

DOMINICAN REPUBLIC

In 2013, around 1.2 million Dominicans, which represents 10 percent of the total population, were living abroad. The Dominican diaspora is concentrated mainly in the United States (with more than 950,000 Dominican nationals), but also present in other world regions, such as Europe (mostly in Italy and Spain) and in Latin America and the Caribbean (mainly in Puerto Rico and Venezuela).¹

The Dominican Republic has developed a set of emigrant policies that touch upon the majority of dimensions analyzed in this book. It has made advances in the integration of emigrants back home by recognizing dual nationality and extending electoral rights to non-residents, including candidacy rights for the lower house. However, this recognition of electoral rights to the diaspora is not accompanied by specific regulation of political competition abroad. The Dominican Republic has also adopted, although not fully implemented, a multilevel structure of consultation of emigrant issues that allows non-residents to participate in decision-making processes at home and abroad. The executive structure of the country also has a unit dedicated to emigrant affairs and an extensive consular network.

The Dominican Republic, however, lags behind in comparison to other countries in the realm of economic policies and lacks a full-fledged strategy including remittances, investment schemes, and return programs. It also lacks exit and transit policies to promote safe transit to other countries.

CITIZENSHIP/NATIONALITY

DUAL OR MULTIPLE NATIONALITY REGULATION

The Dominican Constitution of 2010 differentiates between citizenship and nationality. The Constitution, which provides the framework of the nationality regulation, includes in its definition of Dominican nationals, a mention of direct descendants of Dominican nationals living abroad and persons born abroad to a Dominican parent that declare their desire to acquire Dominican nationality after turning 18 years old.²

The Constitution also recognizes dual nationality and explicitly states that the acquisition of another nationality does not imply the loss of Dominican nationality.³

1 UN population division, "International Migrant Stock: By Destination and Origin."

2 Asamblea Nacional de la República Dominicana, *Constitución Dominicana*, Art. 19.

3 *Ibid.* Art. 20.

All Dominican nationals 18 years and older, and those who have been legally married, regardless of age, are considered citizens.⁴ The status of citizen grants political and social rights, such as being eligible for public office.⁵

The Constitution states that “the direct descendants of Dominican nationals residing abroad” are Dominican nationals.⁶ No limitation on this condition is stipulated. Thereby, it is understood that there is no limitation for acquiring Dominican nationality by *jus sanguinis*.

Dominican nationals that adopt another nationality, by naturalization or by birth, may run for the Presidency or Vice-presidency only if they have renounced the other nationality 10 years prior to the election and have been living in the Dominican Republic for 10 years before taking office. However, they could assume other public posts (e.g. in the legislature, in the diplomatic service).⁷

LOSS OF CITIZENSHIP/NATIONALITY

As described in the previous section, the Dominican Constitution makes explicit that the acquisition of another nationality does not imply the loss of Dominican nationality.⁸ Permanent residence abroad does not cause loss of citizenship. However, residence abroad for over 10 years is enough to lose nationality for naturalized Dominicans (not Dominicans by birth), which implies the loss of citizenship as well.⁹

Citizenship status is lost in case of treason, espionage, conspiring against the state, as well as for assisting or participating in attacks against the interests of the Dominican Republic.¹⁰

DIFFERENT RIGHTS FOR EXTERNAL CITIZENS

No difference has been found in the rights and duties of citizens residing temporarily or permanently abroad.

SUFFRAGE

VOTING RIGHTS OF NON-RESIDENT CITIZENS

Nonresidents are enfranchised for presidential elections through a law passed in 1997.¹¹ Although the Constitution of 2010 does not explicitly grant emigrants the right to vote in presidential elections, it is understood that the electoral law of 1997 still applies.

4 Ibid. Art. 21.

5 Ibid. Art. 22-23.

6 Ibid. Art. 18.

7 Ibid. Art. 20.

8 Ibid. Art. 20.

9 El Congreso Nacional, *Ley No. 1683 sobre Naturalización*, Art. 12.

10 Asamblea Nacional de la República Dominicana, *Constitución Dominicana*, Art. 22-23.

11 El Congreso Nacional, *Ley Electoral*, No. 275-97, Art. 82.

The National Congress is composed of two houses: the lower Chamber of Deputies and the upper Senate.¹² The Constitution of 2010 does not grant nonresident Dominicans the right to vote for the Senate, but it does recognize this right for elections to the Chamber of Deputies.¹³

Elections abroad are only held in those cities where the electoral authorities decide they can implement the electoral process.

CANDIDACY RIGHTS OF NON-RESIDENT CITIZENS

In regards to presidential elections, non-resident Dominican nationals are subjected to the universally applied restrictions. No differentiation is made in the Constitution or Electoral Law between residents and non-residents.¹⁴

The Constitution allows non-residents to run for the Senate if they reestablish residence in the country. However, candidates must be natives of the region they seek to represent (or have lived there for at least five consecutive years) and reside there during their mandate,¹⁵ and there is no concomitant active voting right for non-residents to elect Senators. This suggests that candidacy from abroad is not possible.

Emigrants can run for posts in the Chamber of Deputies. Specifically, they can run for the seven seats reserved for Dominican citizens living abroad.¹⁶ One must be a Dominican citizen, be at least 25 years of age, be in possession of a national identification card, be registered to vote, and live in the district they would like to represent.¹⁷

The external voting law also states that candidates to the special seats must be endorsed by registered Dominican political parties.¹⁸

VOTING METHODS AVAILABLE TO NON-RESIDENT CITIZENS

The only voting method available for Dominican migrants is voting in embassies or consulates. There is the option of voting also in poll stations created ad hoc and distributed across the external districts.¹⁹

REGISTRATION FOR THE FRANCHISE

In order to be able to vote, nonresidents must register in the electoral roll for Dominicans living abroad.²⁰ Once they are registered (if there is no change in

12 Asamblea Nacional de la República Dominicana, *Constitución Dominicana*, Art. 76.

13 El Congreso Nacional, *Ley Electoral*, No. 275-97, Art. 81.

14 Asamblea Nacional de la República Dominicana, *Constitución Dominicana*, Art. 123.

15 Ibid. Art. 79.

16 Ibid. Art. 81.

17 El Congreso Nacional, *Ley Número 136-11, que regula el voto de los dominicanos y dominicanas en el exterior*, Art. 8.

18 Ibid. Art. 7.

19 JCE, "Junta Central Electoral de La República Dominicana."

20 El Congreso Nacional, *Ley Número 136-11 que regula el voto de los dominicanos y domi-*

the place of residence), registration is automatic for successive elections. In addition, members of the electoral roll for emigrants are removed from the internal electoral roll.²¹

MODE OF REPRESENTATION

The mode of representation for legislative elections (lower house) is specially subdivided. The Constitution of 2010 mandates that seven Congressional seats must be elected by Dominicans living abroad.²² In addition, Law 136-11 creates three external districts in which the special representatives for Dominican migrants are to be elected.²³ These districts are defined by the Junta Central Electoral (JCE) by taking into account the number of Dominican nationals living in the region, as well as their distribution.²⁴

INSTITUTIONAL PARTICIPATION

CONSULTATIVE BODIES AT NATIONAL LEVEL

The structure of the consultation of emigrant issues in the Dominican Republic is based on a two-level system. The lower level consists of the Presidential Consultative Councils for Dominicans Abroad (*Consejos Consultivos de la Presidencia de los Dominicanos en el Exterior*, CCPDE). The higher level is represented by the National Council for Dominican Communities Abroad (*Consejo Nacional para las Comunidades dominicanas en el Exterior*, CONDEX).

Composed of prominent Dominicans abroad, the CCPDE are consultative bodies in the cities or regions where there is a high concentration of Dominican emigrants.²⁵ The main objective of the CCPDEs is to promote closer relations between its members and the Dominican state.²⁶ The CCPDEs are composed of three main branches: the general assembly, the executive council, and the executive committees.²⁷ The General Assembly is composed of all interested Dominican migrants that reside in the city of the CCPDE.²⁸

nicanas en el exterior, Art. 11.

21 Ibid. Art. 12.

22 Asamblea Nacional de la República Dominicana, *Constitución Dominicana*, Art. 81.

23 El Congreso Nacional, *Ley Número 136-11 que regula el voto de los dominicanos y dominicanas en el exterior*, Art. 9.

24 Ibid. Art. 10.

25 El Congreso Nacional, *Ley No. 1-08. Ley Orgánica del Consejo Nacional para las Comunidades Dominicanas en el Exterior*, (CONDEX), Art. 3.

26 Presidente de la República Dominicana, *Decreto No. 674-08*, Art. 30.

27 Ibid. Art. 33.

28 Ibid. Art. 40.

Currently there are 20 CCDPE located in the countries and cities where the Dominican emigrant community is prominent.²⁹ The development of the CCDPE is still ongoing; therefore, not all the allocations included in the legal framework have been implemented. The presidents and the executive committee of the CCPDE are selected by the Dominican government according to different criteria, such as the involvement in local emigrant associations. CCPDE presidents are called once per year to the Dominican Republic, but their presence in the CONDEX assembly is rather symbolic.

The CCPDE organize different activities depending on the budget allocated by the central government. In the case of the German CCPDE, for example, the consultative body offered the program *Mi patria dominicana* aiming to teach elements of Dominican culture and history to Dominican children. Therefore, the CCPDE have a mixed function; transmitting the needs and concerns of Dominicans abroad to the government and, at the same time, acting as a sort of emigrant association implementing programs and activities.³⁰

The CONDEX is chaired by the President of the republic.³¹ In case of absence of the President of the Republic, the assembly must be chaired by the Executive Vice-President.³² The consultation at this level is structural since the CONDEX must be called to at least one general assembly every year. However, although there is a legal minimum, the assembly can be called together ad hoc if necessary.

At the national level, as mentioned above, the consultative body is composed of the CONDEX, the presidents of the CCPDEs, and invited institutions and individuals.³³

ADMINISTRATION

CONSULATES

At the end of 2014, the Dominican Republic had 65 consulates (including consular sections in embassies) and 57 honorary consulates around the world.³⁴ However, the countries with the highest density of consulates are the United States, Italy, and Spain.³⁵

29 Condex, “¿Qué Son Los CCPDE?”

30 John Castro (President of the CCPDE in Germany) interviewed on March 2, 2015.

31 El Congreso Nacional, *Ley No. 1-08 - Ley Orgánica del Consejo Nacional para las Comunidades Dominicanas en el Exterior*, (CONDEX), Art. 7.

32 Presidente de la República Dominicana, *Decreto No. 674-08, 647-08*, Art. 14.

33 El Congreso Nacional, *Ley No. 1-08 - Ley Orgánica del Consejo Nacional para las Comunidades Dominicanas en el Exterior* (CONDEX), Art. 8.

34 Information provided in the web of the Ministry of External Relations. It is possible, that the information is not up-to-date and, therefore, the Consular network at the end of 2014 is slightly more extensive.

35 MIREX, “Portal de Servicios Consulares de la República Dominicana.”

Some consular delegations have implemented mobile consulates. For example, the consulate in New York provides services also in the US States of Connecticut, New Jersey, and Pennsylvania.³⁶

The catalogue of services offered by the Dominican consulates is relatively extensive. Besides classical consular services (e.g. certifications, official documents), consulates offer legal consultancy and social assistance.³⁷

HOME COUNTRY ADMINISTRATION

The Dominican Republic has a Vice-Ministry of Consular and Migrant Affairs. This office depends directly on the Ministry of Foreign Affairs, being thereby placed on the second level of the Dominican public administration. Some of its more notable functions include monitoring and evaluating the work of consular missions, unifying policies and criteria regarding actions in consular matters, and setting protection policies for Dominican citizens abroad.³⁸

The Vice-Ministry for the Supervision of Embassies and Consulates is in charge of monitoring diplomatic and consular missions in order to improve the quality of services provided.³⁹

There is also a “Technical Office” to support CONDEX (see the section on consultative bodies for more information) and plan, coordinate, and implement initiatives to improve the quality of life of Dominicans abroad.⁴⁰ The technical office is led by the Executive Vice-President of the CONDEX and must be composed of experts on migration.⁴¹

ECONOMIC POLICIES

RETURN POLICIES

Dominican authorities allow the recognition of elementary and secondary diplomas, university degrees, as well as partially completed studies.

The process for recognizing elementary and secondary diplomas is relatively straightforward. However, the process for university degrees is more complicated, involving several institutions (such as the *Universidad Autónoma de Santo Domingo*, and the Secretariat for Education, Science, and Technology). In all cases, there is a given timeframe for the recognition.⁴²

36 Consulado General de la República Dominicana en Nueva York, “Consulados Móviles.”

37 MIREX, “Portal de servicios consulares de la República Dominicana.”

38 MIREX, “Viceministerio para Asuntos Consulares y Migratorios.”

39 MIREX, “Viceministerio Supervisor de Embajadas y Consulados.”

40 El Congreso Nacional, *Ley No. 1-08, Ley Orgánica del Consejo Nacional para las Comunidades Dominicanas en el Exterior*, (CONDEX), Art. 10.

41 Ibid. Art. 12.

42 CONDEX, “Guía Práctica Dominican@s Presentes,” 49.

No comprehensive programs to foster the return of Dominican migrants have been found. However, there are a couple of tax exemptions on returnees' vehicles⁴³ and personal and domestic goods.⁴⁴

OBLIGATIONS

MILITARY SERVICE, SOCIAL SERVICE, TAXES

Military service is voluntary in the Dominican Republic, thus, emigrants are not obligated to serve.⁴⁵ Furthermore, emigrants do not have to pay taxes in the Dominican Republic.

CULTURAL POLICIES

While there is not a centralized program to promote Dominican culture among emigrants, some consulates have implemented measures to do so. For instance, the consulate in New York undertakes cultural promotion in two ways; the promotion of Dominican culture in the United States and among second- and third-generation Dominicans in the USA.⁴⁶

SOCIAL POLICIES

Unemployment benefits do not exist in the Dominican Republic. Nevertheless, there is compensation in case of termination of an employment contract. This compensation is received in a one-time payment and depends on the time spent with the company.⁴⁷

The retirement policy in the Dominican Republic establishes that Dominicans abroad have the right to benefit from the social security system, specifically from pension schemes; however, healthcare is restricted to residents only.⁴⁸

43 El Congreso Nacional, *Ley No. 168-67*.

44 El Congreso Nacional, *Ley No. 146-00 de Reforma Arancelaria*, Art. 6.

45 Secretaría de Estado de las Fuerzas Armadas, *Decreto 1081-2001*; El Congreso Nacional, *Ley No. 139-13 de las Fuerzas Armadas de la República Dominicana*.

46 Consulado General de la República Dominicana en Nueva York, "Promoción Cultural."

47 Secretaría de Estado de Trabajo, *Ley N° 1692, por la que se promulga el Código del Trabajo*, Art. 95.

48 El Congreso Nacional, *Ley N° 87-01, que crea el Sistema Dominicano de Seguridad Social*, Art. 5.

Nevertheless, some Dominican consulates, such as the one located in New York, provide healthcare services through the so-called *Ventanilla de Salud*. The initiative coordinates several hospitals and more than 300 doctors that offer medical attention at low prices. The program is not conceived as health insurance, but as a way to promote health among Dominicans by providing information on health-related topics such as prevention of diseases and by offering support to access the healthcare system (and benefits for low-income citizens).⁴⁹

No full-fledged educational policy for Dominicans abroad was found. However, there are decentralized educational activities organized by consulates. The initiative *Quisqueya Aprende Contigo* run by the consulate in New York, implements a nation-wide plan developed by the Dominican government to eradicate illiteracy among Dominicans.⁵⁰ It includes free courses to obtain the elementary education diploma, study English, or to prepare for university.⁵¹

SYMBOLIC POLICIES

The CONDEX organizes the annual *Dominican@ Presente* award to recognize the professional and personal success of Dominicans abroad. There are different categories (e.g. academics, arts, sciences, sports). Nominees must be Dominicans, resident abroad at least 15 years with a minimum of 10 years of excellent professional experience in their field. In addition, the CONDEX recognizes personal or professional success of Dominicans abroad for more than 20 years.⁵² The awards are presented on December 20, the official national day of emigrants.⁵³

Emigrants are mentioned in the Dominican Constitution several times, mainly in relation to suffrage and mandates that public powers pursue special policies to preserve and strengthen links between the Dominican nation and the diaspora.⁵⁴

49 Consulado Dominicano en Nueva York, “Ventanilla de salud.”

50 Dirección General de Programas Especiales, “Quisqueya aprende contigo.”

51 Consulado General de la República Dominicana en Nueva York, “Ventanilla de Educación.”

52 Presidente de la República Dominicana, *Decreto No. 674-08*, Arts. 79-86.

53 *Ibid.*, Art. 86; El Congreso Nacional, *Ley No. 1-08, Ley Orgánica del Consejo Nacional para las Comunidades Dominicanas en el Exterior*, (CONDEX), Art. 4.

54 Asamblea Nacional de la República Dominicana, *Constitución Dominicana*, Art. 18.

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