



Migration Governance Snapshot: Dominican Republic

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In 2015, the International Organization for Migration (IOM) developed a [Migration Governance Framework \(MiGOF\)](#) to help countries define what “well-managed migration policy” might look like at the national level. The MiGOF was welcomed by IOM’s Member States in the same year. The Migration Governance Indicators (MGI)¹ were developed to assist countries operationalize the MiGOF by using a standard set of approximately 90 indicators that could be applied across six key policy domains.

The MGI is a tool based on policy inputs, which offers insights on policy levers that countries can use to develop their migration governance. The MGI is not intended to function as a measurement of outcomes related to migration policies and institutions. Instead, it operates as input-based benchmarking framework that offers insights on policy measures that countries can use to strengthen migration governance. The MGI is not meant to rank countries in the assessment of the comprehensiveness of their migration policies, or to identify gaps and areas that could be strengthened. The MGI aims to assist countries while advancing the conversation on migration governance by clarifying what “well-governed migration” might look like in the context of the [Sustainable Development Goal Target 10.7](#), “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.”

This country snapshot presents a summary of well-governed areas of the Dominican Republic’s migration governance structures, as well as the areas with potential for further development, as assessed by the MGI.

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With research and analysis by



Key findings

I. Adherence to international standards and fulfilment of migrants' rights

I.1. International conventions ratified

The table below follows a standard format and looks at the ratification of specific international conventions. The list of conventions covered is by no means exhaustive.

| Name of the convention | Ratification |
|---|--------------|
| ILO Migration for Employment Convention (Revised), 1949 (No. 97) | No |
| Convention on the Status of Refugees, 1951 | Yes (1978) |
| Convention relating to the Status of Stateless Persons, 1954 | No |
| Convention on the Reduction of Statelessness, 1961 | No |
| ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) | No |
| Convention on the Rights of the Child (CRC), 1989 | Yes (1991) |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990 | No |

I.2. Migration Governance: Examples of well-developed areas

In the Dominican Republic, migrants can access public health services and social security. The 2001 General Health Law prescribes the universality of health services, which are accessible to all migrants, irrespective of their legal status. Under Presidential Decree 96-16, the Social Security Treasury (TSS) has adjusted its system to allow employers to register migrant workers in the social security system, with the relevant documentation.

All migrants in the country enjoy access to education. The Education Law stipulates that all children and adolescents have the right to be enrolled in education centres, irrespective of their legal status. In addition, Article 63 of the Constitution of the Dominican Republic establishes the universal right to education. In practice, both Dominican nationals and foreigners enjoy the right to basic education, with no identity documents being required at that level of the education system. They receive the same treatment at the secondary level but must submit their birth certificates and the relevant identity documents, in the same way as Dominicans.

Under Article 50 of the General Law on Migration of 2004, temporary residents may apply for permanent residency after five years of continuous residence in the Dominican Republic. Permanent residency will be renewed at the end of the first year and subsequent renewals will take place every four years. Likewise, Article 52 of that law stipulates that naturalization is possible at the end of two years of continuous residence after obtaining permanent residence.

I.3. Areas with potential for further development

There are some restrictions on work for immigrants. First, there are provisions in place favouring local labour, with the aim of ensuring that the proportion of local employees in each company remains at 80 per cent (Article 135 of the Labour Code). This percentage may change, however, when the immigrant fulfils the criteria stipulated among the exceptions, or if prior permission is obtained from the Directorate of Labour.

Migrants are not allowed to work in the public sector as civil servants. Article 33 of Civil Service Law No. 48-01 states that "the general conditions for entering the civil service are as follow: 1. Dominican

nationality; [...]”. Therefore, although immigrants may be hired as consultants to the Dominican Government, they are not eligible for public office careers as civil servants.

Under Article 25.1 of the Constitution and Article 41 of Electoral Law No. 275 of 21 December 1997, immigrants are not entitled to vote in municipal elections.

The Dominican Republic has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Nor has it ratified the ILO Migrant Workers Convention or signed the Conventions on Statelessness (1954 and 1961).

2. Formulates policy using evidence and a whole-of-government approach

2.1. Migration Governance: Examples of well-developed areas

The Dominican Republic has exhaustive regulations on migration. The 2004 Migration Law is the legal framework that governs immigration and emigration. The Ministry of Foreign Affairs publishes information on its [website](#) regarding migration rules and regulations. For example, the website provides information on migration categories and the requirements for obtaining a permit of residence in the country. The Dominican Republic compiles basic migration data. Each year the National Migration Institute (INM RD) compiles and publishes information on the number of people entering and leaving, categories of migrants permitted to stay, and the immigrant population employed in the formal sector. On its [portal](#), the Foreign Ministry also publishes annual statistics on visas issued, broken down by category, country and month, as well as other information.

Migration issues are adequately reflected in development policies. For example, the [2010-2030 National Development Strategy](#) contemplates a series of specific objectives and lines of action of relevance to the migrant population and its well-being. Some relate to ensuring orderly migration flows, modernizing the legal and institutional framework, regularizing the situation of foreigners, migration management in keeping with the requirements of national development, strengthening the mechanisms to combat human trafficking and migrant smuggling and ensuring respect for the human rights of the population. In addition, there are provisions protecting the rights of Dominicans abroad, overhauling the consular service and providing reintegration support for the migrant population returning to settle in the country.

The Dominican Republic strives to improve horizontal policy coherence. The National Migration Board was set up in 2004 and tasked with coordinating the institutions responsible for implementing national migration policy, comprising the Minister of the Interior and Police, the Minister of Foreign Affairs, the Minister of the Armed Forces, the Minister of Labour, the Minister of Tourism, the Minister of Public Works, the Minister of Public Health, the Minister of Agriculture, the judge chairing the Central Electoral Board, the President of the Senate Commission on the Interior and the Police, and the President of the Commission on the Interior and the Police of the Chamber of Deputies. It should also be underlined that efforts are under way to harmonize policies with the country's decentralized departments. For example, implementing the National Plan for the Regularization of Foreigners required interinstitutional collaboration among several government bodies. In addition to forums for dialogue and interinstitutional decision-making on general aspects of migration – such as the Interinstitutional Technical Commission on Migration (CTIAM) – other interinstitutional initiatives tackle specific topics on a sectoral basis, including human trafficking, and this in the framework of the Interinstitutional Commission to Combat Trafficking in Persons and Smuggling of Migrants

(CITIM); they also address labour migration, which entails working both internally and jointly with the International Labour Organization (ILO).

2.2. Areas with potential for further development

A National Migration Strategy, albeit non-exhaustive, has been laid out in a programme document. The 2010-2030 National Development Strategy is the macro-institutional instrument that governs migration matters. It includes lines of government action regarding migration and the extensive objectives envisaged by the Dominican State relating to the movement of people. Likewise, the Dominican Republic has set out a migration strategy in the "2015-2020 Strategic Plan, the New Foreign Relations Policy," a Ministry of Foreign Affairs (MIPEX) mechanism that determines the programmes and projects conceived to implement the new external relations policy, in keeping with the goals and objectives established for the 2015-2020 period. Migration policy has been included, though in a limited manner.

3. Engages with partners to address migration and related issues

3.1. Migration Governance: Examples of well-developed areas

The Dominican Republic participates in several regional consultation processes on migration that address policy cooperation. It is a member of the Regional Conference on Migration or the Puebla Process (RCM) and of the Caribbean Migration Consultations (CMC). This RCM has drawn up an Action Plan containing a summary of the commitments assumed regarding the implementation of measures at regional level and creating a guiding framework for the implementation and coordination of activities. Among other measures, the RCM has set up the Liaison Officers' Network to Combat Migrant Smuggling and Human Trafficking in order to enhance regional cooperation in this field. The Network meets twice per year. The country is also part of the Central American Integration System (SICA) and the Community of Latin American and Caribbean States (CELAC).

The Dominican Republic has concluded bilateral agreements on migration with other countries with a view to regularizing migration processes. In December 2001, for example, the Dominican Republic signed an agreement with Spain on the regulation and management of labour migration flows. It has also signed memorandums of understanding, such as that signed in May 2017 between the foreign ministries of the Dominican Republic and Chile on cooperation in migration and consular matters. In addition, Haiti and the Dominican Republic have a binational technical cooperation mechanism to address migrant health matters.

The Government of the Dominican Republic works with civil society and private sector organizations to devise and implement migration-related initiatives. There are mechanisms for consulting with civil society on matters such as the fight against human trafficking and the Human Rights Plan. The private sector for its part is represented on the Managing Technical Commission of the National Migration Institute. Both the private sector and civil society took part in preparing and implementing the National Plan for the Regularization of Foreigners in 2014 and 2015.

4. Advances the socioeconomic well-being of migrants and society

4.1. Migration Governance: Examples of well-developed areas

The Dominican Republic takes into account the abilities and skills of applicants for temporary residence or work permits. The visa is issued after verification that the qualifications of candidates match the profile and needs of the requesting company. Besides, there are various types of temporary residence permits corresponding to specific groups (for example students, retirees or seasonal workers).

International students have unrestricted access to university-level education. Foreigners wishing to study in the Dominican Republic must obtain a student visa and for this purpose they must meet certain prerequisites including the obligation to furnish proof of their ability to support themselves financially in the country.

4.2. Areas with potential for further development

The Dominican Republic lacks nationwide procedures for monitoring the labour market and the demand for immigrants (for example, lists of sectors with labour shortages). The Ministry of Labour runs an electronic employment exchange where registered companies publish their vacancies and users may upload their curriculum vitae and submit their application for available positions. The service has the capacity to document job shortages but is not currently doing so. Employment fairs are held from time to time with the joint participation of the private and public sectors, and immigrants are able to participate on equal terms.

Although family remittances represent the third largest source of foreign exchange in the Dominican Republic, there are no schemes to encourage or formalize those flows. The government bodies concerned, such as the Central Bank, the Ministry of the Economy and the Ministry of Foreign Affairs do not have any programmes designed to encourage and facilitate this source of income.

5. Effectively addresses the mobility dimensions of crises

5.1. Migration Governance: Examples of well-developed areas

The National Plan for Comprehensive Disaster Risk Management includes provisions that address the impacts of population displacements. Among other things, the Plan aims specifically to "identify human settlements located in risk areas and to manage and deal with them for the purposes of preparedness" and "to develop and update emergency and contingency plans for preparedness, response and the rehabilitation of the population in the event of a disaster."

The National Climate Change Adaptation Plan (PANA) was adopted in 2008 and addresses migration flows stemming from environmental degradation and the adverse impacts of climate change. Specifically, one of the lines of action under the plan proposes the introduction of land-use control, including the relocation of human settlements situated on river banks, in the vicinity of dams and in areas susceptible to landslides. Similarly, the Strategic Plan for Climate Change (2011-2030) mentions migration in the section on infrastructure and population dynamics and calls for incentives for the formulation of programmes to address migration and refugee movements triggered by climatic factors.

There are government measures in place to assist nationals abroad through consular services. The 2015-2020 Strategic Plan of the Ministry of Foreign Affairs aims to buttress consular services and the implementation of humanitarian aid and legal protection programmes.

5.2. Areas with potential for further development

The National Development Strategy addresses the matter of Dominicans wishing to return to the country, though in general terms. The plan aims specifically to "support the dignified reintegration of migrants wishing to return to resettle in the country."

As pertains to human trafficking and migrant smuggling, the State is striving to build up effective prevention and punishment mechanisms by establishing comprehensive systems for the care of victims, in particular of children and adolescents.

The crisis as a trigger for outmigration is not being countered with recovery strategies that include the aspect of migration. An examination of the law formulated by the Ministry for the Economy, Planning and Development (MEPyD) and the Law on the National Planning System reveals that the aspect of migration is not included in development planning. Furthermore, recovery plans do not provide for the return of displaced populations following a disaster.

6. Ensures that migration takes place in a safe, orderly and dignified manner

6.1. Migration Governance: Examples of well-developed areas

The country has an entity that bears overall responsibility for border control and security. The General Migration Directorate is an administrative body whose purpose is to control the entry and exit of Dominican citizens and non-nationals and to regularize the stay on Dominican territory of persons qualifying as immigrants, irrespective of category. There are several entities discharging different functions in border areas, noteworthy among which are the Dominican National Army (END), the Navy of the Dominican Republic, the Specialized Airport and Civil Aviation Security Force (CESAC), the Specialized Land Border Security Force (Cesfront) and the Specialized Port Security Force (CESEP).

The country has a system for monitoring the stay of persons with expired visas. In most cases, visas issued by the Dominican Republic are valid for 60 days, pursuant to Article 40 of the General Law on Migration. In that time, foreigners are required to complete the relevant procedures within the country to formalize their residence status and obtain the residence card or permit from the General Directorate of Migration. A record is kept of every card issued in the DOM-02 system. The Ministry of Foreign Affairs has a [website](#) which clearly describes the requirements for residence visas and permits. The system for completing the formalities to obtain an entry visa to the Dominican Republic allows for several options: it can be done entirely via the electronic portal, in a hybrid manner, or by submitting the hard copy of documents.

The Office of the Attorney General of the Republic, the Social Policy Coordination Cabinet of the Office of the Vice-President of the Republic, the Ministry of Foreign Affairs, and the National Migration Institute are working in concert to create a Pilot Programme for the Protection and Reintegration of Deported and Returning Dominicans. To that end, during the First Forum on the Protection of Returning Migrants in Vulnerable Situations (June 2017), a Memorandum of Understanding was signed determining that the initiative was being taken in order to offer

comprehensive protection and assistance to deportees and to reinforce public policies for support to that group in order to ensure the efficiency and effectiveness of the measures taken.

The Attorney-General of the Republic is working closely with groups of migrants who are victims of organized international criminal networks engaging in human trafficking and smuggling, for the most part women, children and adolescents in vulnerable situations. Among the services envisaged under the project are support for job market integration and job mediation, education and health services, social assistance and legal and consular assistance as well as support for beneficiaries in order to ease their integration into the community and seek custody of children and adolescents.

6.2. Areas with potential for further development

The bodies that set migration and development policy, such as the Ministry of Foreign Affairs and the Ministry of the Economy, have launched policy planning processes designed to encourage the return of nationals residing abroad.

Key sources

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Office of the Attorney-General of the Republic

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