



LatinoJustice PRLDEF
99 Hudson Street, 14th floor
New York, NY 10013-2815
Tel: 212.219.3360
Fax: 212.431.4276
800.328.2322

via E-mail

September 22, 2015

Dr. A. Gabriel Esteban
President, Seton Hall University
president@shu.edu

Dr. Andrea Bartoli
Dean, School of Diplomacy and International Relations
andrea.bartoli@shu.edu

Re: Mr. Leonel Fernández's Visit to Seton Hall University

Dear President Esteban and Dean Bartoli:

We, the undersigned, consisting of lawyers, elected officials, religious leaders, activists, and citizens from diverse nationalities write to express our vociferous protest and opposition to Seton Hall University's decision to invite Leonel Fernández, former president of the Dominican Republic and architect of the current statelessness and human rights crisis in his country to speak at the University on September 23, 2015 to solidify a cooperative arrangement with you.¹

On September 23, 2013, two years to the exact date of Mr. Fernández's upcoming appearance, the Dominican Republic Constitutional Court issued a ruling (TC 168/13) that stripped tens of thousands of people who were born in the Dominican Republic of their citizenship, creating the largest population of stateless people in the Western Hemisphere.² The ruling and its intended consequences have been condemned by the international community³ and documented by reputable research institutions,⁴ international agencies⁵ and the media.⁶ Moreover, prominent Dominican constitutional scholars and the

¹"School of Diplomacy to Host Former President of the Dominican Republic"
(<https://www.shu.edu/news/article/519818#.VgCRDVKFPIW>).

²"Erased: Why Tens of Thousands of Haitian Youth Do Not Officially Exist"
(<http://www.theatlantic.com/international/archive/2012/04/erased-why-tens-of-thousands-of-haitian-youth-do-not-officially-exist/255623/>).

³ Caribbean Community (CARICOM) (<http://antiguaobserver.com/caricom-chairman-reiterates-regional-position-on-dominican-republic-court-ruling/>); United Nations Office of the High Commissioner (<https://dominicanosxderecho.wordpress.com/2014/11/08/onu-expresa-preocupacion-por-fallo-dominicano-sobre-la-corte-interamericana-de-derechos-humanos/>); Inter-American Commission on Human Rights (http://www.oas.org/en/iachr/media_center/PReleases/2014/130.asp).

⁴"Left Behind: How Statelessness in the Dominican Republic Limits Children's Access to Education" is a report by Georgetown Law School exploring the effects of statelessness on children. (<http://www.law.georgetown.edu/academics/centers-institutes/human-rights-institute/fact-finding/statelessness.cfm>); "Justice Derailed: The Uncertain Fate of Haitian Migrants and Dominicans of Haitian Descent in the Dominican Republic" was published in June 2015 by John Hopkins International Human Rights Clinic. (<https://www.sais-jhu.edu/sites/default/files/Final-Report-Justice-Derailed-The-Uncertain-Fate-2015-v1.pdf>).

⁵ The Ruling has been condemned by Amnesty International (<http://www.amnestyusa.org/news/news-item/dominican-republic-must-retract-ruling-that-could-leave-thousands-stateless>); Robert F. Kennedy Center for Justice and Human Rights

Inter-American Court of Human Rights have denounced TC 168-13 as illegal.⁷ Notably, several members of the U.S. Congress and Senate have sent letters to Dominican President Danilo Medina, President Barack Obama and Secretary of State John Kerry asking for the return of citizenship to those affected by TC 168-13.⁸ In August 2015, about 560 former Peace Corps volunteers and three former Peace Corps country directors who worked in the Dominican Republic called for the United States to suspend funding to Dominican security forces accused of committing human rights violations against Dominicans of Haitian descent.⁹ There is even a pending resolution in the New Jersey state legislature condemning TC 168-13.¹⁰

In the face of such widespread condemnation, it is utterly appalling that on the second anniversary of the Constitutional Court ruling, no less, Seton Hall University would host on its campus a program featuring the architect of the Dominican government's anti-immigrant and xenophobic policies. Mr. Fernández presided over the Dominican Republic's constitutional change in 2010 which ended birthright citizenship, as well as the 2004 Migration Law that redefined the meaning of "in transit" to include undocumented immigrants. It was these policy

[regularization-plan](#)); Open Society Justice Initiative (<http://www.opensocietyfoundations.org/voices/seven-easy-steps-ethnic-cleansing-dominican-republic>).

⁶ "Displaced in the DR: A Country Strips 210,000 of Citizenship" (<http://harpers.org/archive/2015/05/displaced-in-the-d-r/>); "The Dominican Time Bomb" (http://www.nytimes.com/2015/07/02/magazine/the-dominican-time-bomb.html?_r=0); "Blood, Sweat and Sugar: Trade Deal Fails Haitian Workers on DR Plantations" (<http://america.aljazeera.com/multimedia/2015/7/blood-sweat-and-sugar-trade-deal-fails-haitian-workers-in-dr.html>).

⁷ "Eduardo Jorge Prats dice sentencia TC es 'un verdadero fallo'"

(<http://www.elnuevodiario.com.do/app/article.aspx?id=351065>); "Jorge Prats y Cristóbal Rodríguez: El TC malinterpretó la Constitución" (<https://dominicanosxderecho.wordpress.com/2013/11/20/jorge-prats-y-cristobal-rodriguez-el-tc-malinterpreto-la-constitucion/>); "Inter-American Court condemns unprecedented situation of statelessness in the Dominican Republic" (<http://www.statelessness.eu/blog/inter-american-court-condemns-unprecedented-situation-statelessness-dominican-republic#sthash.Uv4LI0J.dpuf>).

⁸ "October 29, 2013 Letter from United States Congress to President Danilo Medina"

(<http://rfkcenter.org/images/attachments/article/2051/LetterfromCongressreDominicanRepublic.pdf>); "April 8, 2015 Letter from United States Congress to President Barack Obama" (<http://www.amnestyusa.org/news/news-item/at-summit-of-the-americas-president-obama-should-call-to-end-statelessness-crisis-in-the-dominican-r/>); "Senators Express Concern in Letter to Secretary Kerry Regarding Treatment of Dominican-born Individuals of Haitian Descent in the Dominican Republic" (<http://www.markey.senate.gov/news/press-releases/senators-express-concern-in-letter-to-secretary-kerry-regarding-treatment-of-dominican-born-individuals-of-haitian-descent-in-the-dominican-republic>); "August 13, 2015 Letter from Senator Marco Rubio to Secretary of State John Kerry" (<http://miamiherald.typepad.com/nakedpolitics/2015/08/marco-rubio-wants-us-to-intervene-in-haiti-dominican-republic-migration-crisis.html>).

⁹ "Ex-Peace Corps Volunteers Unite for U.S. Action on Dominican Immigration Policies"

(<http://www.cnn.com/2015/08/10/politics/state-department-dominican-republic-haiti-crisis/>).

¹⁰ New Jersey Senate Resolution (<http://raymondlesniak.com/reinstate-dominican-citizenship-to-dominicans-of-haitian-descent/>). The State of New Jersey will join a growing number of municipalities and state legislatures that have passed similar resolutions denouncing TC 168-13. City Council of Providence, Rhode Island (<http://www.providencejournal.com/article/20131210/NEWS/312109896>); State of New York (<http://assembly.state.ny.us/leg/?bn=K00376&term&Summary=Y&Actions=Y&Votes=Y&Memo=Y&Text=Y>); State of Massachusetts (<http://baystatebanner.com/news/2015/aug/05/sen-forry-and-rep-cullinane-pass-resolution-humani/>); State of Illinois

(<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=802&GAID=13&DocTypeID=SR&LegId=92030&SessionID=88>); County of Miami Dade, Florida

(<http://www.miamidade.gov/govaction/matter.asp?matter=151562&file=true&yearFolder=Y2015>); and the City Council of Township of Irvington, New Jersey Resolution No. MC 15-0512-34 (May 12, 2015).

changes leading up to the 2013 ruling that codified discrimination allowing Dominican administrative officials to systematically deny identity documents to Dominicans of Haitian descent forcing them to live in the shadows. Moreover, after signing onto the jurisdiction of the Inter-American Court of Human Rights (IACHR) in 1999, Mr. Fernández blatantly ignored the IACHR's ruling in *Yean y Bosico v. Dominican Republic* which held that a parent's immigration status cannot determine the citizenship of the child. Finally, last year, after fifteen years of litigating cases in the IACHR, the Constitutional Court rejected as unconstitutional the instrument subjecting the Dominican Republic to IACHR jurisdiction leaving the most vulnerable without a higher judicial body to appeal violations of their human rights.¹¹ The Dominican Republic has every right to define its citizenship, but no objective observer can accept the implications of a retroactive application of birthright citizenship that immediately creates a class of stateless, marginalized people within their midst. Since this June alone, more than 60,000 people – Dominicans and Haitians alike – have been forcibly removed or fled the Dominican Republic under threat of violence.¹²

Given these facts, it is beyond the pale that Seton Hall University, with no apparent conditions to address the country's human rights and refugee crisis, has reached an agreement with FUNGLODE an organization of which Mr. Fernández is founder and president.¹³ This begs for a cautious approach towards the leaders of these tragic events and not an unconditional acceptance of the status quo. Seton Hall University should take this opportunity to advise its students, faculty and community about the steps it will take to temper the xenophobic actions of its new collaborative partners; anything less can only signify a callous indifference to human rights and dignity.

We thank you for your consideration of this letter and trust that you will forge a way to address these concerns.

Sincerely,

LatinoJustice PRLDEF

Rights4AllinDR

Haitian American Leadership Council

Coalition of Dominicans Against Racism

Haitian American Lawyers Association of New York, Inc.

Ahora/Now

National Haitian American elected Officials Network

We Are All Dominican

¹¹ "IACHR Condemns Judgment of the Constitutional Court of the Dominican Republic" (http://www.oas.org/en/iachr/media_center/PReleases/2014/130.asp).

¹² "The Other Refugee Crisis" (<http://www. Ebony.com/news-views/op-ed-the-other-refugee-crisis#axzz3ljzrK2uZ>).

¹³ FUNGLODE refers to the Global Foundation for Democracy and Development/ Fundación Global Democracia y Desarrollo (http://www.globalfoundationdd.org/about_us.asp).

Dennis Abel Benzan
Vice Mayor, City of Cambridge, MA

Daphne Campbell RN
Florida State Representative District 108

Arelis M. Figueroa
Latino Ministry, The Riverside Church

Cassandre Theano
National Association of Haitian Professionals

Joseph M. Champagne, Jr.
Former Mayor, South Toms River, NJ
Ambassador for Peace, UPF/UN

Haitian American Nurses Association of Greater
New York

Mark Kurlansky
Author

Charnette Frederic, MHA, LNHA
Irvington Council President

Haitian American Lawyers Association of
New Jersey

Haitian American Committee

Haitian-Dominican Project - Columbia
University

Rodneyse Bichotte
NY Assembly Member

FUNTOSALUD International

Florida Immigrant Coalition, Inc.

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Garden State Bar Association