
Migration Policy Reform in Cuba

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Following the recent reform of Cuba's migration policy, the island's inhabitants will no longer be required to obtain permission to travel abroad from the authorities. Cubans may also remain out of the country for twenty-four consecutive months and even extend their stay should they wish.

On January 14, 2013, a new Cuban migration policy will come into force. This long-awaited reform, which responds to the aspirations of the population, will facilitate travel abroad for Cubans. They will no longer need the famous "white card" exit permit currently issued by planning authorities that is available for a fee of \$150. Neither will Cubans be required to obtain a "letter of invitation" (\$200) from a foreigner in order to leave the country.

Now, Cubans wishing to travel abroad require nothing more than a passport (valid for a period of six years and available at a cost of 100 Cuban pesos, or \$100), a host country visa and financial resources adequate to explore the world for two years, compared to the eleven months allowed earlier. Beyond this 24-month period, Cubans wishing to extend their stay outside of the national territory, may do so at their local consulate. They can also return to Cuba and then leave again for another stay of similar duration, something that is renewable indefinitely.

A Migration Policy With an Historical Link to the Foreign Policy of the United States

Contrary to popular belief, the policy of requiring permission to leave the country was not introduced by the revolutionary government in 1959. Indeed, as Max Lesnik, director of Radio Miami, reminds us, it dates from 1954 and had been put in place by the military regime of Fulgencio Batista. This requirement was maintained during the coming to power of Fidel Castro in order to limit, among other things, the brain drain to the United States.

Indeed, since the triumph of the Revolution, the United States has used migration as a tool to destabilize Cuba. Initially, this was done by welcoming war criminals and corrupt officials of the former regime, but also by promoting brain drain. In 1959, Cuba had 6,286 doctors. Attracted by the job opportunities Washington offered them, some 3,000 chose to leave the country to travel to the United States. The Eisenhower administration, in the service of the

ideological and political war being waged against the new government of Fidel Castro, had decided to drain the nation of its human capital, this to the point of creating a serious health crisis.

Nonetheless, the highly qualified prospective migrant was required to obtain permission from the immigration authorities. Decree-Law 302 provides for restrictions designed to "preserve a skilled labor force qualified to advance the economic, social, scientific and technical development of the country, as well as to protect the security of official documents."

Doctors in particular were targeted. The Cuban Medical Professional Parole Program (CMPP), established by the Bush administration in 2006 and continued by Barack Obama, is designed to encourage Cuban doctors serving in missions abroad to abandon their posts. They are offered the prospect of exercising their profession in the United States, an action clearly designed to deprive the Cuban nation of precious human capital. To date, hundreds of Cuban doctors, particularly those serving in Venezuela, have allowed themselves to be tempted by this offer.

The policy is part of an economic war that the United States has waged against Cuba since 1960. It includes the imposition of extremely harsh sanctions—both retroactive and extraterritorial and thereby contrary to international law—that affect all segments of Cuban society, especially the most vulnerable. Indeed, the medical services provided by Cuban doctors outside national borders are the primary source of income for the nation, well ahead of tourism, money transfers from the Cuban communities overseas and the sale of nickel.

On the United States side, the State Department has not failed to criticize Cuban restrictions imposed upon health professionals among others. These restrictions are intended to counter a U.S. policy designed to deprive Cuba of its best elements, and occur in the context of a conflict between the two nations that has continued for more than a half century. Victoria Nuland, the State Department spokeswoman for U.S. diplomacy, has responded in this manner: "We must point out that the Cuban government has not lifted the existing measures designed to preserve what it calls 'human capital' created by the revolution."

In the same manner, Nuland also declared that United States migration policy towards Cuba would remain unaffected and the Cuban Adjustment Act maintained as well. At the same time, she called upon Cubans "not to risk their lives," by illegally crossing the Straits of Florida. Nuland, however, could not avoid an obvious contradiction. Indeed, according to a law, unique in the entire world, adopted by the United States Congress on November 2, 1966, any Cuban entering the United States legally or illegally, peacefully or violently, on January 1, 1959 or later, will after one year automatically receive permanent residency status and a variety of social benefits.

This law, denounced by Havana, is a powerful instrument used to incite Cuban emigration and deprive the nation of a portion of its qualified labor force. It also encourages Cubans to risk their lives by crossing the Straits of Florida illegally and under precarious conditions. Indeed, rather than granting a visa to anyone who applies, something that fully meets the standards set forth in the Cuban Adjustment Act, the United States, in accordance with the agreements signed with Havana in 1994, chooses to limit their number to 20,000 per year. At the same time, Washington refuses to repeal the Cuban Adjustment Act that permits Cubans to settle permanently in the United States without needing a visa.

A New Era for Cubans

The reform of migration policy grants Cubans considerably more freedom to travel abroad. Contrary to popular belief, between 2000 and August 31, 2012, of a total of 941,953 requests for permission to leave the country, 99.4% were granted. Only 0.6% of those requesting an exit permit were denied. And indeed, the vast majority of Cubans who travel abroad choose to return to the country. Thus, of the 941,953 who left the country between 2000 and 2012, only 12.18% have chosen to settle abroad, compared with 87.2% who have returned to Cuba.

Furthermore, it will now be easier for Cubans to return to their country of origin. Indeed, the entry permit, adopted in 1961 for reasons of national security at a time when Cuban exiles, under the control of the CIA, were engaging increasingly in acts of terrorism and sabotage on the island, and where the vast majority of the candidates were primarily motivated by political reasons, will be removed.

Today, most Cubans living abroad are no longer hostile exiles, but rather economic emigrants who aspire to normal and peaceful relations with their country of origin. They too will return to the island as many times as they wish, as they did before, but will no longer have to go through obsolete administrative procedures.

Moreover, the only category of Cubans who are not yet permitted to return to their country of origin—those known as "balseiros," or Cubans who left the country in the early 1990s during the "special period" that followed the demise of the Soviet Union, a period marked by severe economic hardship in Cuba and something that occurred within a context of increased hostility by the United States—can now return to the island. This is also true for the doctors and athletes who chose to leave the country during a stay abroad. The last administrative obstacles preventing the return of these emigrants will be lifted in January, 2013.

The migration reforms that will enter into force on January 14, 2013 respond to the national aspirations of the Cuban people, whose wish is to build a more open society, one with fewer restrictions and greater freedom to travel. It is in line with the profound economic changes initiated in 2010, which give Cubans the possibility to own their own business. Indeed, many Cubans wish simply to emigrate abroad temporarily in order to raise funds that will allow them to return to Cuba to establish a small business. Since 2010, each year, nearly 1,000 Cubans living abroad have chosen to return home and settle permanently on the island. The new migration policy puts an end to unnecessary bureaucratic obstacles and facilitates the gradual normalization of relations between the Cuban nation and its emigrants.
