Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's Refworld website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the Knowledge and Information Management Unit.

Immigration and Refugee Board of Canada

14 October 2015

ZZZ105286.E

Dominican Republic and Haiti: Procedures to obtain and renew a residence permit in the Dominican Republic; requirements for citizens of Haiti to enter the Dominican Republic (2013-September 2015)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Residency Status in the Dominican Republic

The General Law on Migration No. 285-04 (Ley General de Migración, No. 285-04) indicates that migratory status is divided into two categories: Non-resident (No Residentes) and Resident (Residente) (Dominican Republic 2004, Art. 29). The latter category is subdivided into Temporary Resident (Residente Temporal) and Permanent Resident (Residente Permanente) (ibid., Art. 31). Articles 33 to 36 of the General Law on Migration, which detail who are admitted into these categories and sub-categories, are attached to this Response. The General Law on Migration explains that temporary residents can change their status to permanent resident from within the Dominican Republic (ibid., Art. 61-62). Non-residents in the categories of "temporary [foreign] workers" and "border inhabitants" can change their status to resident, but only from outside the Dominican Republic (ibid., Art. 62).

1.1 Temporary Residence

The website of the Dominican Embassy in Mexico City indicates that temporary resident visas are issued to people whose intention is to reside in the Dominican Republic permanently (ibid. n.d.a). As outlined by the Embassies of the Dominican Republic in Mexico and in the US, besides paying the processing fee, applicants are required to provide the following documents in order to apply for a temporary resident visa from abroad:

- a visa application letter that includes biographical information about the applicant as well as his or her reasons for wanting to reside in the Dominican Republic;
- the visa form;
- one photograph;
- a passport;
- a medical certificate;
- a criminal record certificate;
- a birth certificate;
- a marriage certificate;
- a notarized letter of guarantee from a guarantor in the Dominican Republic indicating that the guarantor will be responsible for the applicant's living and repatriation expenses;
- for minors, permission from the other parent or legal guardian; and
- evidence of economic solvency (ibid. n.d.a; ibid. n.d.b).
The websites of these embassies note that applications take up to 15 days to be processed (ibid.; ibid. n.d.a). According to the Dominican Embassy in the US, temporary resident visas are issued with a 60-day validity period and, once in the Dominican Republic, holders must visit the Department of Migration (Dirección General de Migración, DGM) within 60 days of arrival to finalize the application process (ibid. n.d.b). The website of the DGM indicates that temporary resident visa holders must meet the following requirements:

- undergo a medical examination;
- provide a copy of both the resident visa used to enter the country and the immigration stamp;
- provide the visa form;
- undergo an interview with a DGM official and provide fingerprints and signature;
- provide a birth certificate;
- provide a criminal record certificate from the country where they have lived for the past five years;
- provide four front photographs and four photographs of their right profile;
- present the accompanying spouse's passport and birth certificate, as well as a marriage certificate or proof of cohabitation;
- provide a notarized letter of guarantee from a guarantor in the Dominican Republic stating that the guarantor will be responsible for [translation] "the moral and economic conditions and living and repatriation expenses of the sponsored person"
- provide a notarized certification of the guarantor's economic solvency; and
- provide a payment receipt for the processing fee (ibid. n.d.c).

The General Law on Migration indicates that the temporary residence is valid for up to one year and is renewable on an annual basis, as long as the holder continues to meet the conditions under which he or she was admitted into the country (ibid. 2004, Art. 39). Temporary residents are provided with an identity card, which is valid for the duration of the temporary residence (ibid., Art. 75(b)). The Implementing Regulation of the General Law on Migration No. 285-04 (Reglamento de Aplicación de la Ley General de Migración No. 285-04) describes this card as the temporary residence card (carné de Residencia Temporal) (ibid. 2011, Art. 49 (c)). According to the General Law on Migration, temporary residents are also provided with an identity card for foreigners (Cédula de Identidad Personal para Extranjeros) (ibid. 2004, Art. 76). The Implementing Regulation indicates that applications for the renewal of the temporary residence must be submitted to the DGM within 30 days of its annual expiry date (ibid. 2011, Art. 49). According to the website of the DGM, applicants must provide the following documents to renew one's temporary residence:

- a letter addressed to the DGM to this effect;
- the application form;
- a passport;
- the temporary residence card;
- the identity card;
- a criminal background certificate issued by the Attorney General's Office (Procuraduría General de la República, PGR);
- two photographs;
- evidence of economic solvency, such as bank statements, an employment letter, and proof of ownership of property; if the applicants do not have economic solvency, they must provide a notarized letter from a guarantor indicating that the guarantor will be responsible for [translation] "the moral and economic conditions and living and repatriation expenses of the sponsored person," as well as evidence of the economic solvency of the guarantor;
- payment receipt for the processing fee (ibid. n.d.d).

1.2 Permanent Residence

The Implementing Regulation of the General Law on Migration No. 285-04 indicates that a person with temporary residence status can make an application for permanent residence 45 days before the end of one's fifth year as a temporary resident (ibid. 2011, Art. 50). The application must be submitted to the DGM and, if approved, the holder will [translation] "receive a permanent resident card initially valid for one year, after which another card, valid for four years, will be issued and will be renewable for the same duration" (ibid.). The website of the DGM indicates the following requirements that applicants must meet in order to obtain permanent residence:

- undergo a medical examination;
- provide the application form to change status from temporary to permanent resident;
- provide a criminal background certificate issued in the last 30 days by the PGR;
• provide the temporary resident card;
• provide the original and a copy of the identity card;
• provide six front photographs and six photographs of their right profile;
• provide a passport;
• present the accompanying spouse's passport and birth certificate, as well as a marriage certificate or proof of cohabitation;
• present the accompanying children's passports and birth certificates;
• provide evidence of economic solvency, such as bank statements, an employment letter, and proof of ownership of property. If the applicant is 18 years old or older and depends on his or her parents for reasons of education or disability, his or her parents must write a letter stating that they will be the guarantors of their child and provide evidence of their economic solvency; and
• undergo an interview with an official of the DGM (ibid. n.d.e).

In order to renew one's permanent residence, applicants must meet the following requirements:

• undergo a medical exam authorized by the DGM;
• provide the application form;
• provide the original and copy of the permanent residence identification card;
• provide the original and copy of the national identification card;
• provide a criminal background certificate issued by the PGR;
• provide two photographs;
• provide a passport;
• if the applicant is married to a Dominican national, present a marriage certificate and the spouse's identity card (ibid. n.d.f).

Permanent residents are eligible to apply for Dominican citizenship after two years of "continuous residence after obtaining permanent residence status" (ibid., Art. 52).

2. Requirements for Citizens of Haiti to Enter the Dominican Republic

The Ministry of Foreign Affairs (Ministerio de Relaciones Exteriores) of the Dominican Republic indicates that Haitian nationals need a visa to enter the Dominican Republic (ibid. Aug. 2014, 6). Besides paying the processing fee, the same source lists the following documents that applicants must provide in order to obtain a tourist visa to enter the Dominican Republic:

• the application form;
• one photograph;
• a passport valid for at least six more months;
• an authorization from the other parent or tutor, if the applicant is a minor;
• evidence of economic solvency, such as bank statements, an employment letter, and proof of ownership of property or other assets;
• a copy of the national identity card of the country of nationality, and a copy of the residency card if living in another country;
• proof of a hotel reservation, or an invitation letter;
• proof of a flight reservation;
• copies of Dominican visas issued in the past; and
• a visa application letter, which includes biographical information about the applicant; and
• the processing fee (ibid. n.d.g).

Sources indicate that the requirements to apply for a tourist visa are the same for Haitian citizens as for other foreign nationals (ibid. 23 Sept. 2015; Lawyer 15 Sept. 2015).

In correspondence with the Research Directorate, an official at the Embassy of the Dominican Republic in Ottawa indicated that a Haitian citizen whose permanent residence has expired and who is no longer in the Dominican Republic must obtain a tourist visa to re-enter the country, after which the person can apply for a renewal of residence (Dominican Republic 23 Sept. 2015). The same source explained that renewals of permanent residence can only be done from within the Dominican Republic, without exception (ibid.). In correspondence with the Research Directorate, a Santo Domingo-based lawyer whose main practice areas include immigration law similarly indicated that the renewal of permanent residency is done at the DGM in the Dominican Republic (Lawyer 15 Sept. 2015). The embassy official noted that a person without legal status in Canada cannot apply at a consulate of the Dominican Republic in Canada for a visa to enter the Dominican Republic (Dominican Republic 23 Sept. 2015).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as
to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Dominican Republic. 23 September 2015. Embassy in Ottawa. Correspondence from an official to the Research Directorate.


Lawyer, Santo Domingo. 15 September 2015. Correspondence with the Research Directorate.

Additional Sources Consulted

Oral sources: Two immigration lawyers based in the Dominican Republic.

Internet sites, including: Acento; Amnesty International; BBC; Diario Libre; Dominican Republic – Embassy in Bogotá; El País; Factiva; Freedom House; The Guardian; Hoy Digital; Human Rights Watch; Listín Diario; The New York Times; Organization of American States; United Nations – Refworld, ReliefWeb; United States – Department of Homeland Security, Department of State.

Attachment