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POLICY BRIEF

Cuban Migration: Averting a Crisis

by Benjamin Johnson*

Increased repression by the Castro regime and limitations on the admission of Cubans into the United States create the risk that desperate refugees will look for more dangerous, unauthorized means of escaping persecution. The Bush administration must reform immigration policies towards Cubans to forestall such a crisis.

Recent repressive actions by the Cuban government have renewed concerns over the possibility of a rise in unauthorized migration from the island and the military response it would likely provoke from the U.S. government. While the Bush Administration has reaffirmed its commitment to “safe, legal and orderly migration from Cuba to the United States,” very few Cubans have been admitted into the country so far this year due to delays in security screening, and a self-imposed admissions ceiling of 20,000 per year remains in place. The Bush Administration should revise these policies in order to reduce the pressures that might facilitate a repeat of the Mariel boat lift.

Recent Developments

In March of this year, the Cuban government announced it had arrested, tried and convicted 75 dissidents, sentencing them to prison terms of up to 28 years. In April, three Cubans who took over a ferry and sought, unsuccessfully, to take it to the United States, were executed. These actions once again have sparked international condemnation of the Cuban government’s human rights practices. Moreover, they have led the Bush Administration to voice

concerns about the possibility of a new Cuban boat lift to Florida similar to the Mariel boat lift in 1980. News reports indicate that if a significant number of Cubans were to seek freedom in the United States, the anticipated response from the Bush Administration, dubbed “Operation Distant Shore,” would involve “a dramatic escalation in the number of Coast Guard and other military vessels patrolling the Florida Straits – a veritable floating wall designed to interdict as many migrants as possible at sea.”¹

In the post-9/11 environment, it is not surprising that the United States is likely to respond to a new refugee crisis from Cuba with a heightened military presence. However, there is much that the United States can do on a proactive, humanitarian level to avert the crisis and the predicted military response. U.S. immigration policy should reflect the importance of providing a safe, legal alternative for those fleeing repression and persecution in Cuba. The existence of these legal channels would go a long way to alleviating the pressures that drive desperate Cubans onto makeshift rafts and into the 90 miles of ocean that separate our two countries.

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To place these issues in context, one first needs to understand the unique nature of Cuban migration to the United States, particularly under the Cuban Adjustment Act and the U.S.-Cuban bilateral agreements on migration.

The Cuban Adjustment Act

In 1959, after Fidel Castro seized power in Cuba, thousands of Cubans, including a number with connections to the Batista regime, left the island, primarily via regular means of travel (*i.e.*, scheduled flights). As many as 78,000 arrived in the United States in 1962. In October of that year, Castro halted regular travel between Cuba and America. Except for the period from 1965 to 1973 – during which the Cuban government allowed flights to Miami that permitted approximately 50,000 Cubans to come to America – Cubans seeking to escape the Castro regime have been forced to pursue more dangerous routes into the United States.

In the 1960s and 1970s, the Attorney General's authority was used to grant special permission (called "parole") to allow Cubans to enter the country. However, parole only allows an individual permission to enter the country, not to stay permanently. In the case of Cubans, this dilemma was resolved by the Cuban Adjustment Act of 1966. As amended, that Act provides that the immigration status of any Cuban who arrived since 1959 and has been physically present in the United States for at least a year "may be adjusted by the Attorney General...to that of an alien lawfully admitted for permanent residence" (green card holder). The individual must be admissible to the United States (*i.e.*, not disqualified on criminal or other grounds).

The Mariel Boatlift

Over a seven-month period in 1980, facing no prospects of leaving Cuba by normal means and seeing no possibility of the regime changing or their families' human rights and economic futures improving, 125,000 or more Cubans left the island in boats headed for Miami. It is believed such a large exodus would not have been possible without at least the acquiescence of the Castro government. The state of Florida received about \$370 million in federal emergency assistance to help defray the costs of such a large, irregular migration over a short period of time.

Contrary to some perceptions, the vast majority of the Cubans who arrived during the boatlift were not criminals or mental patients. However, congressional inquiry into the boatlift found that about 10 percent of the Mariel Cubans possessed a criminal or mental illness background that would have made them excludable under the Immigration and Nationality Act.² U.S. authorities detained a significant number of these individuals.

Although the exodus increased the labor force in the Miami area by 7 percent over this short period, "[t]he Mariel immigration had essentially no effect on the wages or employment outcomes of non-Cuban workers in the Miami labor market."³ Nor, in fact, did it have any strong effect on the wages of other Cubans.⁴ These findings are in keeping with the general effect of immigration on the market: While immigrants fill jobs, they also create jobs through consumer spending, investment, entrepreneurship, the creation of additional markets, and the filling of niches in the labor market. The Cuban experience in Miami has been no exception.

1994 and 1995 Migration Agreements

In August 1994, speeches by Fidel Castro and an increase in refugees resorting to makeshift rafts to flee the country led the Clinton Administration to announce a significant change in U.S. policy. In a controversial action, the administration announced that Cubans interdicted at sea would not be brought to the United States but instead would be taken by the Coast Guard to U.S. military installations at Guantanamo Bay, Cuba (or to Panama). During an eight-month period beginning in the summer of 1994, over 30,000 Cubans and more than 20,000 Haitians were interdicted and sent to live in camps outside the United States.

On September 9, 1994, the United States and Cuba agreed to “normalize” migration between the two countries. The agreement codified the new U.S. policy of placing Cuban refugees in safe havens outside the United States, while obtaining a commitment from Cuba to discourage Cubans from sailing to America. In addition, the United States committed to admitting a *minimum* of 20,000 Cuban immigrants per year. That number is in addition to the admission of immediate relatives of U.S. citizens.

On May 2, 1995, a second agreement with the Castro government paved the way for the admission to the United States of the Cubans housed at Guantanamo, who were counted primarily against the first year of the 20,000 annual admissions committed to by the Clinton Administration. It also established a new policy of directly repatriating Cubans interdicted at sea to Cuba. In the agreement, the Cuban government pledged not to retaliate against those who are repatriated.

These agreements with the Cuban government led to what has been called the “wet foot, dry foot” policy, whereby Cubans who make it to shore can stay in the United States – likely becoming eligible to adjust to permanent residence under the Cuban Adjustment Act. However, those who do not make it to dry land ultimately are repatriated unless they can demonstrate a well-founded fear of persecution if returned to Cuba.

Questions Raised

To fulfill the commitment to admit at least 20,000 Cubans per year under the Special Cuban Migration Program, lotteries have been held for individuals who register for the slots. The number of Cubans registering has reached into the hundreds of thousands.⁵ Despite this demand, the United States has never raised annual admissions above the minimum 20,000, even though this is a self-imposed ceiling.

Moreover, although the Bush Administration has stated that it “remains committed to safe, legal and orderly migration from Cuba to the United States,” legal avenues for migration have been all but closed.⁶ The Cuban Interests Section has stated that, as of April 2003, the United States this year had admitted only 700 Cubans – more than 19,000 short of its commitment under the migration agreement, according to the *Washington Post*. While not acknowledging specific numbers, a U.S. official blamed additional security screenings for the low number of Cuban admissions.⁷

Among the questions raised by recent events:

1. Will the United States take any action via the U.S.-Cuban Migration Talks to raise the 20,000 limit it has placed on migration from Cuba? A higher number

could persuade individuals not to embark on dangerous and irregular voyages from Cuba to the United States.

2. Given the recent execution of the three men who took over a ferry that ran out of fuel before reaching the United States, will the U.S. government, prior to repatriation, extract assurances from the Cuban government that it will not execute individuals who take control of conveyances or are viewed as smugglers by the Cuban government?

Conclusion

Issues involving immigration from Cuba can be highly emotional and unpredictable. It is clear that until the human rights situation inside Cuba changes significantly, which is unlikely while Fidel Castro retains power, Cuban migration issues are here to stay. Rather than waiting for pressures inside Cuba to create a new exodus of refugees, the United States should take affirmative steps to fulfill its commitment to immigrants from Cuba and pursue immigration policies that take into account the natural desire of Cubans to leave a regime the U.S. government has called repressive; a regime that offers its people no hope for a better future.

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Endnotes

¹ "U.S. Ready in Case of Major Exodus," *Miami Herald*, April 20, 2003.

² Committee on Appropriations, U.S. House of Representatives, April 1991; Congressional Research Service.

³ David Card, "The Impact of the Mariel Boatlift on the Miami Labor Market," *Industrial Labor Relations Review*, vol. 43, no. 2, January 1990.

⁴ *Id.*

⁵ Cubans registering for the lottery must be between 18 and 55, though spouses and minor children can join, and must have a positive answer to two of three questions: Do you have three years or more work experience? Have you finished at least secondary school? Do you have relatives in the United States?

⁶ "U.S. Ready in Case of Major Exodus," *Miami Herald*, April 20, 2003.

⁷ "U.S. Weighs Tighter Sanctions on Cuba," *The Washington Post*, April 24, 2003, p. A21.