



Crossing the Suchiate River, Mexico-Guatemala border. Guadalupe Correa-Cabrera.

U.S. IMMIGRATION POLICY FOR CUBANS: FROM REVOLUTION TO COVID-19*

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ABSTRACT

This analysis explains the history of U.S. immigration policy toward Cubans since the Revolution of 1959. The first part explains changes in U.S. policy through the end of the so-called “wet foot, dry foot” policy in January 2017. The second part describes the current situation of Cubans under new asylum rules in the United States and in times of global public health emergency. Backed by statistics, historical references and ‘on the ground’ reporting, it concludes that Cubans were once privileged immigrants in the United States and now seem to face pretty much the same obstacles as people of other nationalities. This account ends with a description of the conditions that Cuban migrants recently experienced on the Mexican side of the U.S.-Mexico border. In other words, it analyzes their situation in Mexico in an era of extreme restrictions to irregular immigration, such as the use of “metering” practices and the adoption (in collaboration with Mexico) of the Migrant Protection Protocols (MPP) program. Finally, it describes the experience of Cuban asylum seekers after the temporary suspension of immigration laws at U.S. borders under a public health law aimed at preventing the spread of COVID-19.

Keywords: immigration, asylum policy, Cuba, U.S.-Mexico border, Migrant Protection Protocols (MPP), COVID-19

* Dr. Correa-Cabrera especially thanks John P. Caulfield—Chief of the U.S. Interests Section in Cuba from 2011-2014—who agreed to be interviewed for this project and whose points of view were crucial for the development of the first part of the current analysis. While in Cuba, Caulfield “negotiated pragmatic agreements on immigration, environmental protection, civil aviation and cultural affairs.” He “also supported the aspirations of ordinary Cubans for political rights and economic opportunities in a difficult environment.” During his assignment in the island, he “led a team that provided a window for the U.S. Government to view the developments in Cuba.” His “analysis was critical to the formulation of U.S. policy” (for source of quotes, see: <https://johnpcaulfield.com/>).

A HISTORY OF U.S. POLICY ON CUBAN MIGRANTS (1959-2017)

The Cuban Adjustment Act

Unlike citizens of other nations, Cubans received special treatment under U.S. immigration policy dating from 1959 until very recently, the result of aggressive U.S. foreign policy against the island's communist regime. The flow of Cuban immigrants into the United States started to have a noticeable impact after passage of the Immigration and Nationality Act of 1965 (also known as the Hart-Celler Act).¹ This law established a cap of 120,000 visas for immigrants from the Western Hemisphere.²

The increasing number of Cuban migrants in the United States receiving lawful resident status, combined with a growing number of other Western Hemisphere immigrants, led to a waiting list. To reduce the backlog, Congress passed the Cuban Adjustment Act (CAA; enacted in 1966), which “allows Cuban natives or citizens living in the United States, who meet certain eligibility requirements, to apply to become lawful permanent residents.”³ The CAA applies to any Cuban who has been legally admitted or paroled into the United States after January 1, 1959, and has been physically present in the country for at least one year.⁴ There were no numerical limits stated and in practice, no additional qualifications other than being Cuban.

This change produced an immediate and considerable increase in Cuban migration to the United States. The new law did not say anything about whether Cubans would be subject to the new quota system established by the Hart-Celler Act. It simply stated that Cubans could become lawful permanent residents. The problem then was that the U.S. government allocated visa numbers under the Western Hemisphere immigration quota to these Cubans, thereby reducing the visas available to other immigrants from the Western Hemisphere. As John P. Caulfield, former Chief of U.S. Interests Section in Cuba,⁵ pointed out: “this affected everyone else from the Western Hemisphere, because it wasn't ‘first come, first served.’ The Cubans came first, and then everyone else.”⁶

¹ The Hart-Celler Act, more formally known as the Immigration and Naturalization Act (INA) of 1965, eliminated the policy of limiting immigration based on national origin. Instead, the U.S. Congress “erected a legal framework that prioritized highly skilled immigrants and opened the door for people with family already living in the United States.” (See: History, Arts and Archives, US House of Representatives: Immigration and Nationality Act of 1965).

² Chishti, Hipsman and Ball, “Fifty years on, the 1965 Immigration and Nationality Act continues to reshape the United States” (Migration Policy Institute (MPI), October 15, 2015), Par. 5. <https://www.migrationpolicy.org/article/fifty-years-1965-immigration-and-nationality-act-continues-reshape-united-states>.

³ “Green card for a Cuban native or citizen” (U.S. Citizenship and Immigration Services (USCIS), August 13, 2019), Par. 1. <https://www.uscis.gov/greencard/caa>.

⁴ Originally, the Cuban Adjustment Act of 1966 allowed Cuban citizens to become permanent residents after they had been present in the United States for at least two years. This requirement was reduced to one year, after the passage of the Immigration and Nationality Act Amendments of 1976.

⁵ Caulfield held that position from September 2011 to July 2014.

⁶ Caulfield, phone interview, November 22, 2019.

In 1979, a federal appeals court in Chicago ruled that taking numbers away from the Western Hemisphere immigration quota to process Cuban citizens was not the intent of the law. The U.S. Court of Appeals for the Seventh Circuit’s panel found that the “law that Congress passed in 1966 was to give special treatment to Cubans, not to discriminate against other countries.”⁷ A majority of the judges agreed that this, taking away numbers from other Western Hemisphere countries, was wrong.⁸ They decided that the visa numbers used for Cubans should be restored to the Western Hemisphere quota. This measure benefited Mexicans in particular because they were, at that time, the largest group of immigrants to the United States from the region. The decision would assure that Western Hemisphere immigration was not negatively affected by greater flows of Cuban immigrants, coming under the new CAA.

The Mariel boatlift

Beginning with the Johnson administration (1963-1969), all Cuban citizens who arrived in the United States—including those arriving by boat—were allowed to stay in the country. This started to change as a consequence of the Mariel boatlift in 1980, when the Castro regime announced that all Cubans wishing to emigrate to the United States were free to board boats at the port of Mariel, west of Havana.⁹

It is worth noting that a very different piece of legislation called the Refugee Act of 1980 passed that same year, creating a modern asylum system in the United States. The act indicates how people may be granted asylum in the United States (if they are already on U.S. territory), or refugee status (if they are overseas and fleeing their country for a variety of reasons).¹⁰ Specifically, the law states that “those people are fleeing because of the discrimination based on their race, national origin, their political beliefs, their membership in a social group, or their religion.” This coincides with the United Nations Refugee Convention or the Geneva Convention of July 28, 1951.¹¹ Those who met the aforementioned criteria were granted refugee status.

Economic hardship was not explicitly listed among the criteria for refugee/asylum status. For example, any asylum seeker who showed up in the United States after traveling by boat from Haiti during that time would have had to show that she/he was fleeing Haiti due to one of the

⁷ Caulfield, paraphrasing “a famous lawyer on this issue.”

⁸ The visa numbers assigned to Cubans “were charged against the Western Hemisphere immigration quota [then at 980], thereby making those visa numbers unavailable to applicants from Western Hemisphere countries other than Cuba.” See: *Silva v. Bell*, 605 F.2d 978 (7th Cir. 1979). <https://casetext.com/case/silva-v-bell>.

⁹ See: Triay, *The Mariel Boatlift: A Cuban-American Journey* (Gainesville, FL: University of Florida Press, 2019); Dupes Hawk et al., *Florida and the Mariel Boatlift of 1980: The First Twenty Days* (Tuscaloosa, AL: University of Alabama Press, 2014).

¹⁰ On the difference between refugee and asylum seeker, see: “What’s the difference between a refugee and an asylum seeker?” (Amnesty International, January 29, 2019). <https://www.amnesty.org.au/refugee-and-an-asylum-seeker-difference/>; DHS (2019).

¹¹ See: *Convention and Protocol Relating to the Status of Refugees* (UNHCR, December 1, 2010). <https://www.unhcr.org/3b66c2aa10>.

causes listed in the Refugee Act of 1980. “Most Haitians who were politically active made a case that they were sent to jail and that they were harassed or persecuted because of their political beliefs. But most Haitians, in fact, were fleeing because of the precarious economic conditions they lived in Haiti. Hence, they were not eligible for refugee status; most of them were sent back to Haiti.”¹²

The case for Cubans was different. According to Caulfield, “if you were a Cuban citizen, you did not have to demonstrate that you were [the] victim of any form of political violence or mistreatment based on your political beliefs. It was very simple; all you had to do was to be Cuban. In fact, during this time, most Cubans were probably fleeing from communism.”¹³ Although most met the criteria to qualify for refugee status, they continued to be paroled into the United States and become lawful permanent residents under the CAA. At that moment, Cuban citizens who arrived in the United States, either by land or by boat, were allowed to stay. These conditions would persist into the last decade of the 20th century; until then, even if a Cuban citizen was ineligible to immigrate to the United States, for example, because of a conviction for a common crime, he could not be removed because Cuba refused to take back citizens who fled the island.

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Wet foot, dry foot

In the 1990s — especially during the first few years of the Clinton administration, with the collapse of the Soviet Union and the end of its economic support to Cuba — living standards deteriorated in Cuba and many wanted to leave. The Cuban government, possibly seeking a release valve for growing tensions on the island, turned a blind eye to increasing numbers of Cubans escaping on rafts to Florida. Hence, there was a big increase in the number of rafters (*balseiros*) arriving in the United States from Cuba. The number of Haitians traveling by sea also started to increase. Facing this crisis, the Clinton administration responded by using the Coast Guard to stop those arriving in the United States by sea and sent them to the Guantanamo Bay U.S. Naval Base. The Clinton administration also opened a new dialogue with the Cuban government on immigration issues.

Under a new arrangement between the U.S. and Cuba in 1996, the U.S. Coast Guard apprehended most immigrants traveling by rafts or boats. Cuba’s government accepted the return

¹² Caulfield. <https://johnpcaulfield.com/>.

¹³ Ibid.

of immigrants apprehended by the Coast Guard and agreed not to prosecute them upon return.

“Under this bilateral agreement, the United States agreed to process a minimum of 20,000 Cuban immigrants at the U.S. Interests Section office in Havana. The relatively few Cubans who reached the U.S. shore would be able to stay and apply for permanent resident status in one year, pursuant to the CAA.”

However, Cuban citizens who landed in the United States were allowed to stay.¹⁴ This bilateral agreement “stemmed the flow of Cubans fleeing to the United States” by boat. Overall, “the United States and Cuba agreed to facilitate safe, legal, and orderly Cuban migration to the United States.”¹⁵ Under this bilateral agreement, the United States agreed to process a minimum of 20,000 Cuban immigrants at the U.S. Interests Section office in Havana. The relatively few Cubans who reached the U.S. shore would be able to stay and apply for permanent resident status in one year, pursuant to the CAA.

This became known as the ‘wet foot, dry foot’ policy. It effectively reduced the number of people trying to get to the United States by boat or raft because it limited the number of those who could enter the United States and would be eligible to stay. This approach was “criticized by some as encouraging Cubans to risk their lives in order to make it to the United States and as encouraging alien smuggling. Others maintain that U.S. policy should welcome those migrants fleeing communist Cuba whether or not they are able to make it to land.”¹⁶ On the ‘wet foot, dry foot’ policy, John Caulfield comments:

If you were Cuban and landed on the dry land of the United States, you could stay and, after one year, apply for adjustment as permanent resident. That was a huge advantage that only Cubans had. It meant that any Cuban who got here could immediately be employed; they were legal residents and eventually could become U.S. citizens.

This policy lasted until the end of the Obama Administration. Since then, Cubans who arrive in the United States without documentation have had to apply and qualify for an immigrant visa or asylum under the Refugee Act—in the same manner as people from all other parts of the world. The Cuban government also agreed to accept the return of its citizens in the United States who did not qualify for a U.S. visa or asylum status.¹⁷ This bilateral shift represented a significant change; previously, “even if you were a Cuban living in Venezuela, and you didn’t like the way things were going, you could come to the United States and remain legally. You had almost all the privileges of a green card holder from the day you arrived. Within one year of arrival to U.S.

¹⁴ This applied to Cubans, not to Haitians.

¹⁵ Sullivan, “Cuba: Issues for the 112th Congress” (Washington, DC: Congressional Research Service, 2011), 39.

¹⁶ Ibid., 40.

¹⁷ Notwithstanding this commitment, the Cuban government did not necessarily comply. Cuba began accepting more deportees in 2019 but they represent only a small portion of the tens of thousands of Cubans with final orders to leave the United States. U.S. Immigration and Customs Enforcement (ICE), the agency responsible for flying deportees home, still classifies Cuba as “uncooperative” or “recalcitrant,” one of only 10 countries in the world with that designation as of January 2020. See: CRS (2020).

territory, you could obtain a green card (and eventually U.S. citizenship), which was quite a privilege for Cubans.”¹⁸

The end of ‘wet foot, dry foot’

The Cuban government enacted immigration and travel reforms in January 2013. Until then, it was difficult for Cubans to get official permission to leave their country. Then-President Raúl Castro announced that most Cubans could obtain passports without special permission. “Initially, people were skeptical, but the Cuban government honored the new rules, even allowing emigrants to retain their property in Cuba. Under the previous rules, they would be punished for leaving the country without permission, would forfeit their property and could not legally come back to Cuba.”¹⁹

Hence, Cubans who wanted to flee from their country to the United States stopped using rafts; it was extremely dangerous and now there were safer and more convenient options. Beginning in 2013, according to the State Department, “undocumented Cuban migrants began to favor land-based routes to enter the United States, especially via U.S. ports of entry from Mexico.”²⁰ In fact, until 2016, Cubans could simply travel to Mexico and walk up to the U.S.-Mexico border; once at an inspection booth, they would be admitted to the United States and apply for permanent residency. Hence, tens of thousands of Cubans started going to Mexico. Initially, Mexico had a relatively liberal policy toward Cubans, allowing them to visit without further question or follow up. Essentially, these flows were not a problem for Mexico because Cubans did not stay. A significant flow of Cubans continued traveling this way between 2013 and 2016. Cuban government officials complained that the CAA “was stealing [Cuba’s] talent.” But, in fact, “Cuba’s immigration reforms may have been intended to take advantage of that law to encourage ties between Cuban immigrants and their families on the island, and to facilitate financial remittances.”²¹

Part of this period coincided with the so-called “Cuban thaw,” or normalization of United States-Cuba relations, which began in December 2014, after a 54-year period of hostility between the two nations. Finally, in January 2017 (the Thursday before his term expired), President Barack Obama announced the immediate end of the ‘wet foot, dry foot’ policy. In other words, there are “no more Cuban dry feet accepted in the United States. If you get to the country, theoretically, you are in the same situation as any other.” In June 2017, President Trump canceled elements of the Obama administration’s liberalization of restrictions on Cuba. However, he did not restore the ‘wet foot, dry foot’ policy ended by Obama. In the same year, most visa processing at the U.S.

¹⁸ Caulfield.

¹⁹ Ibid.

²⁰ Sullivan, “Cuba: Issues for the 112th Congress,” 40.

²¹ Caulfield.



Cubans seeking asylum in Tijuana, Baja California, Mexico. Elliot Spagat.

Embassy in Havana was suspended because of U.S. Embassy staff reduction.²² Furthermore, the U.S. Citizenship and Immigration Services (USCIS) in 2017 suspended operations at its field office at the Embassy, which processed a limited number of Cuban dissidents for admission to the United States. It then closed its office in Havana in December 2018.

CUBAN ASYLUM SEEKERS IN THE ERA OF ASYLUM CURBS

It is no accident that the end of the ‘wet foot, dry foot’ policy in January 2017 was followed by a sharp increase in Cubans seeking asylum in the United States. U.S. immigration courts processed 24,198 new deportation cases against Cubans in the 2019 fiscal year, up from only 388 the year before ‘wet foot, dry foot’ ended. Instead of being paroled into the country with a one-year wait for legal residency status, Cubans now face the same hurdles as everyone else and are subject to the U.S. government’s overall enforcement priorities. No more preferential treatment.

Asylum was almost an afterthought in U.S. immigration policy until an unprecedented surge of Central American families catapulted the United States past Germany to become the world’s top country for new claims in 2017.²³ The United States held its leading position in 2018, followed by Peru, Germany, France and Turkey.²⁴ Nearly half of the more than 1 million cases in backlogged U.S. immigration courts are asylum claims, with the largest numbers coming from Guatemala, El Salvador and Honduras. Cubans have been far more likely to win asylum than have people from those Central American countries and Mexico, according to data obtained by Syracuse University’s Transactional Records Access Clearinghouse.²⁵ Still, government figures show that during the 2019 fiscal year, only 20 percent of claims were granted and the current

²² This staff reduction was in response to a series of alleged “sonic attacks” against employees of the U.S. Embassy in Havana.

²³ “Global trends: Forced displacement in 2017” (New York, NY: UNHCR, 2018).

²⁴ Ibid.

²⁵ See: “Asylum Decisions” (Transactional Records Access Clearinghouse, Syracuse University). <https://trac.syr.edu/phptools/immigration/asylum/>.

administration has introduced policies to make asylum more difficult and inconvenient to obtain.²⁶ In 2018, the U.S. rolled out a policy known as “metering” that makes asylum-seekers wait in Mexico to lodge initial claims. In 2019, it began sending asylum-seekers back to Mexico to wait for their cases to wind through U.S. courts, a policy known officially as “Migrant Protection Protocols” (MPP) and colloquially as “Remain in Mexico.” Both have had profound impact on Cubans seeking to settle in the United States.

“Metering” has its roots in 2016, when Haitians who fled to Brazil after the Caribbean nation’s 2010 earthquake left after construction jobs from the Summer Olympics in Rio de Janeiro dried up. They traveled for months by foot, taxi and bus to the U.S. border with Mexico in San Diego. U.S. authorities said they could process only about 75 Haitians a day at San Diego’s San Ysidro port of entry, the busiest U.S.-Mexico border crossing. Mexican authorities, determined to prevent Haitians from camping outside the border crossing in Tijuana, created an appointment system. On peak days, crowds of about 1,000 Haitians shouted and shoved outside a trailer office that was set up outside a migrant shelter to make appointments. They wrapped their arms around the waists of people in front of them to prevent anyone from cutting in line. It was chaotic but somehow brought a measure of order.

The Haitian influx ended when President Barack Obama stopped granting parole, the same type of preferential treatment that Cubans enjoyed until January 2017. However, a blueprint was set for future surges. On April 27, 2018, as a large caravan of Central American asylum-seekers reached Tijuana, Todd Owen, head of U.S. Customs and Border Protection’s Office of Field Operations, told port directors that they “may elect to meter the flow of travelers at the land border to take into account the port’s processing capacity.” Critics say the United States is effectively denying a path to asylum, but U.S. officials portray it as crowd control. Then-Customs and Border Protection Commissioner Kevin McAleenan told journalists in October 2018, “we’re not turning them back, we’re just asking them to wait.”

The Associated Press visited eight Mexican border cities in the spring of 2019 and found 13,000 people on waiting lists to make initial asylum claims. The U.S. government steered clear of managing these lists, spawning a hodgepodge of haphazard arrangements that varied sharply by city and lacked transparency. In Piedras Negras, across from Eagle Pass, Texas, the owner of a local steakhouse got a call each day from U.S. officials telling him how many people they would

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²⁶ See: “Asylum Decision Rates” (U.S. Dept. of Justice, Executive Office for Immigration Review Adjudication Statistics, October 23, 2019). <https://www.justice.gov/eoir/page/file/1163686/download>.

accept. In San Luis Rio Colorado, near Yuma, Arizona, the task fell to a Venezuelan asylum seeker who assigned numbers displayed in black marker on large whiteboards near the border crossing. He anointed a Mexican asylum seeker to succeed him after his number came up. In Nogales, across from the Arizona town with the same name, a woman whose family manages a migrant shelter handled the waiting list.

Nearly all of the 4,500 names on the waiting list in Ciudad Juárez, across from El Paso, Texas, were Cuban, according to the AP's spring count. The lack of transparency and centralized control makes it impossible to know how many Cubans are waiting along the border. Reporting throughout 2019 by the AP and researchers at the University of California, San Diego and the University of Texas, Austin indicate that El Paso was one of the most popular—if not the most popular—route for Cubans, with large numbers also putting their names on waiting lists at other crossings in Texas and Arizona.

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Cubans tended to go through South Texas crossings during the ‘wet foot, dry foot’ era but metering shifted traffic to El Paso after many were told that the wait was shorter and Ciudad Juárez was safer than other Mexican border towns. During the 2019 fiscal year, Customs and Border Protection (CBP) officers stopped 21,449 Cubans at crossings on the U.S.-Mexico border, about 60 percent of them in South Texas and 34 percent in West Texas (see Table 1 and Figure 1).²⁷ The numbers jumped sharply after President Donald Trump’s first two years in office but were barely half the 41,523 Cubans who were stopped in President Barack Obama’s last year. In the 2016 fiscal year, 83 percent of Cubans went through crossings in South Texas, while only 12 percent chose West Texas.

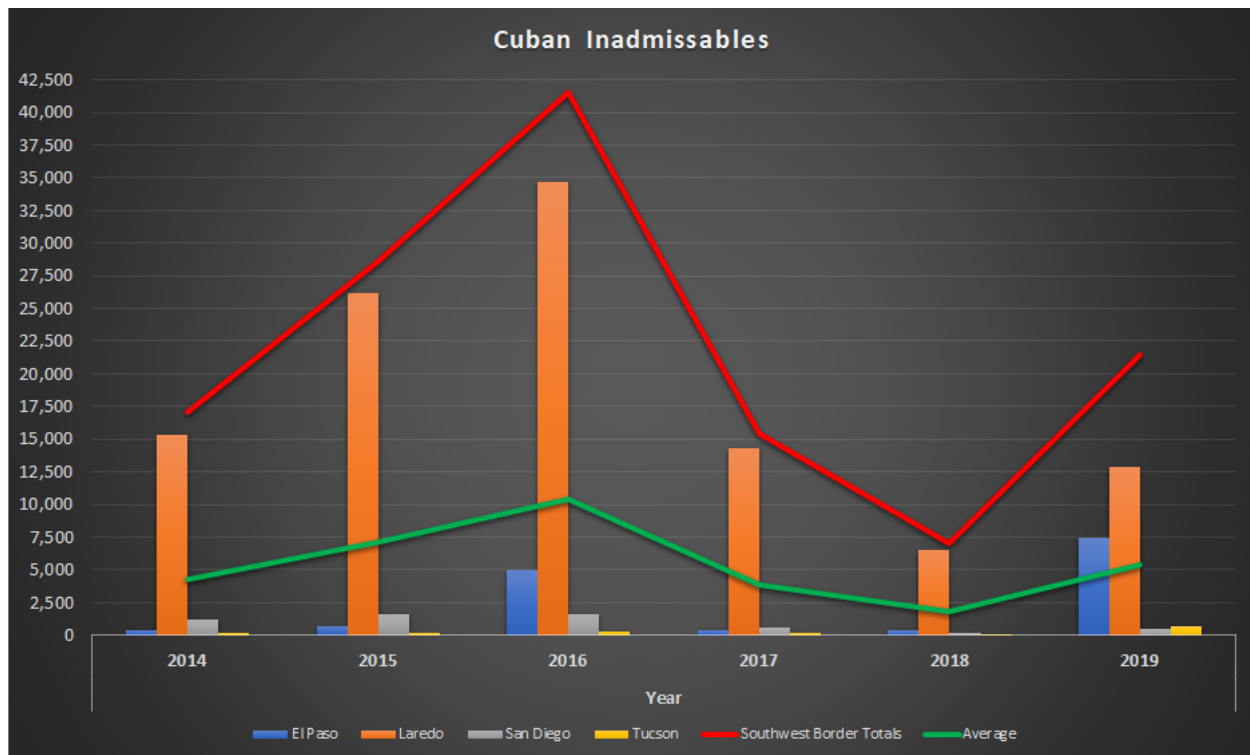
²⁷ See CBP 2019 figures: <https://www.cbp.gov/newsroom/stats/sw-border-migration/fo-sw-border-inadmissibles-fy2019>.

Table 1. Cuban Inadmissibles at Southwest Border

Field Office	Year						2020 YTD MAR
	2014	2015	2016	2017	2018	2019	
El Paso	415	685	5,018	340	394	7,480	1,385
Laredo	15,333	26,181	34,658	14,275	6,533	12,898	1,172
San Diego	1,229	1,555	1,589	600	131	455	96
Tucson	132	221	258	168	21	666	806
Southwest Border Totals	17,109	28,642	41,523	15,383	7,079	21,499	3,459

Source: U.S. Customs and Border Protection (CBP): https://defenseassistance.org/primarydocs/200409_cbp_sw_b.pdf.

*Figure 1. Cuban Inadmissibles at Southwest Border
FY2019 (Oct. 1, 2018-Sept. 30, 2019)*



Source: U.S. Customs and Border Protection (CBP): <https://www.cbp.gov/newsroom/stats/sw-border-migration/fo-sw-border-inadmissibles-fy2019>.



Migrants and asylum seekers get fed at a shelter in Hermosillo, Sonora, Mexico. Sergio Chapa.

Changing patterns

For many years, Cubans began their journey to the U.S. border in South America but now take a shorter route starting in Panama or Nicaragua, passing through Central America and Mexico on their way to the U.S. border, usually by bus.²⁸ Panama, in recent years, became known as a relatively easy source of visas for Cubans who could make a case that they only wanted to shop and return to sell goods in Cuba. Panama has a free-trade zone where Cubans could splurge on everything from shampoo to air conditioners. In addition, in October 2018, Panama began issuing \$20 tourist cards to Cuban businesses and others. In January 2019, Nicaragua made it faster and easier for Cubans to obtain a visa in Havana. Once out of Cuba, they pay smugglers to reach the U.S. border by bus.

When Cubans and others began arriving in Ciudad Juárez around October 2018, *Casa del Migrante en Juárez A.C.*, the city's largest migrant shelter, created waiting lists in notebooks and wrote numbers on asylum-seekers' arms with black ink. After considerable criticism, immigrants were given plastic wristbands with their corresponding number instead. Allegations of fraud were widespread, leading the Chihuahua state government to take over in March 2019. State officials entered names and photos into a computer and the Chihuahua state government created a closed Facebook group, updated twice a day, where asylum-seekers could check how many people the United States would take that day.

For decades, hundreds of thousands (sometimes more than 1 million) Mexicans crossed the U.S. border illegally every year, but tougher U.S. enforcement made that strategy extremely dangerous. Until the early 2010s, the typical migrant's story went something like this: A Mexican man left home for a blue-collar job waiting in the United States, often in the Midwest or South. His plan was to scrape by for a few years, sending as much money as he could to Mexico

²⁸ Attanasio, Spagat and Weissenstein, "Burgeoning numbers of Cubans trying to enter US via Mexico" (Associated Press, May 13, 2019). <https://apnews.com/058c2e338b4942faa9bc63f96ca90cb5>.

to support family he left behind; he planned to return to Mexico and he did not take his family with him. Smugglers charged ever-increasing fees to help them avoid capture as border enforcement strengthened. The Border Patrol doubled in size to more than 21,000 agents from 2003 to 2011; the government erected hundreds of miles of barriers and laced the ground with cameras and sensors. Migrants needed a network of guides, drivers and safe houses and, even then, the chances of getting caught were high. There were countless stories of people running out of water after a couple days walking through the Arizona desert. Some drank from livestock tanks. Guides left slow walkers behind to die or be deported. Hundreds perished every year. Strong physical conditions, typically seen in men in their 20s and 30s, were ‘a must.’

In 2019, the typical story involved Central American families crossing the border illegally and immediately surrendering to agents to seek asylum and rest their hopes on an immigration judge. El Paso, which had long been one of the sleepest corridors for illegal crossings, suddenly became the second busiest, after Texas’ Rio Grande Valley. In April of 2019, Border Patrol agents drove on a dirt road between the Rio Grande (*Río Bravo*)—the official international divide that was a dry, concrete basin that time of year—and a four-mile stretch of President Donald Trump’s new, forbidding wall in downtown El Paso that serves as the practical border. The agents stopped for two large groups of Central Americans traveling in families with children, sitting on the road under overcast morning skies. They had walked “illegally” across the dry river basin and waited hours within sight of El Paso’s office towers for agents to arrive, firmly on U.S. soil but unable to get past the tall steel bollards topped by metal plates.

Unlike Cubans, Central Americans came in families and large groups. A group of 1,036 crossed the border illegally in El Paso in May 2019 to turn themselves in, the largest in Border Patrol history. Families with children are subject to a 20-day limit in U.S. custody and, at the time, were quickly released in the United States, with notices to appear before an immigration court in their chosen city. Deny Martínez was caught at the border three times and sent back to Honduras. On his last failed attempt, he ran out of water on a Texas ranch and looked up to the sky, vowing that if he survived, he would never try again. The 34-year-old changed his mind when he heard that families who turned themselves in after crossing the border illegally were quickly released in the U.S. He paid a smuggler \$7,000 to get him and his 14-year-old son to Ciudad Juárez in April 2019. Within days, they were on a Dallas-bound bus.²⁹

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During much of 2019, Cubans who reached the U.S. border appeared more inclined to wait in Mexico for months until a spot opened at an official crossing, as U.S. authorities said was the

²⁹ Elliot Spagat’s field research notes.

correct way to pursue asylum. Anecdotal reporting suggested that Cubans were reluctant to break any U.S. laws, fearing it might hurt their chances. Coming as single adults, Cubans spent more time in U.S. custody but were generally freed with notices to appear in court after a month or two. On the same day they could be seen at El Paso International Airport for early-morning flights to Miami.

The tables turned in mid-2019 as the U.S. government increasingly made asylum-seekers wait in Mexico for court dates in the United States. The “Remain in Mexico” policy began in January 2019 in San Diego for Central Americans but quickly expanded across the border for all non-Mexican Spanish speakers. Mexico agreed to its rapid growth in June 2019 to stave off tariff increases the U.S. government was threatening. Through January 2020, 7,919 Cuban asylum-seekers were forced to wait in Mexico, or 13 percent of the total number of immigrants subject to the policy.³⁰ Cubans were now forced to wait in violent, unfamiliar Mexican border cities for an uncertain outcome. To win asylum, one had to persuade a judge that there was a “significant possibility” of being persecuted on grounds of race, religion, nationality, political beliefs or membership in a social group in Cuba.

“The administration also struck bilateral ‘Asylum Cooperative Agreements’ with Guatemala, Honduras and El Salvador, aimed at having the U.S. return asylum-seekers to those countries to have their claims considered there. In December, the United States began flying a small number of Hondurans and Salvadorans to Guatemala.”

The U.S. government raised additional obstacles to asylum, though the impact has yet to be widely felt. In July 2019, it declared that anyone who traveled through another country to reach the U.S. border with Mexico without seeking protection there first would be ineligible. That includes Cubans who fly from Havana to Panama and Nicaragua. The administration also struck bilateral “Asylum Cooperative Agreements” with Guatemala, Honduras and El Salvador, aimed at having the U.S. return asylum-seekers to those countries to have their claims considered there. In December, the United States began flying a small number of Hondurans and

Salvadorans to Guatemala. These Central American nations are currently ill-equipped to handle large numbers of asylum-seekers and it is unknown how many people—from Cuba or elsewhere—would even want to seek protection there if shut out of the United States. During the COVID-19 pandemic, flights to Guatemala were suspended, and an agreement to begin flying non-Hondurans to Honduras was put on hold to prevent spread of the virus. However, in addition to the public health emergency law mentioned in the concluding section, the Trump administration has proposed a string of regulations to make asylum increasingly out of reach for all nationalities, including Cubans. In June and July 2020, the Homeland Security and Justice Departments laid out instructions for judges to expand grounds for denying asylum—sometimes

³⁰ That was the third-highest nationality after Hondurans and Guatemalans and accounted for 13% of the 61,097 people subject to the policy. See: “Details on MPP (Remain in Mexico) Deportation Proceedings” (Transactional Records Access Clearinghouse, Syracuse University). <https://trac.syr.edu/phptools/immigration/mpp/>.



Clint Border Patrol Station, Clint, Texas, United States. Sergio Chapa.

without a hearing—make it very difficult for asylum-seekers to get work permits and deny asylum to people from countries with widespread communicable disease.

Recent major initiatives on immigration such as “metering,” “Remain in Mexico” and current bilateral agreements are currently being challenged in U.S. courts. Cuba’s willingness to take its people back is another open question. The U.S. government lists Cuba as one of nine “recalcitrant” countries, a list that includes China, Vietnam and Iran.³¹ Under a 2001 U.S. Supreme Court ruling, authorities generally must release immigrants from custody within six months if there is no realistic chance their countries will take them back. During the 2019 fiscal year, Cuba accepted approximately 800 deportees from the U.S., a sharp increase from the Obama years. Cuban Foreign Minister Bruno Rodríguez Parrilla said the increase stems from Cuba “diligently fulfilling its commitments.”³² U.S. officials characterize it as a small step toward more cooperation, noting that tens of thousands of Cubans live in the U.S. with standing deportation orders. Despite those uncertainties, asylum has become a central focus for U.S. policymakers. For foreigners, who are ineligible for family or employment-based visas and unable to obtain tourist visas, asylum is often seen as the only chance of settling in the United States. That includes Cuban nationals.

“Recent major initiatives on immigration such as ‘metering,’ ‘Remain in Mexico’ and current bilateral agreements are currently being challenged in U.S. courts. Cuba’s willingness to take its people back is another open question.”

³¹ Wilson, “Immigration: ‘Recalcitrant’ countries and the use of visa sanctions to encourage cooperation with alien removals” (Congressional Research Service, January 23, 2020). <https://fas.org/sgp/crs/homsec/IF11025.pdf>.

³² Gómez Licón and Salomón, “Trump administration ramps up deportations to Cuba” (Associated Press, October 11, 2019). <https://apnews.com/5a885a04f8bc4ad99144bf7e01be39a6>.

FINAL REMARKS: CUBANS AND LOSS OF PRIVILEGES IN THE ERA OF COVID-19

“After the end of the ‘wet foot, dry foot’ policy, Cubans seemed to be in a similar situation as people from all other nationalities seeking asylum. Nevertheless, during the period of early 2017 until the beginning of the ‘metering’/MPP era in 2019, Cuban citizens still had some advantages over asylum seekers from other nationalities.”

The COVID-19 pandemic has brought with it emergency measures that seem to limit entirely—if only temporarily—the asylum process in the United States. In the present context, it is difficult to accurately assess the prospects for Cuban migrants and asylum seekers in general. On March 21, 2020, the U.S. government—through the Centers for Disease Control and Prevention (CDC)—largely suspended rights to seek asylum under a new system of rapid “expulsions,” relying on an interpretation of the 1944 Public Health Service Act, which is designed to prevent the introduction of communicable disease into the United States. The act operates outside of immigration laws.³³

Before this crisis, the situation for Cuban asylum seekers was quite uncertain and now it is even more complicated. What is more, many seem to be at great risk waiting in Mexico under the MPP as a result of the temporary suspension of immigration laws, including the right to seek asylum.³⁴ After the end of the ‘wet foot, dry foot’ policy, Cubans seemed to be in a similar situation as people from all other nationalities seeking asylum. Nevertheless, during the period of early 2017 until the beginning of the “metering”/MPP era in 2019, Cuban citizens still had some advantages over asylum seekers from other nationalities. Many of those admitted to the United States who were eligible to continue with their asylum cases during those years were able to stay.

Due to the fact that the CAA was not repealed, Cuban citizens were in a relatively advantageous situation compared to people from other countries. Notwithstanding the fact that the process to obtain asylum was not completed, if Cuban asylum seekers were in the United States for one year, according to the law, they could simply apply for permanent residency. And, in many cases, this is what they did. Hence, the number of asylum cases increased significantly during this period (2017-2019; see Appendix 3, Figure 4). It seems that initially, a considerable number of asylum seekers from Cuba were able to enter the United States, start their asylum processes, and stay legally in the country.³⁵

³³ See “Notice of Order Under Sections 362 and 365 of the Public Health Service Act Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists” (CDC, March 26, 2020). <https://www.federalregister.gov/documents/2020/03/26/2020-06327/notice-of-order-under-sections-362-and-365-of-the-public-health-service-act-suspending-introduction>.

³⁴ Gupta and Fawcett, “Refugees in the time of Covid-19” (The Nation, April 21, 2020). <https://www.thenation.com/article/society/refugees-asylum-coronavirus-mexico/>.

³⁵ For example, DHS reports that the number of “Cubans granted asylum defensively” increased significantly, from seven in 2016 to 161 in 2018. See: “Table 19. Individuals Granted Asylum Defensively by Region and Country of Nationality: Fiscal Years 2016 to 2018” (DHS, 2018). <https://www.dhs.gov/immigration-statistics/yearbook/2018/table19>.

The termination of the ‘wet foot, dry foot’ policy did not mean the end of the CAA, but now it applied discretionally; not all Cuban asylum seekers were able to make use of it as they had before. The U.S. government decided that it would not automatically ban Cubans from taking advantage of this provision. However, it would now limit the number of Cubans who could benefit from the CAA by abandoning the ‘wet foot, dry foot’ policy and by banning Cuban citizens who were arriving in the United States from third countries. If Cuban asylum seekers did not arrive from Cuba directly—if they were living in another country—they would not qualify for asylum. And, in fact, a number of people that were not living in Cuba were deported.

During these years, as previously mentioned, the number of asylum applications increased substantially; a significant amount came from the Central American Northern Triangle, as well as from Cuba (see Appendix 3, Figure 4). The migrant caravans organized in 2018 and early 2019 contributed to this big surge in asylum applications at the border. As a result, the U.S. government implemented “metering” and MPP. These policies also applied to Cuban asylum seekers, who (before the COVID-19 crisis) were sent back to Mexico until their cases were resolved.³⁶ Cubans were further affected by these decisions since they could not resort to the CAA; if not physically present in the United States, they could not apply for the benefits of this act.

At first glance, it seems that Cubans are now treated in almost entirely the same way as Central Americans. In other words, they have to make the case for why they should be granted asylum; they are subject to the same emergency measures implemented due to the COVID-19 pandemic; they are subject to “metering” and the asylum transit ban in regular times; and they need to wait in Mexico until their asylum cases are decided.³⁷ These are

“At first glance, it seems that Cubans are now treated in almost entirely the same way as Central Americans.”

extremely difficult times for all asylum seekers, including Cubans. It is worth noting that the number of U.S. Border Patrol arrests of Cubans increased exponentially in just one year. In fiscal year 2019, or the 12-month period ended September 30, 2019, the U.S. Border Patrol arrested 11,645 Cuban citizens (6,283 in El Paso sector, and 3,556 in Rio Grande Valley sector), up from only 74 in fiscal year 2018, or the same period a year earlier.³⁸

³⁶ This will supposedly resume after the termination of the emergency measures due to the COVID-19 pandemic.

³⁷ In July 2019, the “Trump administration announced a ban on asylum for any individuals who enter the United States at the “southern land border” after transiting through another country after leaving their home” See: American Immigration Council, 2020. The asylum transit ban requires asylum seekers to have been previously denied protection in a country they traveled through en route to the United States in order to be eligible for U.S. asylum.

³⁸ See: “U.S. Border Patrol Nationwide Apprehensions by Citizenship and Sector” (U.S. Customs and Border Protection).

<https://www.cbp.gov/sites/default/files/assets/documents/2020->

[Jan/U.S.%20Border%20Patrol%20Nationwide%20Apprehensions%20by%20Citizenship%20and%20Sector%20%28FY2007%20-%20FY%202019%29_1.pdf](https://www.cbp.gov/sites/default/files/assets/documents/2020-Jan/U.S.%20Border%20Patrol%20Nationwide%20Apprehensions%20by%20Citizenship%20and%20Sector%20%28FY2007%20-%20FY%202019%29_1.pdf)



Metering at PedWest Garita, Tijuana, Baja California, Mexico. Elliot Spagat.

Notwithstanding the growing difficulties for Cuban asylum seekers under this new scheme and the limited amount of available statistics due to the novelty of these policies, Cubans (before the COVID-19 crisis and temporary halt of asylum applications) seemed to be more likely to win asylum than citizens from the Central American Northern Triangle and Mexico. During the 2019 fiscal year, 753 Cubans won asylum in the United States, out of 1,562 cases, a 47.1 percent grant rate. Another 31, or 2 percent, won other forms of relief, and 796, or 50.1 percent, were denied asylum. Cubans fared relatively well compared to asylum seekers of other nationalities; the overall grant rate in fiscal year 2019 was 29.4 percent.³⁹ In the era of MPP, it is not easy to establish definite conclusions. Of the 3,041 decisions involving Cubans in MPP (through May 2020), 267, or 8.8 percent, won their cases, 2,557, or 84.0 percent, lost and 125, or 6.3 percent, had their cases dismissed. However, a large majority of cases were pending.⁴⁰ It is worth noting that MPP asylum grant rates were lower for all nationalities.

Some believe that with MPP, the asylum transit ban and the COVID-19 pandemic, the special treatment for Cuban asylum seekers in the United States is definitely over.⁴¹ However, it seems that Cubans will be more likely to be approved for asylum than people of other nationalities once the COVID-19 pandemic and related restrictions are over. One could expect that Cubans will be more likely approved—in the MPP era—than Central Americans, Brazilians or Mexicans, for example. This is not because of their nationality *per se*, but because their cases, many times, comply with criteria established by the law. Yet, at present, they are waiting in Mexico like everybody else.

³⁹ See: “Asylum Decisions” (Transactional Records Access Clearinghouse, Syracuse University). <https://trac.syr.edu/phptools/immigration/asylum/>.

⁴⁰ See: “Details on MPP (Remain in Mexico) Deportation Proceedings” (Transactional Records Access Clearinghouse, Syracuse University). <https://trac.syr.edu/phptools/immigration/mpp/>.

⁴¹ Sheridan, “Cubans were once privileged migrants to the United States. Now they’re stuck at the border, like everyone else” (Washington Post, November 5, 2018). https://www.washingtonpost.com/world/cubans-were-once-privileged-migrants-to-the-united-states-now-theyre-stuck-at-the-border-like-everyone-else/2019/11/04/65f1a4ea-fa60-11e9-9e02-1d45cb3dfa8f_story.html.

Cuban asylum seekers could also benefit in the event that their government does not accept their return. This is entirely plausible, considering that Immigration and Customs Enforcement (ICE) classifies Cuba as “uncooperative” or “recalcitrant.” A 2001 U.S. Supreme Court ruling, *Zadvydas v. Davis*, requires the government to release people into the United States if there is “no significant likelihood of removal in the reasonably foreseeable future.” Under that scenario, detainees cannot be held more than six months, with some exceptions.⁴²

“Cuban asylum seekers could also benefit in the event that their government does not accept their return. This is entirely plausible, considering that Immigration and Customs Enforcement (ICE) classifies Cuba as ‘uncooperative’ or ‘recalcitrant.’”

It is fair to believe that Cubans have an easier time when describing the circumstances that led them to leave their country—thus complying with the criteria set by the Refugee Act of 1980—than people who are fleeing primarily because of gang violence, domestic violence or economic hardship. It is hard to demonstrate this because in the era of “metering” and MPP (and before the COVID-19 crisis), very few cases were processed. In fact, the backlog in U.S. immigration courts approached 1.2 million cases in May 2020, a significant increase from the 768,257 cases registered in September 2018. The backlog of cases involving Cubans grew more than any other nationality during that time—more than quadrupling to 29,850 from 6,242.⁴³

Cuban asylum seekers are experiencing other hardships simultaneously. Mexico is not a safe country for asylum seekers, and Cubans are obliged to wait there under very precarious economic and safety conditions.⁴⁴ Conversely, the process to acquire a passport is simplified for Cubans; they are relatively free to leave their country and can apply for foreign visas. However, obtaining visas is becoming more cumbersome. Yet, Caulfield recognizes, “many are still coming and if you, for example, are able to somehow arrive to Mexico, then you might still be able to go up to the border and apply for political asylum (unless you face the asylum transit ban). You might still be told, ‘oh, you need to wait in Mexico.’ But for some of these people, that might be a better alternative than waiting in Cuba without any hope of somehow getting out.”

⁴² See: *533 U. S. ____* (2001). <https://www.law.cornell.edu/supct/pdf/99-7791P.ZO>.

⁴³ See backlog data: “Cubans, Venezuelans, and Nicaraguans Increase in Immigration Court” (Transactional Records Access Clearinghouse, Syracuse University). <https://trac.syr.edu/immigration/reports/591/>.

⁴⁴ Gupta and Fawcett, “Refugees in the time of Covid-19.” <https://www.thenation.com/article/society/refugees-asylum-coronavirus-mexico/>.



Cubans seeking asylum in Tijuana, Baja California, Mexico. Elliot Spagat.

REFERENCES

- American Immigration Council, “Policies affecting asylum seekers at the border” (American Immigration Council, January 29, 2020, Accessed February 18, 2020). <https://www.americanimmigrationcouncil.org/research/policies-affecting-asylum-seekers-border>.
- Amnesty International (staff). “What’s the difference between a refugee and an asylum seeker?” (Amnesty International, January 29, 2019, Accessed March 28, 2020). <https://www.amnesty.org.au/refugee-and-an-asylum-seeker-difference/>.
- Attanasio, Cedar, Elliot Spagat and Michael Weissenstein, “Burgeoning numbers of Cubans trying to enter US via Mexico” (Associated Press, May 13, 2019). <https://apnews.com/058c2e338b4942faa9bc63f96ca90cb5>.
- Batalova, Jeanne and Jie Zong, “Cuban immigrants in the United States” (Migration Policy Institute (MPI), November 9, 2017, Accessed March 28, 2020). https://www.migrationpolicy.org/article/cuban-immigrants-united-states?gclid=EAIaIQobChMIp-XV_tSm5QIViojICh37lw6MEAAAYASAAEgJ8evD_BwE.
- Caulfield, John. <https://johnpcaulfield.com/>.
- Chishti, Muzaffar, Faye Hipsman and Isabel Ball, “Fifty years on, the 1965 Immigration and Nationality Act continues to reshape the United States” (Migration Policy Institute (MPI), October 15, 2015, Accessed April 3, 2020). <https://www.migrationpolicy.org/article/fifty-years-1965-immigration-and-nationality-act-continues-reshape-united-states>.
- Congressional Research Service, “Immigration: ‘Recalcitrant’ countries and the use of visa sanctions to encourage cooperation with alien removals.” (CRS, January 23, 2020, Accessed April 24, 2020). <https://fas.org/sgp/crs/homsec/IF11025.pdf>.
- Duany, Jorge, “Cuban migration: A postrevolution exodus ebbs and flows” (Migration Policy Institute (MPI), November 9, 2017, Accessed March 28, 2020).

- <https://www.migrationpolicy.org/article/cuban-migration-postrevolution-exodus-ebbs-and-flows>.
- Dupes Hawk, Kathleen, Ron Vilella, Adolfo Leyva de Varona, with Kristen Cifers. *Florida and the Mariel Boatlift of 1980: The First Twenty Days* (Tuscaloosa, AL: University of Alabama Press, 2014).
- Gómez Licón, Adriana and Gisela Salomón, “Trump administration ramps up deportations to Cuba” (Associated Press, October 11, 2019, Accessed January 24, 2020). <https://apnews.com/5a885a04f8bc4ad99144bf7e01be39a6>.
- Gupta, Arun and Michelle Fawcett, “Refugees in the time of Covid-19.” (The Nation, April 21, 2020, Accessed April 24, 2020). <https://www.thenation.com/article/society/refugees-asylum-coronavirus-mexico/>.
- Sheridan, Mary Beth, “Cubans were once privileged migrants to the United States. Now they’re stuck at the border, like everyone else” (Washington Post, November 5, 2018). https://www.washingtonpost.com/world/cubans-were-once-privileged-migrants-to-the-united-states-now-theyre-stuck-at-the-border-like-everyone-else/2019/11/04/65f1a4ea-fa60-11e9-9e02-1d45cb3dfa8f_story.html.
- Sullivan, Mark P., “Cuba: Issues for the 112th Congress” (Washington, DC: Congressional Research Service, 2011).
- Triay, Victor Andres, *The Mariel Boatlift: A Cuban-American Journey* (Gainesville, FL: University of Florida Press, 2019).
- United Nations High Commissioner for Refugees, “Global trends: Forced displacement in 2018” (New York, NY: UNHCR, 2019).
- United Nations High Commissioner for Refugees, “Global trends: Forced displacement in 2017” (New York, NY: UNHCR, 2018).
- United Nations High Commissioner for Refugees, *Convention and Protocol Relating to the Status of Refugees*. (UNHCR, December 1, 2010, Accessed February 20, 2020). <https://www.unhcr.org/3b66c2aa10>.
- U.S. Citizenship and Immigration Services, “Green card for a Cuban native or citizen” (USCIS, August 13, 2019, Accessed March 31, 2020). <https://www.uscis.gov/greencard/caa>.
- U.S. Customs and Border Protection, “Southwest border inadmissibles by field office fiscal year 2019” (CBP, November 14, 2019, Accessed March 4, 2020). <https://www.cbp.gov/newsroom/stats/sw-border-migration/ofo-sw-border-inadmissibles-fy2019>.
- U.S. Department of Homeland Security, “Refugees and asylees” (DHS, January 9, 2019, Accessed March 31, 2020). <https://www.dhs.gov/immigration-statistics/refugees-asylees>.
- U.S. Department of Homeland Security, *Yearbook of Immigration Statistics 2018* (Washington, DC: DHS, 2018, Accessed March 31, 2020). <https://www.dhs.gov/immigration-statistics/refugees-asylees>.
- Wasem, Ruth Ellen, “Cuban migration to the United States: Policy and trends” (Washington, DC: Congressional Research Service, 2009).

Wilson, Jill H., “Immigration: ‘Recalcitrant’ countries and the use of visa sanctions to encourage cooperation with alien removals” (Congressional Research Service, January 23, 2020). <https://fas.org/sgp/crs/homesecc/IF11025.pdf>.

APPENDIX 1

Timeline of events: Cuba-U.S. relations; U.S. refugee and asylum policy toward Cubans⁴⁵

1959: The Cuban Revolution.

1961: The United States breaks diplomatic relations with Cuba and establishes the Cuban Refugee Program.

1965: The Hart-Celler Act—more formally known as the Immigration and Naturalization Act (INA)—comes into effect. The “Freedom Flights”—transport for Cubans to the United States—begin operating.

1966: Congress enacts, and President Lyndon B. Johnson signs, the Cuban Adjustment Act (CAA) into law.

1973: The end of the “Freedom Flights.”

1978: Negotiations between Cuban exiles and Castro’s government on political prisoners, family reunification and travel to the island.

1980: The Mariel boatlift and passage of the Refugee Act of 1980.

1982: Cuba is added to the U.S. list of states sponsoring international terrorism.

1984: The United States and Cuba sign a wide-ranging immigration agreement to normalize immigration procedures.

1985: Cuba suspends the 1984 immigration agreement with the United States as a response to the launching of Radio Marti broadcasts to Cuba.

1986: Congress establishes the “Immigration Emergency Fund” in the Immigration Reform and Control Act of 1986 (IRCA).

1987: New immigration pact that reinstates the 1984 U.S.-Cuban immigration agreement.

⁴⁵ For more details on this chronology and events see: Batalova and Zong, “Cuban immigrants in the United States” (MPI, November 9, 2017). https://www.migrationpolicy.org/article/cuban-immigrants-united-states?gclid=EAlaIqObChMIp-XV_tSm5QIVioj1Ch37lw6MEAAAYASAAEgJ8evD_BwE; Duany, “Cuban migration: A postrevolution exodus ebbs and flows” (MPI, November 9, 2017). <https://www.migrationpolicy.org/article/cuban-migration-postrevolution-exodus-ebbs-and-flows>; “Chronology of U.S.-Cuba Relations” (Cuban Research Institute, Florida International University). <https://cri.fiu.edu/us-cuba/chronology-of-us-cuba-relations/>.

1994: Due to the *balseero* (rafter) crisis, a Cuban Migration Agreement is signed to “normalize” migration between the two nations. Since the 1994 agreement, the United States has conducted three visa lottery open seasons to implement the so-called Special Cuban Migration Program. These three open seasons took place in two-year intervals: FY1994, FY1996, and FY1998.

1995: The Cuban Migration Agreement, May 1995 and the beginning of "wet foot, dry foot" policy.

1996: Second visa lottery open season, Special Cuban Migration Lottery.

1998: Third visa lottery open season, Special Cuban Migration Lottery.

2004: The Bush administration announces new restrictions on U.S. travel and remittances to Cuba.

2006: Fidel Castro steps down as Cuba’s head of government.

2008: Raúl Castro assumes the Cuban presidency. This raises the possibility of renewed migration talks between the United States and Cuba.

2009: President Obama lifts U.S. government restrictions on family travel and remittances to Cuba.

2011: The Obama administration reinstates permits for U.S. citizens to travel to Cuba for cultural and educational exchanges.

2013: The Cuban government enacts key immigration and travel reforms, including the issuance of passports to prominent dissidents who travel abroad.

2014: Cuba releases convicted U.S. citizens. President Obama announces major positive changes in U.S. policy towards Cuba.

2015: President Obama removes Cuba from the State Department's list of state sponsors of terrorism. The United States and Cuba restore diplomatic relations and open embassies.

2017: Outgoing President Obama announces the end of the ‘wet foot, dry foot’ policy. President Trump announces the cancelation of Obama administration deals with Cuba. There is a significant U.S. Embassy staff reduction and the United States expels 15 diplomats from the Cuban Embassy in Washington, DC.

2018: Miguel Díaz-Canel becomes president of Cuba.

2019: The Trump administration declares new severe sanctions against Cuba, such as the implementation of Title III of the Helms-Burton Act. It also bans most U.S. commercial flights to the island.

2020: The U.S. government—through the CDC—suspends rights to seek asylum under a new system of rapid “expulsions,” relying on an interpretation of the 1944 Public Health Service Act.

APPENDIX 2 U.S. asylum policy: Chronology (2019)

January 2019: The United States launches “Migration Protection Protocols” policy, known informally as “Remain in Mexico,” to return asylum seekers to Mexico to wait for immigration court hearings in U.S. immigration courts. Initially, it applies only in San Diego but gradually expands to reach all major crossing corridors by the end of November.

March 29, 2019: U.S. President Donald Trump threatens to close the border with Mexico if Mexico does not “immediately stop” all illegal immigration to the United States. He later backs off.

May 2019: U.S. Border Patrol arrests on the Mexican border peak at 132,856, more than three times May 2018 figures and the highest since March 2006.⁴⁶

May 30, 2019: Trump announces that a five percent tariff on all Mexican imports will take effect June 10 and will be increased to 25 percent by October 1 unless Mexico “substantially stops” illegal immigration.⁴⁷

June 7, 2019: The U.S. and Mexican governments strike an agreement that calls for Mexico to deploy its National Guard throughout the country to enforce immigration laws and allows the U.S. to “immediately expand” the MPP policy across the border. Mexico averts tariff increases.⁴⁸

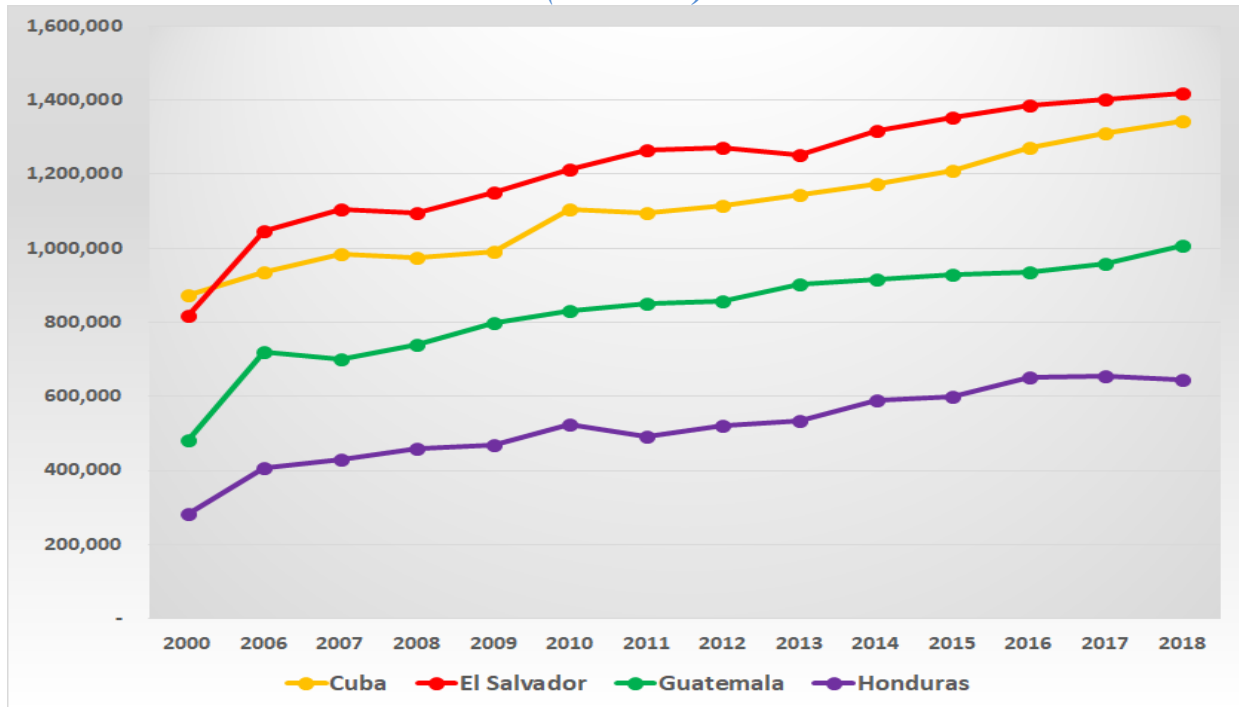
⁴⁶ See: https://www.cbp.gov/sites/default/files/assets/documents/2020-Jan/U.S.%20Border%20Patrol%20Monthly%20Apprehensions%20%28FY%202000%20-%20FY%202019%29_1.pdf.

⁴⁷ See: “Total Illegal Alien Apprehensions by Month” (U.S. Border Patrol). <https://www.whitehouse.gov/briefings-statements/statement-president-regarding-emergency-measures-address-border-crisis/>.

⁴⁸ See: “U.S.-Mexico Joint Declaration” (Office of the Spokesperson, U.S. Dept. of State, June 7, 2019). <https://www.state.gov/u-s-mexico-joint-declaration/>.

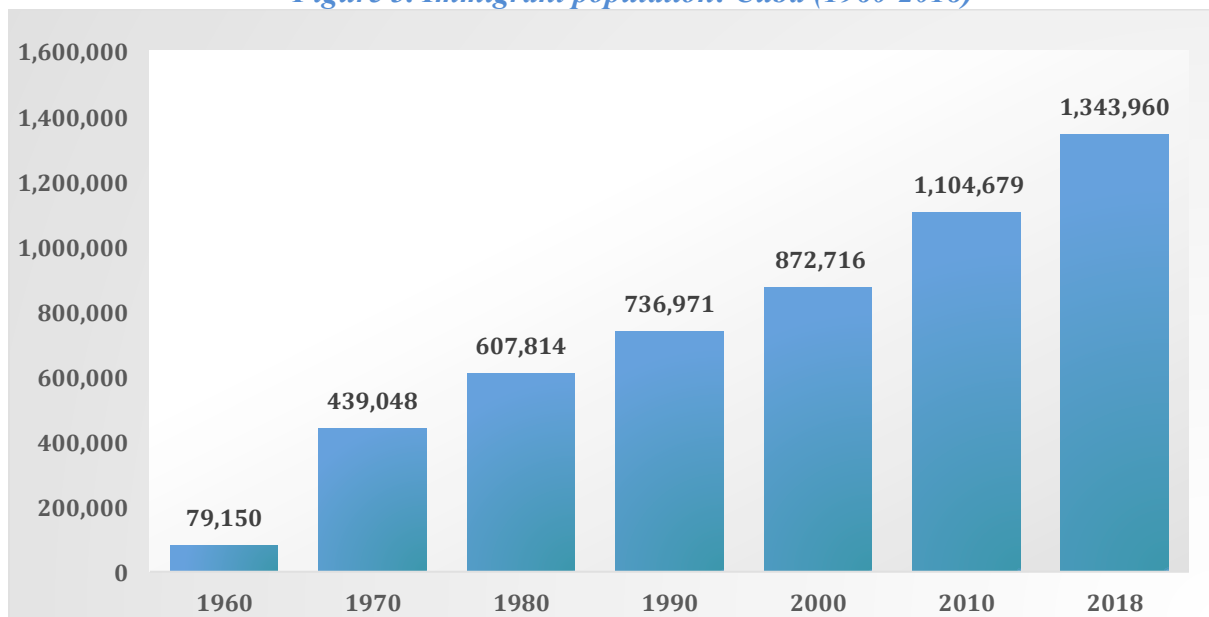
APPENDIX 3

Figure 2. U.S. immigrant population from Cuba and Northern Triangle countries (2000-2018)



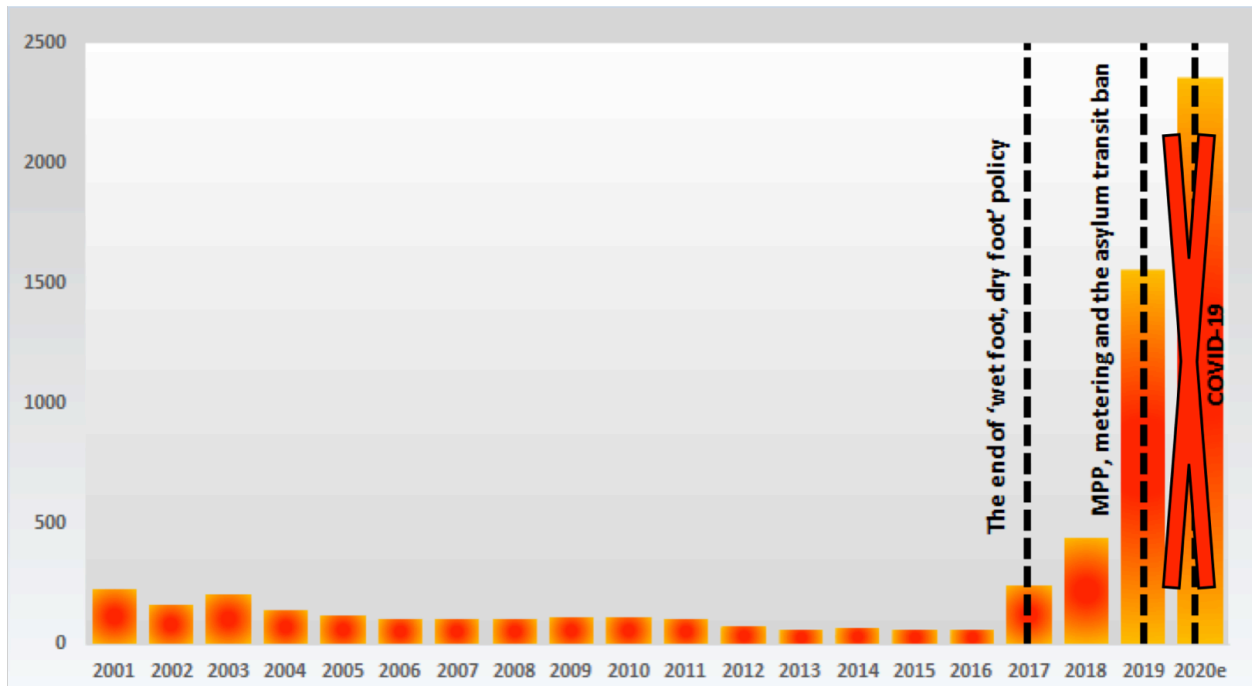
Sources: Migration Policy Institute tabulation of data from the U.S. Census Bureau's 2006 to 2018 American Community Survey (ACS) and 2000 Decennial Census.

Figure 3. Immigrant population: Cuba (1960-2018)



Sources: Migration Policy Institute tabulation of data from the U.S. Census Bureau. Data for 1960 to 1990: Gibson and Lennon, "Historical Census Statistics on the Foreign-born Population of the United States: 1850-1990" (U.S. Census Bureau, Population Division, Working Paper No. 29, February 1999).

Figure 4. Asylum cases: Cuba (2001-2020e*)



Source: Syracuse University, Transactional Records Access Clearinghouse, <https://trac.syr.edu/phptools/immigration/asylum/>. e*=estimated.