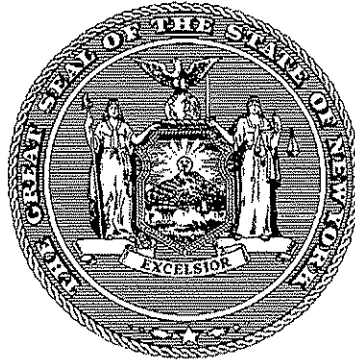


# STATE OF NEW YORK



## The Legislature

### In Senate

### In Assembly

LEGISLATIVE RESOLUTION supporting House of Representatives Resolution 443 (2013-14), and the work of diverse groups opposing the Dominican Republic Constitutional Court rendering hundreds of thousands of Dominican born persons stateless

Introduced by

Sen. \_\_\_\_\_

The Senators whose names are circled below wish to join me in the sponsorship of this resolution:

s15 Addabbo	s01 LaValle
s46 Amedore	s52 Libous
s11 Avella	s45 Little
s42 Bonacic	s05 Marcellino
s04 Boyle	s43 Marchione
s44 Breslin	s07 Martins
s38 Carlucci	s25 Montgomery
s14 Comrie	s40 Murphy
s03 Croci	s54 Nozzolio
s50 DeFrancisco	s58 O'Mara
s32 Diaz	s62 Ort
s18 Dilan	s80 Panepinto
s31 Espaillat	s21 Parker
s49 Farley	s13 Peralta
s17 Felder	s30 Perkins
s02 Flanagan	s61 Ranzenhofer
s55 Funke	s48 Ritchie
s59 Gallivan	s33 Rivera
s12 Gianaris	s56 Robach
s22 Golden	s19 Sampson
s47 Griffo	s10 Sanders
s20 Hamilton	s23 Savino
s06 Hannon	s41 Serino
s36 Hassell-Thompson	s29 Serrano
s27 Hoylman	s51 Seward
s63 Kennedy	s09 Skelos
s34 Klein	s26 Squadron
s28 Krueger	s16 Stavisky
s24 Lanza	s35 Stewart-Cousins
s39 Larkin	s53 Valesky
s37 Latimer	s08 Venditto
	s57 Young

Senate introducer's signature

Introduced by

M. of A. \_\_\_\_\_

The Members of the Assembly whose names are circled below wish to join me in the sponsorship of this resolution:

a049 Abbate	a045 Cymbrowitz	a011 Jean-Pierre	a057 Mosley	a111 Santabarbara
a092 Abinanti	a053 Davila	a135 Johns	a039 Moya	a029 Scarborough
a084 Arroyo	a034 DenDekker	a077 Joyner	a003 Murray	a016 Schimel
a035 Aubry	a054 Dilan	a020 Kaminsky	a133 Nojay	a140 Schimminger
a120 Barclay	a081 Dinowitz	a094 Katz	a037 Nolan	a076 Seawright
a106 Barrett	a147 DiPietro	a074 Kavanagh	a130 Oaks	a087 Sepulveda
a060 Barron	a115 Duprey	a142 Kearns	a069 O'Donnell	a065 Silver
a082 Benedetto	a004 Englebright	a040 Kim	a051 Ortiz	a027 Simanowitz
a042 Bichotte	a109 Fahy	a131 Kolb	a091 Otis	a052 Simon
a079 Blake	a071 Farrell	a105 Lalor	a132 Palmesano	a036 Simotas
a117 Blankenbush	a126 Finch	a013 Lavine	a002 Palumbo	a104 Skartados
a062 Borelli	a008 Fitzpatrick	a134 Lawrence	a088 Paulin	a099 Skoufis
a098 Brabenec	a124 Friend	a050 Lentol	a141 Peoples-Stokes	a022 Solages
a026 Braunstein	a095 Galef	a125 Lifton	a058 Perry	a114 Stec
a044 Brennan	a137 Gantt	a072 Linares	a059 Persaud	a110 Steck
a119 Brindisi	a007 Garbarino	a102 Lopez	a086 Pichardo	a127 Stirpe
a138 Bronson	a148 Giglio	a123 Lupardo	a089 Pretlow	a112 Tedisco
a046 Brook-Krasny	a080 Gjonaj	a010 Lupinacci	a073 Quart	a101 Tenney
a093 Buchwald	a066 Glick	a121 Magee	a019 Ra	a001 Thiele
a118 Butler	a023 Goldfeder	a129 Magnarelli	a012 Raia	a061 Titone
a103 Cahill	a150 Goodell	a064 Malliotakis	a006 Ramos	a031 Titus
a145 Ceretto	a075 Gottfried	a030 Markey	a078 Rivera	a055 Walker
a033 Clark	a005 Graf	a090 Mayer	a128 Roberts	a146 Walter
a047 Colton	a100 Gunther	a108 McDonald	a056 Robinson	a041 Weinstein
a032 Cook	a139 Hawley	a014 McDonough	a068 Rodriguez	a024 Weprin
a144 Corwin	a083 Heastie	a017 McKeivitt	a067 Rosenthal	a113 Woerner
a085 Crespo	a028 Hevesi	a107 McLaughlin	a025 Rozic	a143 Wozniak
a122 Crouch	a048 Hikind	a038 Miller	a116 Russell	a070 Wright
a021 Curran	a018 Hooper	a015 Montesano	a149 Ryan	a096 Zebrowski
a063 Cusick	a097 Jaffee	a136 Morelle	a009 Saladino	a043

Assembly introducer's signature

### INTRODUCTION OF ALL RESOLUTIONS

#### To introduce this resolution:

Sign one copy, circle co-sponsors and hand it up at the desk of the house with six other completed and signed copies

#### If the resolution is to be offered in the other house:

Sign the remaining copy and give that to the sponsoring member of the other house together with six other completed and signed copies

02/27/15

LBDC(P) 04-22-15

WHEREAS, New Yorkers have a long history of diverse activism and advocacy regarding issues of equality and civil rights; and

WHEREAS, In September 2013, the Constitutional Court of the Dominican Republic issued a ruling that affected all persons born in the Dominican Republic as far back as 1929, stripping the children of undocumented migrants, despite their Dominican birth and registration, of Dominican citizenship, and denationalizing nearly 200,000 Dominicans of Haitian descent; and

WHEREAS, In May 2014, the Dominican Republic passed Naturalization Law 169-14, which required persons affected by the 2013 Constitutional Court's decision to be re-recognized as citizens or apply to gain state recognition based on their birth status and year, all the while setting unrealistic timetables and overly-burdensome registration requirements that have had a disproportionate and discriminatory impact on Dominicans of Haitian descent; and

WHEREAS, Later that same year, as an act of defiance in response to a ruling by the Inter-American Court of Human Rights that deemed the 2013 and 2014 actions of the Dominican Republic to be a clear violation of its own constitution, the Constitutional Court declared the Dominican Republic no longer recognized the authority of the Inter-American Court, which removed one of the few options that all Dominicans, including Dominicans of Haitian descent, still had to appeal to a higher power for judicial review on the human rights' impact of the decisions of the Dominican Republic's government; and

WHEREAS, By the time the deadlines set in the 2014 naturalization law had run their course, only a few thousand individuals who were eligible to be re-recognized or gain state recognition actually were able to meet the law's requirements, rendering tens of thousands of individuals still unregistered and vulnerable to deportation, discrimination and loss of livelihood; and

WHEREAS, The Constitutional Court's ruling effectively stripped these persons of their identity and affiliation with the Dominican Republic, rendering them stateless, and subjecting them to the risk of deportation from the country of their birth based solely on their heritage; and

WHEREAS, The Constitutional Court's ruling interpreting the Dominican Constitution to retroactively convey citizenship on the basis of parents' immigration status, instead of on the basis of birth in the territory of the Dominican Republic, is a violation of international law and has opened the door for legally justified and institutionalized discrimination; and

WHEREAS, Both rulings of the Constitutional Court and Law 169-14 have further separated Dominicans of Haitian descent from the larger Dominican community, allowing them to be more easily targeted by those perpetrating acts of discrimination and violence; and

WHEREAS, In the absence of any due process protections, the recent deportations and the continued threat of deportations faced by Dominicans of Haitian descent, with no family or social networks in Haiti from which they can draw support, further underscores the precarious conditions to which Dominicans of Haitian descent are subjected; and

WHEREAS, Article 15 of the Universal Declaration of Human Rights, of which the Dominican Republic and the United States are signatories, guarantees all people the right to nationality and states that, "No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality"; and

WHEREAS, Congressman Gregory W. Meeks sponsored Resolution HR 443, which resolves that it is the United States' policy to promote a right to nationality without arbitrary deprivation by any state, as articulated in Article 15 of the Universal Declaration of Human Rights; the Resolution also calls upon the United States Ambassador to the Organization of American States (OAS) to pursue a multilateral approach to promptly address the potential crisis in the Dominican Republic that may render hundreds of Dominican born persons stateless; and

WHEREAS, Civil rights, human rights, academic, legal, political, and dozens of other groups across New York State, including the United States National Bar Association, Robert F. Kennedy Center for Justice and Human Rights, 1199 Service Employees International Union (1199 SEIU), Amnesty International (AI), Haitian American Lawyers Association of New York (HALANY), Coalition of Dominicans Against Racism (CDAR), We Are All Dominicans (WAAD), Haitian American Caucus (HAC), Haitian American Association for Political Action-PAC (HAAPA-PAC), Haitian Round Table (HRT), HABNET Chamber of Commerce, Haitian American Nurses Association of Greater New York (HANA-NY), Friends of Haiti 2010, Make the Road, Border of Lights, Northern Manhattan Coalition for Immigrant Rights, and Ahora/NOW are calling for immediate action by the Dominican government to reverse the effects of the Constitutional Tribunal rulings and Law 169-14; and

WHEREAS, New York State, a home to hundreds of thousands of Haitians and Dominicans, welcomes people from all places and supports the universal application of civil and human rights, whose citizens have a true stake in the actions of the Dominican Republic's government; now, therefore, be it

RESOLVED, That this Legislative Body pause in its deliberations to express its concern and outrage over the rulings of the Constitutional Court of the Dominican Republic and the poor implementation of Law 169-14, and the increasing violence against those of Haitian descent, and as such, supporting House of Representatives Resolution 443 (2013-14), sponsored by Congressman Gregory W. Meeks, opposing the decision of the Dominican Republic Constitutional Court that places hundreds of thousands of Dominican born persons at risk of statelessness; and be it further

RESOLVED, That the Assembly of the State of New York was heartened to learn of the recent lower court decision issued by the Supreme Administrative Tribunal in January of 2015, directing the Central Electoral Board to issue birth certificates and identity cards to 158 Dominicans of Haitian descent pursuant to Law 169-14, and encourages all the judicial and administrative branches of the government to continue to comply with the law's obligations, and that all procedural barriers to the implementation of Law 169-14 be removed, the deadlines extended, and to take any further actions necessary to mitigate the effects of the Constitutional Tribunal's rulings; and be it further

RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to the Permanent Representative of the Dominican Republic to the United Nations, the National Haitian American Elected Officials Network for delivery to governmental representatives of the Dominican Republic in May 2015, and the aforementioned stakeholders from New York State.

RESOLEG

SHORT TITLE: Urging the United States Congress to adopt House of Representatives Resolution 443

BLURB: HR 443-adopt