

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.

11 February 2013

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Dominican Republic and Haiti: Procedures to obtain and renew a residence permit; requirements for citizens of Haiti to enter the Dominican Republic (2011-Feb. 2013)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Legislation

Sources indicate that Regulation 631-11 for the General Law on Migration 285-04 (*Ley General de Migración 285-04*) was implemented on 1 June 2012 (*Hoy Digital* 7 July 2012; Immigration Experts DR 8 Oct. 2012; Agencia EFE 13 June 2012) by the Immigration Branch (Dirección General de Migración, DGM) (*Hoy Digital* 7 July 2012).

According to an article published by Immigration Experts DR, a legal services website owned by a member of the Dominican bar association (Immigration Experts DR n.d.), before the Regulation came into effect

[translation]

a foreigner could enter the territory of the Dominican Republic with a tourist card, and if they wanted to stay, they only had to obtain their residence permit in the Dominican Republic by completing the process for residence and submitting the documents to the Dirección General de Migración. (ibid. 8 Oct. 2012)

Sources indicate that, according to the Regulation, all foreigners are required to have a residence permit (*permiso de residencia*) (*Diario Libre* 11 June 2012; Agencia EFE 13 June 2012). According to an article in *Diario Libre* reporting on the Regulation, [translation] "immigrants have to pay various taxes, undergo a medical exam and travel to their country [of origin] to process and apostille their birth certificates and obtain criminal record clearance" (11 June 2012).

2. Process for Obtaining Permanent Residence

The article published by Immigration Experts DR further noted that Regulation 631-11 requires that [translation] "all people with the intention to establish themselves in the Dominican Republic have to first apply for a residence visa (*Visado de Residente*) in their country of origin, or at the nearest consulate available if there is no Dominican Republic consulate in their country of origin" (Immigration Experts DR 8 Oct. 2012). Furthermore, "once the person obtains their residence visa, they have 60 days to enter the Dominican Republic and begin the process for a residence permit" (ibid.).

2.1 Residence Visa

The website of the Embassy of the Dominican Republic in Canada indicates that

[the] Residence Visa is the first step in obtaining legal status in the Dominican Republic. The visa is single entry and has a validity of up to 60 days. The applicant MUST [emphasis in original] apply for the Residence Visa in their actual country of residence and have it in their possession in order to be allowed into the Dominican Republic to apply for temporary residence. Upon entry to the Dominican Republic, the applicant will need to report to Immigration authorities in order to complete the additional requirements and finalize the residency process. (Dominican Republic n.d.a)

A report published by the Dominican law firm Pellerano & Herrera discussing the new law also indicates that a

residency visa is required for applicants trying to obtain temporary residency (Pellerano & Herrera 2012, 6).

The Embassy website lists the following requirements for a residence visa:

- a letter of application addressed to the ambassador or consul; if in the Dominican Republic, the letter must be addressed to the Minister of Foreign Affairs;
- indication of the ties to the country, which include by birth, marriage, work contract, investor, or retiree;
- completed Visa Form 509-Ref;
- passport or travel documents valid for at least two years;
- criminal record clearance;
- medical certificate;
- one 2" X 2" photograph;
- original long form birth certificate;
- original marriage certificate, single status affidavit, or common-law agreement;
- documents that prove the economic solvency of the applicant;
- certificate from the immigration authorities with proof of most recent entry into the Dominican Republic or a copy of the tourist card;
- work contract;
- letter of guarantee;
- a parent or guardian's letter of permission in the case of minors;
- legible copy of a national identity document of the country of nationality and a copy of the residency card if residing in another country;
- the processing fee (Dominican Republic n.d.a).

Furthermore, the Embassy also indicates that

[a]ll documents originating from Canada must be authenticated by the Foreign Affairs Department in Ottawa and thereafter legalized by the Dominican Embassy/Consulate in the corresponding Jurisdiction. If the documents are originally from another country, then they must be legalized or apostilled by the Consular offices representing that country in Canada. (ibid.)

In addition, all documents need to be presented in original and four copies, as well as translated into Spanish by a translator certified in Canada (ibid.)

Processing of the application by the Embassy can take between 5 and 25 days (ibid.). The website also indicates that,

[o]nce the applicant has received the residence visa, which has a validity of 60 days and is single entry, their file will be submitted to the immigration authorities. Thereafter, the applicant will be required to complete the process in the Dominican Republic, fulfilling any and all additional steps the immigration authorities may deem necessary so that a temporary residence permit may be issued for the duration of one (1) year. (ibid.)

A May 2012 article in *El Nacional*, a Santo Domingo-based newspaper, notes that an internal government memorandum reminded all consulates they can only accept visa applications directly from the applicant and not through any intermediaries (31 May 2012). Corroboration could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2 Temporary Residence

According to the website of the Embassy of the Dominican Republic in Canada, all original documents are returned to the applicant in order for them to apply for a Temporary Residence Card, with a validity of one year, at the immigration authorities (Dominican Republic n.d.a). The website lists the following requirements for temporary residence, based on Dominican Republic Immigration Law, Section VI, Article 48, A:

Completed Temporary Residence Form, signed by the applicant typed or in legible print, to be submitted with the other documents to the Ministry of Foreign Affairs with the corresponding Internal Revenue Service stamp

Proof of Residence Visa issued by the Ministry of Foreign Affairs, with which the applicant entered the country.

The immigration authorities will **capture applicant's fingerprints and/or biometric information**.

Medical exam authorized by the immigration authorities to be performed in the Dominican Republic.

A total of four (4) recent photographs measuring 2" x 2". Two (2) facing front and two (2) facing sideways all with a white background, no jewelry or accessories, and ears clearly visible.

Passport or travel document valid for a minimum of two (2) years.

An insurance policy that can cover medical expenses and repatriation if necessary, authorized by the immigration authorities.

Sworn Affidavit drawn up and signed by a Dominican resident or legal permanent resident in the Dominican Republic, signed by two witnesses with supporting documents (Bank letter, Business Patent, Property Deed, etc.). The letter must specify the type of relation between the guarantor and the applicant. The guarantor shall undertake to settle any and all expenses incurred by the applicant and will be financially obligated to resolve any debts if the applicant is deported for violating Dominican rules and regulations. The letter must be drawn up before a notary public of the Dominican Republic and legalized by the General Attorney's Office.

All of the documents shall be submitted to the immigration authorities, translated in Spanish, each with 4 copies. The copies are to be distributed to the National Directorate of Narcotics, Interpol, National Police and Department of Investigations. The originals will be kept by the immigration authorities. (Dominican Republic [n.d.a](#))

According to the DGM website, it takes between four and six months for the temporary residence application to be processed (Dominican Republic [n.d.b](#)).

The Pellerano & Herrera report indicates that temporary residence must be renewed in person at the DGM 30 days before it expires (2012, 5).

2.3 Permanent Residence

According to sources, after five years of temporary residence, a person qualifies for permanent residence (Dominican Republic 2011, Article 50; Pellerano & Herrera 2012, 6). A permanent residence card valid for one year is issued, which can then be replaced with a card that is valid for four years and renewable every four years (*ibid.*; Dominican Republic 2011, Article 50). According to the DGM website, documents required for obtaining permanent residence are as follows:

[translation]

- a completed application form, which is signed in front of an employee of the DGM, along with a digital scan of their fingerprints;
- copy of the passport page containing the personal information of the applicant;
- copy of both sides of the identity card;
- the original and a copy of the temporary residence card;
- the original of the approved medical exam;
- six photos;
- a certificate of good conduct issued by the Attorney General [Procuraduría General de la República] valid for at least 10 days after being submitted;
- a copy of the original marriage certificate, if applicable;
- a letter of guarantee legalized by the Attorney General, if applicable, as well as a copy of both sides of the ID cards of the guarantors;
- a declaration form signed in front of a notary by two witnesses that know the applicant, indicating that the applicant's conduct follows the moral and legal code of the country, as well as copies of both sides of the ID cards of the two witnesses;
- copies of documents such as property or vehicle ownership, and a recent bank account with at least 100,000 Dominican pesos [C\$2,462.05 (XE 7 Feb. 2013)];
- three copies of all documents mentioned, arranged in the order in which they are listed;
- copy of the cover page of the passport;
- a copy of the entire passport (Dominican Republic [n.d.c](#)).

According to the website, processing the application can take four to six months (*ibid.*).

3. Renewal of Residence

In correspondence with the Research Directorate, a counsellor at the Embassy of the Dominican Republic in Ottawa indicated that renewing residence can only be done within the Dominican Republic, without exception (7 Feb. 2013). Similarly, according to an article written by a lawyer in the Dominican Republic and published by [elexpersona.com](#), an online legal service in the Dominican Republic since 1997 ([elexpersona.com n.d.a](#)), before the residence card expires, all foreigners are required to apply to the Immigration Branch for renewal (*ibid.* [n.d.b](#)).

According to the lawyer, additional fees are applied when renewing an expired residence card, and they increase every month past the expiration date ([elexpersona.com n.d.a](#)). The Counsellor also noted that, if permanent residence is not renewed, the person is considered illegal in the Dominican Republic, which is a punishable offence (Dominican Republic 7 Feb. 2013).

3.1 Requirements for Citizens of Haiti to Enter the Dominican Republic

According to [Caribe-Lawyers.com](#), a website that provides legal advice from lawyers in the Dominican Republic ([Caribe-Lawyers.com n.d.a](#)), Haitians require a visa to enter the Dominican Republic (*ibid.* [n.d.b](#)). The Counsellor stated 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 the renewal of residence (Dominican Republic 7 Feb. 2013). In addition, the Counsellor 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 (ibid.).

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.

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