CUBA

The Cuban Revolution of 1959 greatly accelerated the country’s emigration dynamics, leading to a large-scale exodus of disaffected sectors of society. As a result, the relationship of Cuba to its diaspora has for decades been overshadowed by the political confrontation between the socialist government on the island and an emigré community that identified as “exiles,” resident in the U.S. and glued together by the display of uncompromising opposition to the Fidel Castro-led government in Havana.¹

While many European and Latin American countries also host Cuban emigrants, no other place of settlement comes close in terms of size or importance to the U.S. Today, Cuban-Americans (combining Cuban-born and second-generation) are the third largest Latino group in the United States, numbering more than 2 million people. About 85% self-identify as “white” according to census data.² Florida, with nearly 70% of all Cuban-Americans, and in particularly the larger Miami-Dade area, became the foremost place of settlement for Cuban emigrants. They not only became an essential driver of Miami’s dynamic economic development since the 1960s,³ but also became a showcase example of a successful immigrant community in the U.S.

Cuban emigrants were essentially from the upper and middle classes who saw their economic and social interests affected by the revolutionary government. In the years immediately after the Revolution, Cuban exile groups were instrumental in attempts to overthrow Cuba’s socialist government by force, most prominently in the U.S.-backed Bay of Pigs invasion attempt in 1961, setting the stage for the highly politicized relations between emigrants and the Cuban government for the past decades. The Cuban government contributed to the high-pitched polarization by depicting emigrants as “traitors,” “worms,” and “scum” as well as by restrictive migration and citizenship policies.⁴

Over time, Cuban emigrants turned “from exiles to immigrants” eventually evolving into the hyphen status of ‘Cuban-Americans’, mostly rather well integrated into US society and endowed with US citizenship but with strong transnational ties.⁶ They also developed an efficient political lobby group which in the 1980s and 1990s became very influential in U.S.-Cuba policy, refueling the political polarization with the Havana government.

¹ Portes, “The Cuban-American Political Machine.”
² Tafoya, “Shades of Belonging.”
³ Portes and Stepick, City on the Edge.
⁴ Castro, Discurso pronunciado por el comandante en jefe Fidel Castro Ruz en el acto conmemorativo del Primero de mayo.
⁵ Rieff, “From Exiles to Immigrants.”
⁶ Eckstein and Barberia, “Grounding Immigrant Generations in History: Cuban Americans and Their Transnational Ties.”
Due to the confrontation with the U.S., the politicization of migration and the country’s single-party-system, emigrant policies in Cuba have developed very differently from the rest of the continent. For decades, the Cuban state emphasized that emigration is an option of “definite exit” (salida definitiva), and that by leaving, emigrants forego all rights and claims in Cuba. Thus, emigrant policies in the sense of reaching out to citizens abroad was a non-issue in Cuban politics until rather recently. Change began to come in the economic crisis of the 1990s with the growing importance of remittances from emigrants to their family members on the island. In particular, the migration reform of 2013 liberalized travel to the point that it facilitated a new form of emigration that formally maintains residence in Cuba.

Currently three different migratory categories can be distinguished: 7

- Emigration: According to the new Migration Law that came into effect in 2013, a Cuban is considered emigrated when he or she leaves the country in breach of migratory regulations or stays outside the country for more than 24 months without complying with the corresponding regulations (e.g. paying monthly fees or updating the passport in a Cuban consulate). An emigrant in Cuban terms is thus a criminal. Since 2013, it is also possible for emigrants to repatriate and return to Cuba; previously, this was only granted in exceptional cases.

- Residence abroad: Since 2013, the permit to reside abroad (Permito de Residencia en el Exterior; PRE), formerly only granted to those married to a foreigner or similar cases, is granted more flexibly. It allows the citizen to live abroad for an indefinite time without being considered an emigrant or losing Cuban residence status, without having to pay monthly fees. Citizens with a PRE retain their rights to social services, pensions, and properties. They may come back to reside in Cuba whenever they desire.

- Travel/Temporary migration: Those citizens who travel for private purposes may stay outside Cuba for up to 24 months, with extension possible against payment of a monthly sum and updating of the passport. The line between travel and temporary migration is deliberately blurred, as in this category, residence in Cuba is formally maintained. As a consequence, these migrants continue to enjoy all rights and properties in Cuba, including pensions, workplace, and healthcare benefits.

A particular challenge in analyzing Cuban emigrant policies is that administrative practice does not only correspond to legal stipulations (e.g. the

7 Arboleya Cervera, La ley migratoria y la relación con los emigrados, 2012.
prohibition of dual nationality). Moreover the recent migration reform of 2013 sidesteps many issues associated with citizens living abroad by facilitating an option to travel for up to 24 months (plus possibility to renew) while maintaining Cuban residence status. Although, in practice, this often serves for temporary migration with extended (or even primary) residence abroad. While there are set laws and regulations, Cuban state authorities retain significant discretion in their application. A further difficulty in the Cuban case stems from the restricted public discussion on these issues, as much in parliament as in the national media.

CITIZENSHIP/NATIONALITY

DUAL OR MULTIPLE NATIONALITY REGULATION
Dual nationalities are forbidden de jure, but recognized de facto. Cuba does not recognize dual nationalities, and that once a Cuban acquires another nationality, he loses his Cuban one. However, this remains largely theoretic, as the loss of Cuban nationality does not happen automatically but requires formal renouncement. There are thousands of Cubans who hold another nationality alongside the Cuban one, most commonly American or Spanish. According to estimates, around 55% of the two million Cubans living in the United States hold U.S. citizenship; in Spain, the Ley de Memoria Histórica enabled more than 60,000 Cubans to successfully apply for Cuban citizenship.

Emigrated Cubans cannot invoke their foreign nationality before Cuban authorities, but require a Cuban passport to travel to Cuba. De facto, Cuba basically ignores their second nationality. Even if a Cuban emigrates permanently but does not formally renounce citizenship, Cuban authorities still consider him or her Cuban.

LOSS OF CITIZENSHIP/NATIONALITY
Cubans are considered emigrated when they have stayed outside the country for more than 24 months without abiding to the specific regulations. Before the 2013 reform of the Cuban migration regime, this period was only 11 months. The Cuban government may want to strengthen the ties to its expatriate community, in particular with a view towards maintaining a high flow of remittances and stimulating return migration.

8 República de Cuba, Constitución de la República de Cuba, Art. 32.
10 Oroza Busutil, “Cuba y su emigración: la historia de un conflicto.”
11 Piorno Garcell and Fernández Íniguez, “Cuba, constitución y ley de ciudadanía.”
12 Arboleya Cervera, La ley migratoria y la relación con los emigrados, 2012.
Cuban legislation does not see emigration as a cause for the loss of citizenship/nationality. Rather, the loss of the Cuban citizenship requires both formal renunciation and the acquisition of another citizenship.

**DIFFERENT RIGHTS FOR EXTERNAL CITIZENS**

The rights for external citizens vary according to the three categories described in the introduction.

In the case of definite emigration, their property may be confiscated, if not transferable to family members on the island. Emigrants are not treated for free in the Cuban healthcare system; they require insurance upon entering the country. Emigrants do not receive any Cuban state pension, and the family of permanent emigrants no longer receives subsidized food rations for the emigrated person. Since 2013, all emigrated Cubans have the possibility to repatriate and, in that case, may continue to enjoy all citizen rights.

Cubans with a permit to reside abroad (PRE), in contrast, maintain their Cuban residence status and ID card as well as all property and hereditary rights even if residing abroad for prolonged periods of time. However, there are loopholes in this regulation as the insurance is not often checked upon entering the country and they retain their Cuban ID card (carné de identidad), which usually is accepted for free treatment in Cuban hospitals. Cubans with a PRE continue to receive pensions. These are deposited into their bank account while they are abroad. Usually, their family members also continue to receive subsidized food rations.

Temporary emigrants (those who stay abroad for less than 24 months) maintain all Cuban citizen rights, as they are not considered to have emigrated. They maintain their residence and ID card, and as such they can access all healthcare services on the island. They continue to receive pensions and family members continue to receive their subsidized food rations.

**SUFFRAGE**

**VOTING RIGHTS OF NON-RESIDENT CITIZENS**

There are no competitive elections in Cuba as the only party allowed is the Communist Party (PCC). Nevertheless, elections are regularly held to elect members of the National Assembly. There are no direct presidential elections, as the President of the State Council is elected by the National Assembly.

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13 Juventud Rebelde, “Los cambios al detalle.”
14 Vega Castro, *Una mirada a la nacionalidad y ciudadanía en Cuba*.
15 Oroza Busutil, Entrevista a Oroza Busutil, Scholar at the Centro de Estudios de Migraciones Internacionales, Universidad de la Habana.
16 Arboleya Cervera, “La ley migratoria y la relación con los emigrados,”
In order to have the right to vote in national elections, Cubans must have maintained residence on the island for two years preceding the election and be registered in the electoral district of their residence. Thus, non-residents are not enfranchised. This also applies to national referenda regional and local elections.\(^\text{18}\)

**CANDIDACY RIGHTS OF NON-RESIDENT CITIZENS**

To be eligible to stand for election to the National Assembly or to regional assemblies, Cubans must have maintained permanent residence in the country for at least five years prior to the elections.\(^\text{19}\) Non-residents are thus excluded.

**REGULATION OF POLITICAL COMPETITION**

As there are no competitive elections in Cuba, thus, there are no electoral campaigns.

**PARTY OFFICES IN HOST COUNTRIES**

In principle, there are no political party offices abroad. However, the Cuban Communist Party (PCC) has structures outside the country in the context of official Cuban missions, which consist of Cuban nationals; however, these are not party offices in the proper sense. For example, these party structures are not allowed to accept new party members.\(^\text{20}\)

**MEMBERSHIP**

The member status of those PCC members who take up residence abroad for a prolonged or permanent time, become “deactivated.”\(^\text{21}\)

**ADMINISTRATION**

**CONSULATES**

Cuba has traditionally a very broad network of representations abroad, totaling 120 embassies and 21 general consulates worldwide in 2015.\(^\text{22}\)

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18 Ibid. Art. 6.
19 Ibid. Art. 8.
21 Partido Comunista de Cuba, “*Reglamento para la desactivación de militantes o aspirantes del Partido Comunista de Cuba,*” Art. 1.
22 MINREX, “Sitio oficial del Ministerio de Relaciones Exteriores de Cuba.”
The vast majority of Cuban emigrants reside in the USA, with which Cuba only recently restored diplomatic relations, in 2015. There are no further consulates in the US aside of the embassy in Washington and a consulate in New York. While Cuba’s global consular network has not expanded greatly between 1990 and 2010, the resumption of diplomatic relations with the US is likely to drive an expansion of Cuba’s consular network in the US. The project of opening a Cuban consulate in Miami or Miami Beach became a hotly contested issue in local politics, so that the first consulate in the US is likely to be opened in St. Petersburg, Florida.  

**HOME COUNTRY ADMINISTRATION**

Since 1994, the Ministry of Foreign Affairs has a Department for Consular Affairs and for Cubans Residing Abroad (*Dirección de Asuntos Consulares y de Cubanos Residentes en el Exterior, DACCREE*). This department was created to “normalize” relations with the Cuban diaspora; it is responsible for communication and exchange with expatriates and both attends and hosts conventions with emigrated Cubans deemed friendly to the Cuban state. The DACCREE has no autonomy but is a regular division within the Ministry of Foreign Affairs.

**ECONOMIC POLICIES**

**REMITTANCES**

Remittances have become a pillar of the Cuban economy. Remittances were estimated at USD$1.7 billion in 2014, higher than the country’s revenues through the export of goods. Still, Cuba’s economic structure is not fully conducive to the influx of remittances, and the Cuban government does not pursue an officially declared strategy to attract remittances. However, the legalization of the U.S. dollar in 1993 had the clear aim to attract remittances, and established facilities to send and spend these legally. (Prior to 1993 this was inexistent). Remittances, which are largely spent on private consumption, are absorbed by the Cuban state through its monopoly on hard-currency retail stores. Cubans can also exchange their hard currency remittances for Cuban pesos (CUP) in state exchange offices.

Still, all formal money transfers (Western Union etc.) are processed by state agencies; a large share of remittances enters the country with private persons. In the past, the influx of remittances had also been greatly limited by US restric-
However, with the American-Cuban rapprochement since December 17, 2014 many restrictions have been eased, including the use of U.S. credit cards on the island which potentially may become a key means to transfer remittances. In addition, remittances in kind have increased greatly and contribute to the emerging private sector. Moreover, they are also supporting the lifestyle of many Cubans and are a key element in the expanding number of mobile phones and digital communication tools on the island. Economically, the government is benefitting from this increased communication through the high-priced tariffs of the state telecom monopoly. Funding telecom costs has become a typical method of paying remittances in kind from family members abroad.

INVESTMENT
The state seeks large-scale foreign investments. New possibilities have been opened up for investors and taxes have been lowered. Ministry of Foreign Trade and Investment publishes a catalogue of investment opportunities. Still, each investment must be negotiated with the Ministry and regulations are extensive. So far, no foreign investment of Cuban emigrant capital has been officially reported, and there is no formal program to attract investments from emigrants.

In practice, however, the current reform of the Cuban economy stimulates processes of informal emigrant investment. While emigrants are formally still banned from opening small enterprises, a significant part of the small private enterprises (like cafeterias, restaurants, or tourist accommodation rentals) are financed at least in part by remittances or remittances in kind from family members abroad in schemes that can be understood as informal intra-family loan and investment arrangements. The same holds true for the recently legalized housing market, which is driven to a large extent by money from abroad, although emigrants are still not eligible to buy houses in Cuba and have to rely on family members or middle-men.

BRAIN-CIRCULATION NETWORKS AND BRAIN-GAIN PROGRAMS
No formal network or official program exists. The 2013 migration law and its liberalization of travel can be seen as an attempt to stem the brain-drain processes by allowing easier residence abroad without having to opt for definite emigration. The recent changes in US regulations that allow Cuban citizens to receive payments when working in the US is likely to support these steps. However, the impact may be ambivalent, and it is too early to fully assess the

26 Ibid.
27 Asamblea Nacional, Ley de Inversión Extranjera; Pérez Villanueva, Cincuenta años de la economía cubana.
28 Peters, “Cuba’s New Real Estate Market.”
implications. The Cuban government has repeatedly expressed its discontent over the loss of highly qualified workers and the growing global imbalances due to this phenomenon.  

RETURN POLICIES
The Ministry of Education (more specifically, its law faculty) is responsible for the recognition of university or high school qualifications. Recognition of qualifications largely remains on a case-by-case basis.  

There is no systematic return policy, and there are no specific communication campaigns to this end. However, the 2013 reform of the migration law has opened a wide door for repatriation of emigrants. Also the improved relations with the US, improved access to telephone and Internet communication, and liberalized travel rules are likely to make a return option more feasible for emigrated Cubans. This may prove to be in the economic interest of the Cuban government.

Since the migration reform of 2013, emigrants who repatriate can make use of all social benefits again: Free medical care and education, a pension (given they have worked for a sufficient time in Cuba to be eligible). They can even get a food-rationing book should they so desire. It is also possible to transfer pensions obtained in another country to the returnee in Cuba. This reform seems to be aimed at Cuban-American pensioners who want to return to the island. According to unofficial sources, in 2013 and 2014 about 10,000 emigrants are said to have come back to reside in Cuba.

OBLIGATIONS
MILITARY SERVICE, SOCIAL SERVICE, TAXES
Cubans who have formally emigrated do not have to comply with military (or social) service, nor do they pay taxes.

Those holding a PRE are typically over the age of military service.

29 Ministerio de Educación Superior de la República de Cuba, “Cuba alerta contra desigualdades en América Latina.”
30 Ministerio de Educación Superior, “Reconocimiento de estudios realizados en el exterior.”
31 Alfonso, “Emigrados podrán regresar a vivir en Cuba.”
32 Hernández, Entrevista with Rafael Hernández, editor of TEMAS Magazine.
Prior to the liberalization of travel in 2013, Cubans who wanted to go abroad faced high restrictions, except if for official diplomatic or work purposes or on humanitarian missions. Private travel, however, required a special exit permit (*permiso de salida*), which could be granted or denied by the authorities, and which allowed for a stay of up to 11 months abroad. The residence abroad permit (*PRE*) allowed those Cubans married to foreigners to live abroad for an indefinite period. Emigrating illegally, for example, by boat to Florida or abandoning an official mission abroad, would result in the denial of return to Cuba and the loss of all belongings on the island (provided there were no family members in Cuba).

Since the 2013 migration law, every Cuban holding a passport may travel abroad and stay outside the country for 24 months without a separate permit. Passports may be denied to citizens of “vital importance” to the country, such as cadres in high offices, athletes, or technicians in strategic sectors. A passport can also be denied for national security or defense reasons (which remain unspecified). Also, Cubans completing their military service are not allowed to travel, nor are legal offenders or those facing a lawsuit. Underage Cubans are guaranteed freedom to travel abroad.

Severe practical restrictions for all Cubans without access to hard currency income or financial support from family abroad arise from the high cost of obtaining a passport (100 CUC = 100 USD) and airfare in relation to the depressed Cuban state salaries.

Emigration remains illegal in principle, and properties may still be confiscated upon emigrating illegally. But emigrants may now return to the island after 8 years – provided the authorities see no security threats. Those who were under 16 at the moment of illegal emigration may return right away. The possible reasons for granting a permit to reside abroad (*PRE*) were extended in 2013.

Many Cubans may make use of the new liberal travelling categories, staying outside the country as travelers, but actually settling and working in the receiving country.

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33 Consejo de Ministros, *Decreto No. 26 de 19 de Julio de 1978 “Reglamento de la Ley de Migración” (Edición Actualizada).*

34 Consejo de Estado, *Decreto-Ley 302 por la cual se enmienda la Ley Número 1312.*

35 In 2014, according to Cuba’s National Statistics Institute, the average state salary was 584 Cuban pesos (CUP) per month, which, at the rate of Cuba’s official currency exchange offices, is equivalent to a mere USD$24. EFE, “El Salario Medio Estatal En Cuba Subió Un 24 Por Ciento En 2014 Y Se Sitúa En 24 Dólares/mes.”

36 Consejo de Estado, *Decreto-Ley 302 por la cual se enmienda la Ley Número 1312.*
SOCIAL POLICIES

Emigrants lose their employment benefits as well as pensions upon emigrating. If they formally repatriate, they regain access to all employment benefits and pension claims (based on the years they have worked in Cuba) they had formerly lost.\(^\text{37}\)

Cubans with a permit to reside abroad (PRE) as well as temporary migrants who leave Cuba as travelers may retain their workplace or employment benefits and continue to receive pensions, which are deposited into their bank account when they are abroad\(^\text{38}\).

Emigrants are not treated for free in the Cuban health system but instead require insurance upon entering the country.\(^\text{39}\) Technically, the same is true for those Cubans holding the PRE. However, there are loopholes in this regulation as often the insurance is not checked upon entering the country and if they retain their Cuban ID, they can obtain free treatment in all hospitals.

Temporary migrants who stay abroad as travelers retain their residence and ID card and can access all healthcare services on the island.\(^\text{40}\)

SYMBOLIC POLICIES

The Cuban government has no specific campaigns or awards or celebratory events for emigrants. However, since the 1990s, and more specifically with the economic reforms under Raúl Castro, the discourse towards the emigrants has been moderated and tends to separate “good” from “bad” emigrants – bashing the political representatives and organizations as the “Miami mafia” while adopting a neutral line towards Cubans abroad who do not engage in politics or what the government sees as hostile propaganda. Specifically, the cultural sector serves as a field of informal symbolic policies. There have been important cases of rehabilitation of artists who had gone into exile and a semi-official notion has emerged that the Cuban culture is indivisible, no matter where it is being produced. At the same time, a range of important authors and artists who emigrated remain banned or marginalized from state media or educational curricula.

As for formal politics, the DACCRE has hosted a number of events on the island to which emigrant Cubans were invited. Its director, Rafael Dause, \(^\text{37}\) Arboleya Cervera, “La ley migratoria y la relación con los emigrados,”
\(^\text{38}\) Ibid.
\(^\text{39}\) Embajada de Cuba en Venezuela, “Pólizas de seguro.”
\(^\text{40}\) Consejo de Estado, Decreto-Ley 302 por la cual se enmienda la Ley Número 1312.
has attended meetings and activities of Cuban expatriate communities in different countries. There are meetings of pro-government (or at least non-hostile) Cuban associations in various countries in the world.\footnote{Nación y Emigración, “Cubanos en el mundo.”}

The Cuban Interest Section in the US organized a meeting of Cuban Residents in 2012 and a second one, with around 100 participants, in 2014. Both were held in Washington DC.\footnote{Cubaminrex, “Comenzó El I encuentro nacional de cubanos residentes en los Estados Unidos”; Jacomino, “Cubanos Residentes en EE.UU. Sostienen Reunión Nacional en Washington.”}

In Europe, Cuban emigrant associations regularly organize the \textit{Encuentro de Cubanos Residentes en Europa}, which is held each year in a different European country. The 2014 conference was hosted in Vienna, Austria.\footnote{Ponce, “Acta resumen y principales acuerdos del IX encuentro de cubanos residentes en Europa.”} In 2012, the congress was held in Madrid, Spain, by the Federation of Cuban Residents in Spain, \textit{FACRE}, which consists of 13 regional associations in the country.\footnote{FACRE, “Un centenar de personas brindó en la Puerta del Sol de Madrid por la libertad de los cinco, dando fin a una campaña de 16 años.”}

In the US, there are various Cuban anti-government emigrant or exile groups. Until 2001, the most important one was the Cuban-American National Foundation (CANF), which developed an influential lobby work to promote hardline US policy towards Cuba and pressed for an intensification of the embargo. In 2001, the more hardline sectors split from the CANF to form the Cuban Liberty Council, which became influential under the Bush administration. The more moderate CANF has been in closer contact with the Obama administration, but has appeared ambivalent to Obama’s rapprochement towards Havana.\footnote{Cuba Study Group, “Exile Organizations”; Cuban American National Foundation, “About Us”; Achenbach, “For Some Cuban Exiles, the Old Toast ‘Next Year in Cuba!’ Is Suddenly More Plausible.”}

The Cuban state has shown no inclination to create, even if only discursively, a symbolic territorial entity for the diaspora. While some emigrated Cubans in the US have coined the term of a “Cuba Norte” referring to the Miami area (leaving the island as “Cuba Sur”), for the Cuban government, the notion of national sovereignty prohibits any such territorial attributions, even if only discursive.
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