
Questions and Answers on New Migratory Measures

31/10/2017



Several questions have risen around the four measures to be passed next January 1st. Here are some answers to some of the most recurrent questions on the issue:

-What does it mean to eliminate the requirement of enabling the passport for Cuban residents abroad?

With this measure it's eliminated the step which although a one-time and free procedure in the consular offices, it lengthened the process for obtaining the passport, and people spent money and time in trips and lodgings, among others. Since January 1st, 2018, Cubans residing abroad will only need a valid passport to enter or exit the Island.

-With the elimination of this procedure, does it change what was established on the renovation or extension of the passport?

No. Cubans residing abroad must renovate the passport every six years and over that period of time they must get a passport extension every two years, to make it still valid. After the six years established in the legislation a new one needs to be made. The extension requirement will remain intact after the elimination of the procedure.

-Who won't be able to travel to Cuba even though they are Cuban resident abroad?

As established in article 24.1 of Law 302 of year 2012, modifying Law 1312 of year 1976, Migration Law, it would be inadmissible everyone with records of terrorist activities, human or weapon traffic, drug traffic, money laundry; or tied with crimes against humanity, the human dignity, common health; guilty of organizing, encouraging, carrying out, or participate in hostile actions against the political, economic and social foundations of the Cuban State; when defense and national security matters deem it that way, among others. These requirements stay effective.

-Who is benefit with the authorization that Cuban residents abroad can enter and exit national territory in pleasure boats?

This measure is the continuation of abovementioned authorization so that residents in Cuba or abroad, regardless their migratory condition can travel on board cruisers or join as passengers and crews in merchant ships that dock in Cuba and was passed in April 2016. All Cubans living abroad are benefit and wish to come on a pleasure boat, yachts or similar crafts.

-Will Cubans residing here be able to travel to other countries or return to Cuba in pleasure boats (yachts or similar crafts) belonging to Cubans that live in other countries?

NOT for the time being. According to a reliable source some work is still in progress in that matter and other related migratory issues, but the restriction still applies for those residing in the Island to exit or enter in pleasure boats that dock in Hemingway Marine or Varadero Marine.

-Why eliminating the ban after eight years have passed for those who left Cuba illegally and keep it for those who did it through the illegally occupied territory by United States in Guantanamo Bay?

People who dared in illegal exits mostly via marine, jeopardized their lives, those of their family, broke Cuban laws as well as international, and risked the execution of international agreements, besides risking national security; however, once the U.S. eliminated the wet-feet dry-feet politics used with political purposes to illegal Cuban migrants, as well as the elimination of the "parole" program to encourage the desertion of Cuban doctors working in third countries, it has shown a considerable decrease in the illegal flow to the U.S., thus ratifying they were incentives for illegal migration. The measure benefits all those who left Cuba illegally since year 2010 until today who will be able to travel to Cuba starting next January 1st.

In the case of those who left illegally through the Guantanamo Naval Base, committed a serious violation of laws and put at risk the national security of Cuba, hence they are forbidden entrance to the country for good.

-Will people who abandoned Cuban official missions abroad be able to come with these measures?

No. The prohibition of returning to Cuba remains -for the time established, up to five years in some cases and eight years in others - for those who abandoned overseas official missions with the purpose of emigrating, we are talking about doctors, diplomats or sport delegations, or other sort.

-What does it imply by the "elimination of the domicile" requirement?

Children of Cubans who were born abroad will no longer have to complete the domicile requirement to become Cuban citizens. With the elimination of this demand, they won't have to reside for a while in Cuba so they can later decide on taking the documents that validate them as Cuban, but by common law for being the son of both parents, or one of them Cuban natural.

-Do stateless persons disappear, that is, people who could not take either nationality?

One of the main legal obstacles this measure eliminates is that there won't be any more stateless person; that is, the children of Cubans, born in countries that don't grant the nationality for being born there. Some nations only grant citizenship by what is internationally known as blood right which is simply being descendent of citizens from that nation, and not for being natural from that country. With the current legislation, the children of Cubans living in those countries didn't have citizenship, neither Cuban, neither of the State.

Since January 1st, 2018, all those born from a Cuban mother or father will be able to process the nationality through Cuba's consulate offices, without the need to travel to Cuba and reside for some time here.

Amilkal Labañino Valdés / Cubasi Translation Staff

