

# Immigration and Refugee Board of Canada

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## Responses to Information Requests

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.

8 February 2013

### HTI104293.E

Haiti: Dual citizenship, including legislation; requirements and procedures for former Haitian citizens to re-acquire citizenship (2012-January 2013)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Legislation

Haiti's national gazette, *Le Moniteur*, indicates that dual citizenship was legalized in Haiti in June 2012, when the 1987 constitution was amended to remove the prohibition against the holding of foreign citizenship by Haitians (19 June 2012, 7). Prior to this amendment, conditions for losing citizenship included naturalization in another country or working in a political position in the service of a foreign government (Haiti 1987, Art. 13). The constitutional amendments were originally approved by legislators in May 2011 and some media sources suggested at the time that dual citizenship had been immediately legalized (TVA nouvelles 9 May 2011; *Haiti libre* 9 May 2011). However, the amendments did not become law until they were published in the national gazette on 19 June 2012 (JURIST 20 June 2012; *The Huffington Post* 19 June 2012).

#### 2. Requirements and Procedures

In a 29 January 2013 telephone interview with the Research Directorate, an official in the consular section of the Embassy of Haiti in Ottawa provided the information in the following two paragraphs.

An individual who has previously lost their Haitian citizenship and wishes to reclaim it must be able to prove their Haitian origin, typically, with a Haitian birth certificate or an official copy of the birth register [extrait de registre de naissance]. The requestor would also be required to submit an affidavit stating that they wish to reclaim their citizenship. These documents can be used by the embassy to prepare a request for a Haitian passport for the requestor. The embassy can also assist the requestor in applying for a national ID card, which is not done automatically when obtaining a passport.

If the requestor does not have their birth certificate, they can ask a proxy in Haiti, such as a family member or a friend, to request an official copy of the birth register at the National Archives of Haiti. If the birth was never registered or the records are unavailable, the embassy advises the individual to hire a lawyer to make a formal request for a legal decision confirming their identity at a court of first instance in Haiti. The lawyer would look for evidence that can be used to prove the individual's Haitian origins, such as witnesses to their birth or a baptism certificate, to take before the court. In the case of orphaned children, medical testing or estimates of age may be helpful (Haiti 29 Jan. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the website of the consulate of Haiti in Montreal, an individual can make a request to the National Archives for an official copy of their birth record via the consulate (ibid. n.d.b). The requestor is required to provide the following documents: an original or a copy of their birth certificate, baptism certificate, or certificate of presentation to temple; a valid passport; proof of Canadian residence or citizenship; and their Quebec health insurance card (ibid.). The consulate website indicates that the request costs US\$ 33 and that it takes approximately six months to receive a response from the National Archives (ibid.).

#### 2.1 Children Born Abroad to Haitian Citizens

The embassy official also stated that children born abroad to a Haitian parent can also apply for Haitian citizenship (ibid. 29 Jan. 2013). As a first step, the parent would be required to obtain a [translation] "late statement of birth" (déclaration tardive de naissance) for the child (ibid.).

The website of the Ottawa embassy states that for children under two years of age, a statement of birth can be transmitted to the National Archives for official registration and to obtain an official copy of the birth register (ibid. n.d.a). It also indicates that applications for a [translation] "late statement of birth" can be made at the embassy but are finalized in Haiti (ibid.).

The embassy website indicates that an individual can apply for a statement of birth, which costs \$35 and requires the following documents: a copy of all existing birth or identity certificates, if possible; one or two pieces of ID; a completed request form; and the foreign record of birth (ibid.). At least one parent must be present, along with two witnesses, all of whom must present a piece of ID (ibid.). The website of the consulate of Haiti in Montreal similarly indicates that the completed request form, the foreign record of birth, the \$35 fee, and the presence of at least one parent and two witnesses with their piece of ID is required; however, it also indicates that the father and/or mother must also present their own birth certificate, Haitian passport, Canadian residence card, and Quebec health insurance card (ibid. n.d.c).

### 3. Challenges to Obtaining Proof of Citizenship

The US Department of State's *Country Reports on Human Rights Practices for 2011* notes that Haiti's "dysfunctional civil registry system and weak consular capacity throughout the Caribbean made obtaining documentation extremely difficult for individuals living inside or outside the country" (24 May 2012, 18). It also noted that the government "did not register all births immediately and did not keep statistics concerning the number of unregistered births each year," adding that, according to one government estimate, over 10 percent of births in Haiti went unregistered (US 24 May 2012, 26). Additionally, the report indicated that many official documents were destroyed in the January 2010 earthquake and that requests for certified copies of documents more than tripled at the National Archives when it reopened after the earthquake (ibid., 27).

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

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## Additional Sources Consulted

**Oral sources:** A representative of the Consulate of Haiti in New York was unable to provide information for this Response. A representative of the Consulate of Haiti in Montreal was unable to provide information within the time constraints of this Response.

**Internet sources, including:** *Boston Haitian Reporter*; defend.ht; ecoi.net; Haiti – Archives nationales, Consulate in Montreal, Embassy in Washington, DC, Ministère de l'Intérieur et des Collectivités territoriales, Office national d'identification; *Haiti libre*; *Miami Herald*; Portail international archivistique francophone.

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