guarantees the right of all persons to an identity, a country where none are excluded or discriminated against, where the fundamental rights of persons and respect for the sovereignty and the laws of the Republic go hand in hand towards the same goal: the pursuit of happiness.

We have no doubt that the legislative proposal we are presenting will strengthen our institutions, bring us together as a people, and invigorate us as a nation. More than that, it will show the world the greatness of the Dominican people and our capacity to find solutions based on dialogue and consensus, with first place always being given to the wellbeing of each human being, particularly the most vulnerable.

GOD, COUNTRY AND LIBERTY



Danilo Medina