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Immigration and
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Commission de l'immigration
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Haiti : Whether a person born abroad of Haitian parents, who has renounced Haitian nationality, may recover that nationality; requirements and procedures to reacquire Haitian nationality (2014 January 2015) [HTI105040.FE]

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For general information on dual nationality since the coming into force in June 2012 of the amended Constitution of Haiti, which removed the prohibition against the holding of foreign nationality by Haitians, consult Response to Information Request HTI104293. Specific information on obtaining or reacquiring Haitian nationality by a person born abroad, since the coming into force of this constitutional amendment, was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

The website of the Consulate General of Haiti in Montreal explains how an applicant with multiple nationalities may obtain a Haitian passport and that the procedure is [translation] “temporary until legislation governing the matter is adopted by Haitian Parliament” (Haiti n.d.b). In an open letter to the Haitian government, which was published by the online news site HaitiLibre on 2 August 2013, the Haitian Diaspora Federation (HDF), a group of 14 organizations, made the following statement:

[HDF English version]

Since these Amendments [to the Constitution] became effective, our Legislature and our government officials have not done enough to articulate, propose or to submit any “laws” to “regulate” the exercise of [c]ivic and [p]olitical [r]ights constituting the “Quality of Citizenship” (HDF 2 Aug. 2013).

Similarly, during a telephone interview with the Research Directorate, the President of the Haitian Diaspora Federation of Europe (Fédération de la diaspora haïtienne en Europe, FEDHE), whose headquarters are in Paris, stated [translation] “aside from the Constitution, there are no laws or procedures regulating questions of Haitian nationality” or “clear directives” on the matter, which “poses a problem” when Haitians seek to obtain or reacquire Haitian nationality (President 15 Jan. 2015). According to him, even at the embassy and at the Haitian consulates in France, there is [translation] “confusion about the practices” (ibid.). The President however stated that some people had obtained or required Haitian nationality, but they had to [translation] “return repeatedly to the embassy to move their application forward” (ibid.).

In correspondence published on its website, the Consulate General of Haiti in Montreal states however [translation] “that as of 9 July 2012, Haitians who have foreign nationality may apply for a

Haitian passport” (Haïti n.d.a). The Consulate General adds that, in the case of a first passport application,

[translation]

the applicant must be a minor and be born in Canada of a Haitian father or mother who themselves were born Haitian and who had never renounced their nationality at the time of the birth [of their child]. The child must be registered at the closest Haitian mission and obtain an extract from the birth registry (ibid. n.d.b).

The website of the Consulate General lists the documents that applicants who have more than one nationality must present with their Haitian passport application:

[translation]

Individuals of Haitian origin with birth certificate

- Recent Archives extract
- Citizenship card and Canadian passport
- Health insurance card
- Letter addressed to the Consulate General of Haiti in Montreal to reacquire Haitian nationality

Haitians born abroad who never acquired Haitian nationality

- Birth certificate of father or mother
- Late statement to the Consulate General of Haiti in Montreal to obtain the Haitian birth certificate
- Birth certificate from Quebec
- Canadian passport
- Letter addressed to the Consulate General of Haiti in Montreal to apply for Haitian nationality (ibid. n.d.b).

The website of the Embassy of Haiti in Paris lists the documents that applicants who have dual nationality must present with their Haitian passport application.

[translation]

Individuals who are Haitian by origin, have dual nationality and have a Haitian birth certificate must present:

- A recent extract from the National Archives of Haiti
- A letter addressed to the consulate stating the desire to reacquire Haitian nationality

Individuals born abroad of Haitian parents and who have never had Haitian nationality must present:

- Birth certificate of father or mother

- Late statement to the consulate to obtain the Haitian birth certificate
- Letter addressed to the consulate requesting Haitian nationality (ibid. n.d.c).

The website of the Consulate General of Haiti in Montreal also states that, when the passport application concerns a minor, [translation] “parental authorization signed by one of the parents or the guardian” must be provided (ibid. n.d.a). However, another section of the website of the Consulate General states that [translation] “parental authorization must be granted by the two parents or the guardian, by a form available at the consulate reception or by a written letter from the second parent or guardian” (ibid. n.d.b). In addition, [translation] “the minor must be accompanied by one of their parents or their guardian” upon presentation of the application to the consulate (ibid.). Similarly, on its website, the Embassy of Haiti in Paris states that [translation] “a parent or the legal tutor must be present for the issuance of a passport to a minor child” (ibid. n.d.c).

The website of the Consulate General of Haiti in Montreal states that for people who have multiple nationalities, a passport may only be issued [translation] “to the first step of kinship. Grandchildren may not obtain Haitian nationality unless one of the parents of Haitian origin acquires Haitian nationality” (ibid. n.d.b). The Consulate General also states, without providing details, that [translation] “special cases will be processed at the discretion of the Consul General or Vice Consul” (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.

References

Haiti. N.d.a. Consulate General of Haiti in Montreal. “Service passeport : tout citoyen haïtien ayant une nationalité étrangère peut faire une demande de passeport.” <http://www.haiti-montreal.org/demo/page_actualite_detail.php?ide_actualite=11> [Accessed 30 Dec. 2014]

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Haitian Diaspora Federation (HDF). 2 August 2013. “Haïti - Politique : Lettre ouverte de la Fédération de la diaspora haïtienne au gouvernement d’Haïti.” <<http://www.haitilibre.com/article-9137-haiti-politique-lettre-ouverte-de-la-federation-de-la-diaspora-haitienne-au-gouvernement-d-haiti.html>> [Accessed 30 Dec. 2014]

President, Fédération de la diaspora haïtienne d’Europe (FEDHE). 15 January 2015. Telephone interview with the Research Directorate.

Additional sources consulted

Oral sources: The following people and organizations were unable to provide information within the time constraints: Immigration lawyer in Port-au-Prince; Centre de recherche et d'information juridiques; Haiti – Embassy of Haiti in Canada. A notary from Port-au-Prince was unable to provide information. Attempts to contact the following people and organizations within the time constraints were unsuccessful: the former Minister of Haitians Living Abroad; Lawyer from Port-au-Prince; Groupe d'appui aux rapatriés et aux réfugiés; Haiti – Embassy of Haiti in Paris, Consulate of Haiti in Montreal, ministère des Haïtiens vivant à l'étranger; Haitian-American Grassroots Coalition; Haitian Diaspora Federation.

Internet sites, including: AlterPresse; Base de données politiques des Amériques; Cabinet Pasquet, Gousse et associés; Cabinet Patrick Laurent & associés; Canada – Embassy in Port-au-Prince; Canal + Haïti; ecoi.net; Factiva; France – Embassy in Port-au-Prince; Haiti – Embassy in Washington, Consulat général de la République d'Haïti in Miami, ministère des Affaires étrangères et des Cultes, Haitian Parliament; Haïti en marche; Haiti Press Network; Haïti Référence; HG.org; InfoHaiti; Institute for Justice and Democracy in Haiti; *Le Monde*; *Le Nouvelliste*; Organization of American States; *La Presse*; Radio France internationale; Radio Television Caraïbes; Théard et associés; United Nations – Refworld; United States – Embassy in Port-au-Prince, Department of State.
