

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, NJ

No. **MC 15-0512-34**

Date of Adoption **May 12, 2015**

APPROVED AS TO FORM AND LEGALITY ON THE BASIS OF FACTS SET FORTH BY

Legislative Research Officer

PRESENTED BY COUNCIL MEMBER

FREDERIC

SECONDED BY

INMAN

RESOLUTION URGING THE DOMINICAN REPUBLIC TO COMPLY WITH INTERNATIONAL NORMS AND REGULATIONS

WHEREAS, the Township of Irvington has a long history of addressing and advocating the rights of their residents to enjoy justice, freedom and equal access to opportunities for all; and

WHEREAS, in September 2013, the Constitutional Tribunal of the Dominican Republic issued decision TC 168-13 stripping retroactively the Dominican citizenship and nationality of many including nearly 220,000 born in Dominican Republic after 1929 of Haitian parents. This decision violates the ruling of the Inter-American Court of Human Rights holding that a parent's immigration status could not affect a child's citizenship. It also violates the Dominican Republic's own previous Constitution which provided that those born on Dominican soil, such as in this case, are vested with the rights, privileges and duties of Dominican citizenship; and

WHEREAS, in May 2014, in response to domestic and international outcry against the retroactive denationalization of so many, the Dominican Republic government enacted Naturalization Law 169-14 providing a path to regain citizenship for those affected by the TC 168-13 Court decision. Under the law, Group A, those affected Dominicans whose birth was already registered with the government, could apply to have their citizenship re-recognized at any time. However, Group B, those affected Dominicans with no birth registry, had 180 days, or until Feb. 1, 2015, to obtain a residency permit with the possibility of applying for naturalization in 2 years; and

WHEREAS, this Naturalization Law 169-14 has been poorly drafted, promoted and implemented from its inception. Many of the people in Group A have yet to receive their citizenship papers because their documents are routinely refused under pretext of irregularities. As for people in Group B, the Dominican Republic government failed to carry out an effective information campaign about the law, delayed the establishment of offices to process re-recognition citizenship applications, and government officials would routinely demand applicants to submit oppressive proof such as producing seven (7) pure Dominican witnesses and additional documents often not requested by the law. The majority of people in Group B belongs to the most disadvantaged sector of Dominican society and live in remote areas in abject conditions. As a result, according to the Dominican Minister of Interior, out of the eligible 110,000 of Group B only 8,755 had registered by the deadline. Those 100,000 plus who failed to re-establish their citizenship are now stateless and facing deportation by June 17, 2015; and

WHEREAS, in October 2014, the Inter-American Court of Human Rights found that the Constitutional Tribunal decision and part of Naturalization Law 169-14 relating to Group B violated the American Convention on Human Rights. The Dominican authorities rejected said ruling and refused to comply with its mandates; and

WHEREAS, these unjust laws have created a xenophobic attitude toward Haitians and affected Dominicans that of time translate into acts of violence and even death by torture, mob attacks and lynching; and

WHEREAS, civil rights, human rights, academic, legal, political, and dozens of other groups across New York State, New Jersey 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), National Haitian American Elected Officials Network (NHAEON), 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 amend the effects of the Constitutional Tribunal rulings and amend the requirements of Law 169-14; and

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that this Legislative Body pause in its deliberations to express its concern and outrage over the 168-13 and 169-14 rulings of the Constitutional Court of the Dominican Republic, and the increasing xenophobia and violence against those Haitian descent in Dominican Republic. The body stands in opposition to the decision of the Dominican Republic Constitutional Court rendering hundreds of thousands Dominicans stateless without freedom, justice, equality and the pursuit of happiness afforded to a citizen of the democratic country; and

BE IT FURTHER RESOLVED, that the Irvington Township encourages all the judicial and executive branches of the Dominican Republic government to comply with international norms and regulations, and that all procedural barriers to the implementation of Law 169-14 be removed, the deadlines extended, and re-instate the citizenship of the affected Dominicans; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Dominican Consulate and spread upon the minutes of this governing body in lasting tribute to make a difference for the betterment of Dominicans in our municipality and Dominican Republic.

RECORD OF COUNCIL VOTE

X = Indicates Vote N.V. = No Vote A.B. = Absent

| COUNCIL MEMBER | YES | NO | N.V. | A.B. | COUNCIL MEMBER | YES | NO | N.V. | A.B. |
|-----------------------------|-----|----|------|------|---------------------------|-----|----|------|------|
| BURGESS, 1ST VICE PRESIDENT | X | | | | JONES, 2ND VICE PRESIDENT | X | | | |
| COX | X | | | | LYONS | X | | | |
| HUDLEY | X | | | | FREDERIC, PRESIDENT | X | | | |
| INMAN | X | | | | | | | | |

PRESIDENT OF COUNCIL [Signature] MUNICIPAL CLERK [Signature] DATE May 12, 2015

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Municipal Council. In witness whereof I have hereunto set my hand and the Corporate Seal of the Township of Irvington.

MUNICIPAL CLERK [Signature] DATE MAY 12 2015

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 OCDP~AD ☐ P&R ☐ PAYROLL ☐ POL~DIR ☐ POL~CF ☐ PURCH ☐ SEC~PB/BA ☐ TA ☐ TAX~AS ☐ TAX~COL ☐ TRAFFIC ☐ UEZ ☐
 ZONING~OFF ☐ DLGS ☐ GNCD ☐ OTHER(S): _____