EDW-0668-14

August 21st, 2014

Georgetown University Law Center
Eric E. Hotung International Law Building
Room 2000
550 First Street, NW
Washington, DC 20001

Dear Friends:

Thank you very much for your interest in the Dominican Republic and your intention of contributing to the creation of better access to education in our country.

Please find attached the official response from the Dominican Government to the suggestions stated in your report “Left Behind: How Statelessness in the Dominican Republic Limits Children’s Access to Education”. We hope that this response addresses the concerns of the Georgetown Human Rights Institute Fact-Finding Project’s report about the impact of ruling No.168-13 on undocumented children and the effects on their fundamental rights to education.

As you will see from the information provided, the Dominican Republic is steadfast in its implementation of policies and innovative measures that protect children’s rights, not content with the adequate framework that already exists in our legislation.

Do not hesitate to let us know if we can provide you with any further information regarding this issue.

Sincerely,

[Signature]

Aníbal de Castro
Ambassador
RESPONSE FROM THE DOMINICAN GOVERNMENT TO THE SUGGESTIONS STATED IN YOUR REPORT "LEFT BEHIND: HOW STATELESSNESS IN THE DOMINICAN REPUBLIC LIMITS CHILDREN’S ACCESS TO EDUCATION"

- **Take all necessary steps to ensure equal access to education at all levels regardless of nationality and status of documentation in line with international obligations.**

  The Ministry of Education of the Dominican Republic; institution of the state that guaranties the right to education of children, adolescents and young Dominicans, has emphasized during this Administration that children are not to be separated from the classroom under any circumstance.

  The declaration of birth is a fundamental right, protected by constitution and protected by the Convention on the Rights of the Child, the Declaration of Human Rights, the Juvenile Code (Law 136-03) and the Education Act.

- **Eliminate any requirements that a child must specially present a birth certificate in order to be officially included in school records.**

  There is a formal provision that no student be left out of the education system because of lack of a birth certificate. Every child at a school age, 5 years or older, can access the school system without a birth certificate.

  To enter any school, families are requested to present the documents listed below, although none condition the registration or entry of the student to the school:

  **Initial Level and Basic Level**

  In schools, families are asked to fill in the information data of the child and the mother and father in the registry. Such as photos, birth certificate, record of vaccines, previous level grades, but none affects the child’s access to education.

  **For Intermediate Level**

  Birth Certificate  
  Two 2x2 photos  
  Certificate of national tests  
  A medical certificate  
  Grades record of the last year approved  
  For centers of excellence a Psychometric test must be passed and in polytechnic schools a vocational test.

  For delivery of the high school degree a birth certificate is indeed required as part of the documentation of each student that must be reported through the appropriate forms to be filled by the directors of the education centers in the Center Management Electronic System of the Ministry. This birth certificate may be Dominican or from any other nationality. The student may present a certified birth certificate from the country of origin, as in any other nation worldwide.

- **Ensure that school officials are sufficiently trained in understanding and applying the documentation requirements for each level of education.**

  Through circular note No. 18 dated June 27th 2012 the Minister of Education instructed all Ministry officials to enroll all children registered or not as to protect and guarantee the fundamental rights of the child (a) and adolescents according to: Article 63 paragraphs 3 and 4 of the Constitution of the Dominican Republic; Article 23, 24 and 28 of the Convention on the Protection of Children Rights; Law 136-03 Articles 45 and 46 of the Juvenile Code; and Article 9 in their letters a, b, c and d of the General Education Law.
• **Issue and enforce transparent, consistent, fair and practical procedures for the national identity card and birth certificate acquisition processes and make those procedures accessible to the public.**

Although it is not a condition to have the birth certificate to access the levels of pre-university education, the Education Ministry is promoting and supporting families to fulfill the responsibility to manage the documentation of their children through the program of delivery of citizenship identity documents to undocumented children and adolescents linked to the Dominican education system. This project that hopes to normalize this situation in the next three years started February 2012. Project funds amounting to ninety-six million Dominican pesos (RD $ 96,000,000.00) for three years, starting the first year with forty million (RD $ 40,000,000.00) come from the General Budget of the Ministry of Education, that is, from the Dominican State.

The Education Ministry and the Central Electoral Board have developed different campaigns and strategies to facilitate late registrations. The Central Electoral Board is the Dominican institution that can provide people of birth certificates, in that sense the work of the Education Ministry is focused on support to families that includes a process of awareness among parents, support in the preparation of records (even with financial support where this is required) and the necessary steps to submit the records to the appropriate Administrative Office of the Board.

The overall objective is to ensure that by 2015 children and adolescents linked to the Dominican education system, receive their identity document, in order to guarantee the full exercise of their rights.

• **Establish an independent administrative mechanism with the right of appellate review that would allow for individuals to challenge both the issuance of a certificate of live birth labeling a child as a foreigner and denials of national identity cards.**

The Dominican Republic has implemented the National Regularization Plan for Foreigners, which establishes the terms and conditions under which people without valid immigration status can acquire legal documentation according to the categories established by the General Migration Law, Number 285-05, of August 2004. By implementing this plan, the Dominican Republic will be able to normalise, over the next 18 months, the migratory status of around 435,000 people from 120 different countries that are currently irregularly in the country, thus ending the situation of vulnerability and uncertainty they live in.

Foreigners wishing to enroll in the plan must complete their application within the established period. It will take around 45 days to process applications. However, this window is subject to extension by the Ministry of the Interior and Police. In this case, the Ministry will notify the applicant and his or her legal representative when it has reached a decision.

Decisions may be appealed by the applicant or a legal representative in a 30 day window following the applicant’s notification of the decision. Following the appeal, the Ministry will then respond within a 30 day window. This decision will be the final judgment and, once the applicant is notified, will go into effect immediately.

• **Fully comply with the orders of the Inter-American Court of Human Rights decision in the case of Yean and Boisco v. the Dominican Republic.**

The Dominican Republic has complied with all but one of the stipulations of the IACHR. The most important thing to point out is that the children in case already had been issued with their birth certificates by the time the Court ruled, which they were entitled to given that their mothers were Dominican. The court case was therefore misleadingly represented as one referring to the granting on citizenship to the children of undocumented migrants, when in fact it addressed the issue of difficulties in obtaining documents during the late registration process. The Dominican Republic subsequently overhauled its late registration guidelines, largely in line with IACHR recommendations.