



RESPONSES TO INFORMATION REQUESTS (RIRs)

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Haiti: Procedures for obtaining citizenship; whether dual citizenship is recognized and, if so, how to obtain it; procedures for renouncing citizenship and the documents required; grounds for withdrawing a person's citizenship
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

The Haitian Constitution of 1987 is the only legislation governing the issue of Haitian nationality (Haiti 19 Jan. 2007; *Citizenship Laws of the World* 2001). Under the constitution, Haitian nationality can be obtained by descent or naturalization (*Citizenship Laws of the World* 2001). Simply being born in Haiti does not automatically confer Haitian citizenship (*ibid.*). Articles 11 and 12 of the 1987 constitution state, respectively, that [translation] "any person born of a Haitian father or Haitian mother who are themselves native-born Haitians and have never renounced their nationality possesses Haitian nationality at the time of birth" (Haiti Mar. 1987, Art. 11), and that [translation] "Haitian nationality may be acquired by naturalization" (*ibid.* Mar. 1987, Art. 12) when the person requesting it has resided in Haiti for five years (*ibid.*, Art. 12.1).

Article 15 of the 1987 constitution states that [translation] "dual Haitian and foreign citizenship is not recognized under any circumstances" (Haiti March 1987). According to Section 13.a, a person loses Haitian citizenship when that person acquires the citizenship of a foreign country (*ibid.*). However, the issue of dual citizenship came up in Haiti, following the candidacy of Dumarsais Siméus in the 2005 presidential election (AlterPresse 13 Nov. 2005; *ibid.* 4 Nov. 2005; Radio Kiskeya 8 Sept. 2005). Dumarsais Siméus is a naturalized American (Haiti Press Network 18 Jan. 2007). Moreover, President René Préval used the June 2006 tourism summit in Miami to tell the Haitian diaspora that he was, in principle, in favour of a constitutional amendment to allow dual citizenship (*Le Nouvelliste* 14 July 2006). He stated that he had begun discussing the topic with the political parties represented in parliament and that he would eventually consult other stakeholders from Haitian society (*ibid.*). However, according to *Le Nouvelliste*, [translation] "there is no evidence that the President will succeed because he first has to reach a consensus among all sectors of society, consult the people by referendum, and then submit the document to parliamentarians for approval" (14 July 2006). To date, the 1987 constitution has never been amended (Haiti 19 Jan. 2007).

Grounds for withdrawing Haitian citizenship are explained in Article 13 of the 1987 constitution:

[translation]

Haitian citizenship is lost by

- a) naturalization in a foreign country;
- b) holding a political post in the service of a foreign government;
- c) continuous residence abroad for three (3) years of a naturalized Haitian without duly granted authorization by a competent official. Anyone who loses his or her nationality in this manner may not reacquire it. (Haiti Mar. 1987)

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 additional sources consulted in researching this Information Request.

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Internet sites, including: Droit francophone, NATLEX (database of the International Labour Organization), Office of the United Nations High Commissioner for Refugees (UNHCR).

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