Growing Numbers of Cuban Migrants in the United States

By Kausha Luna

Over the last couple of months, thousands of Cuban migrants were transferred from Central America to Mexico. And once at the U.S.-Mexico border, under the current interpretation of the Cuban Adjustment Act (CAA) and the "wet foot, dry foot" policy that grows out of it, Cubans without visas are waved into the United States and are given legal status and full access to welfare programs.

During a recent trip to Laredo, Texas, my colleague Jessica Vaughan and I learned that this new wave of Cubans has been building for several years. The number of new annual arrivals nearly doubled from 2014 to 2015, and is roughly six times higher now than it was in 2009, which marked the most recent low point. (See Table 1.)

U.S. officials explained that Cuban migrants crossing the Mexico-U.S. border, or any land port of entry, to take advantage of the CAA is not a new trend. The usual image that comes to mind is that of Cubans on a raft making their way north to Florida. However, the reality is that an average of 70 percent of total visa-less Cuban aliens per fiscal year (FY) enter the United States through Laredo, Texas. The Miami port of entry encounters an average of 13 percent of the total visa-less Cuban aliens per fiscal year.

Cubans at the Laredo Port of Entry

Today, Cuban migrants present themselves at the Bridge 1 port of entry (POE) in Laredo and say, "Estoy aquí para Ajuste Cubano" ("I am here for Cuban Adjustment"). According to officials, they are given a worksheet to fill out with basic biographical information, fingerprinted and photographed, and checked for prior deportations and serious criminal history. Then, despite the lack of a visa, they are allowed to enter as "parolees", a form of entry that by law is supposed to be reserved for individual cases of exceptionally compelling humanitarian or national interest (as opposed to everyone of a particular nationality).

It has not always been standard policy to admit Cubans via parole. Officials we spoke to explained that prior to the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), Cubans who presented themselves at the land port of entry were not allowed to enter immediately, but were sent to the U.S. Embassy in Mexico City to make their asylum claim. Following the implementation of the 1996 act, which established Expedited Removal as a form of deportation processing, they were processed as Expedited Removal/Credible Fear (ER/CF) cases, meaning that they would be taken into custody and detained until their asylum claim/fear claim could be reviewed.

In those days, the government did not operate under the assumption that all Cubans have a credible fear of return or persecution, as is the case today. Cubans were questioned closely about their personal history, and often were determined to be economic migrants and thus unqualified to receive asylum or parole. Those who failed to establish a credible fear of return were not permitted to enter the United States.

Beginning around 2002-2003, the government started allowing visa-less Cuban migrants to receive a Notice to Appear (NTA) for a hearing in immigration court; they are paroled into the United States from the port of entry and, once in, the Cuban Adjustment Act applies to them.

Kausha Luna is a research associate at the Center for Immigration Studies.

Table 1. U.S. Customs and Border Protection, Office of Field Operations, Visa-Less Cuban Aliens, FY 2004 - FY 2015

Field Office	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016*
Atlanta	24	14	15	14	13	21	7	7	19	24	14	11	27
Baltimore	73	8	9	8	6	14	3	2	12	4	6	3	2
Boston	5	6	8	17	14	9	11	9	17	35	38	24	5
Buffalo	143	264	209	273	175	240	271	499	801	1,688	1,787	1,670	521
Chicago	23	16	5	20	10	4	4	3	3	1	5	6	1
Detroit	9	15	17	14	9	29	11	18	12	20	24	34	8
El Paso	63	67	120	205	134	96	94	92	161	237	437	698	539
Houston	14	19	17	16	7	9	13	12	30	25	16	51	39
Laredo	5,857	7,108	8,425	11,145	9,749	5,602	5,225	5,638	9,449	12,452	15,612	28,371	18,556
Los Angeles	42	36	17	6	6	11	10	6	15	18	12	17	3
Miami	663	1,259	1,291	975	831	694	1,436	986	735	1,876	4708	9,994	4,730
New Orleans	6	2		3	8	1		9		3	3	4	6
New York	92	42	56	56	28	24	33	14	23	43	44	54	23
Portland		4	2		1	2				1			
San Diego	104	78	103	137	152	151	200	372	731	988	1,281	1,645	933
San Francisco	3	2		10	3	3	6	2	2		1	6	4
San Juan	11	36	65	33	39	24	24	5	5	16	20	14	10
Seattle	5	11	6	10	6	15	21	12	22	54	61	82	49
Tampa	50	26	20	8	16	53	55	75	97	56	58	211	232
Tucson	23	33	29	46	39	46	54	49	89	142	140	252	115
DC HQ Preclearance	1	18	17	18	25	6	9	11	17	13	10	7	3
Total	7,211	9,064	10,431	13,014	11,271	7,054	7,487	7,821	12,240	17,696	24,277	43,154	25,806

Source: U.S. Customs and Border Protection.
* 2016 as of February 24.

But the CAA was intended to accommodate oppressed dissenters from Cuba's Communist government during the Cold War, and the Cubans coming to the United States now are less likely to be genuine asylum seekers and more likely to be economic migrants.

Scholars Susan Eckstein and Lorena Barberia separate Cuban migrants into two waves.[1] The "first-wavers" emigrated before 1980 and were primarily of upper- and middle-class origins. Generally they left because of the "radicalization of the revolution, which stripped them of property and privilege and left some fearful for their lives." Because of these conditions, they viewed themselves as political exiles. In contrast, the second cohort, emigrating from 1980 onward, was more likely to be of working class background and migrated for economic improvement. Today's Cuban migrants come from diverse socio-economic backgrounds; as one U.S. official put it: "from the retired government worker with no pension to the 20-year-old that does not see a future." Like Eckstein and Barberia's "second wavers", today's Cuban migrants typically migrate for better economic opportunities. Moreover, most of the new Cuban arrivals are not coming directly from Cuba. Some take a maritime route to Central America or the Yucatan Peninsula and make their way through Mexico to the northern border with the United States. Others have lived in Ecuador or Spain for years, and then fly to Mexico and present themselves at a U.S. port of entry.

From the Laredo port of entry Cubans disperse to different parts of the country. A majority of Cuban migrants go to Florida, but some are also moving to other states. According to the 2013 American Community Survey (ACS), 880,000 foreign-born Hispanics of Cuban origin lived in Florida, 43,000 in New Jersey, 34,000 in California, 28,000 in Texas, 23,000 in New York, and 9,547 in Kentucky.[2] The 2014 ACS showed that 923,111 foreign-born Hispanics of Cuban origin lived in Florida, 47,016 in New Jersey, 30,398 in Texas, 28,436 in California, 24,898 in New York, and 6,020 in Kentucky.[3]

Mexico's Policy on Cubans

The flow of Cubans coming into the United States is not slowed down by Mexico's immigration policies toward the islanders.

During our visit to the border, we also visited Nuevo Laredo, Mexico, and spoke with a senior official from the National Institute for Migration (INM) — which controls and supervises migration in the country.

The process for Cuban migrants in Mexico, as explained by the INM official, is as follows: First, the appropriate embassies are consulted to verify an alien's nationality. The INM gives a 15-day period for this information to be obtained before they release the Cuban alien. Article 111 of the Migration Law establishes that the initial period of administrative confinement for non-citizens cannot exceed 15 working days. However, a non-citizen may be detained for longer than 15 working days when any of the following conditions exist:

- *No reliable information exists on the non-citizen's identity and/or nationality, or when it is difficult to obtain identity and travel documents;*
- *The consulate or consulate sections of the country of origin or residence require a longer period for issuance of identity and travel documents;*
- *There is an impediment to [the non-citizen's] transit through a third country or hindrance to establish a travel itinerary to the final destination;*
- *There is an illness or there is a medically accredited physical or mental disability that prevents the presented migrant from traveling; and*
- *An administrative or judicial proceeding is brought forth in which a migrant claims issues related to the non-citizen immigration situation in the national territory; or a writ of amparo is filed and there is an explicit prohibition by the competent authority for the foreigner to be transferred or to leave the country.*

If so, the non-citizen may be detained for no longer than 60 business days.[4]

The official explained that in the majority of the cases the Cuban authorities do not recognize their potential countrymen, or it simply takes too much time. Last December, *La Jornada* (a leading Mexican newspaper) reported that the rate of repatriation of Cuban citizens detained and turned over to INM is minimal; only 3.7 percent of Cubans apprehended in Mexico are deported, compared to the 88.7 percent of Central Americans.[5]

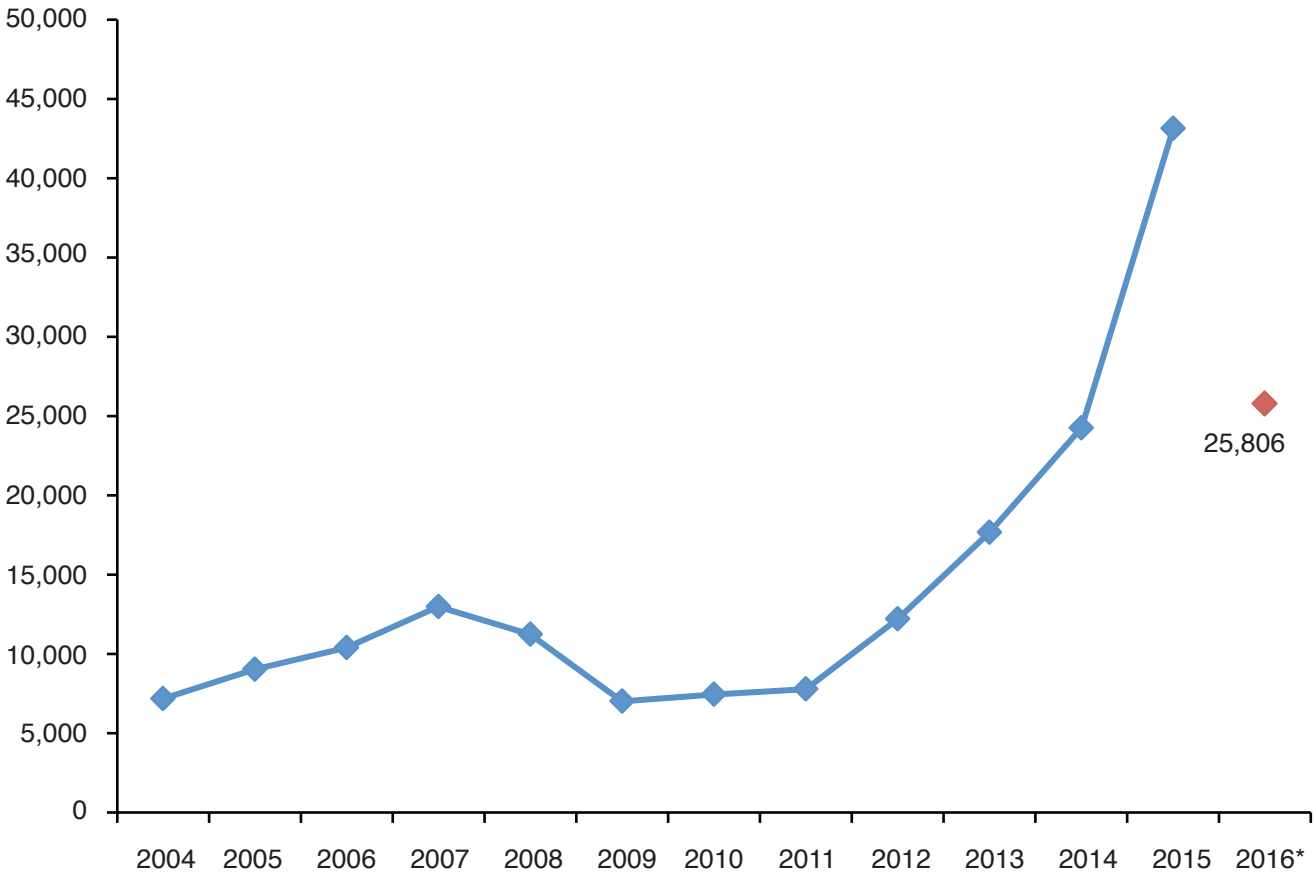
Upon release, Cuban migrants are given an exit permit, which grants the islanders 20 days to decide whether they want to leave the country or to start their migratory regularization process. According to an INM bulletin, as of July 2015, 2,867 "safe passage permits" had been given to Cuban nationals and 186 were "[provided] an assisted return to their country of origin."[6]

In conversation, the INM official noted that the Cuban aliens, "always seek protection from deportation," adding that "no one wants to stay [in Mexico]."

Pull and Push Factors

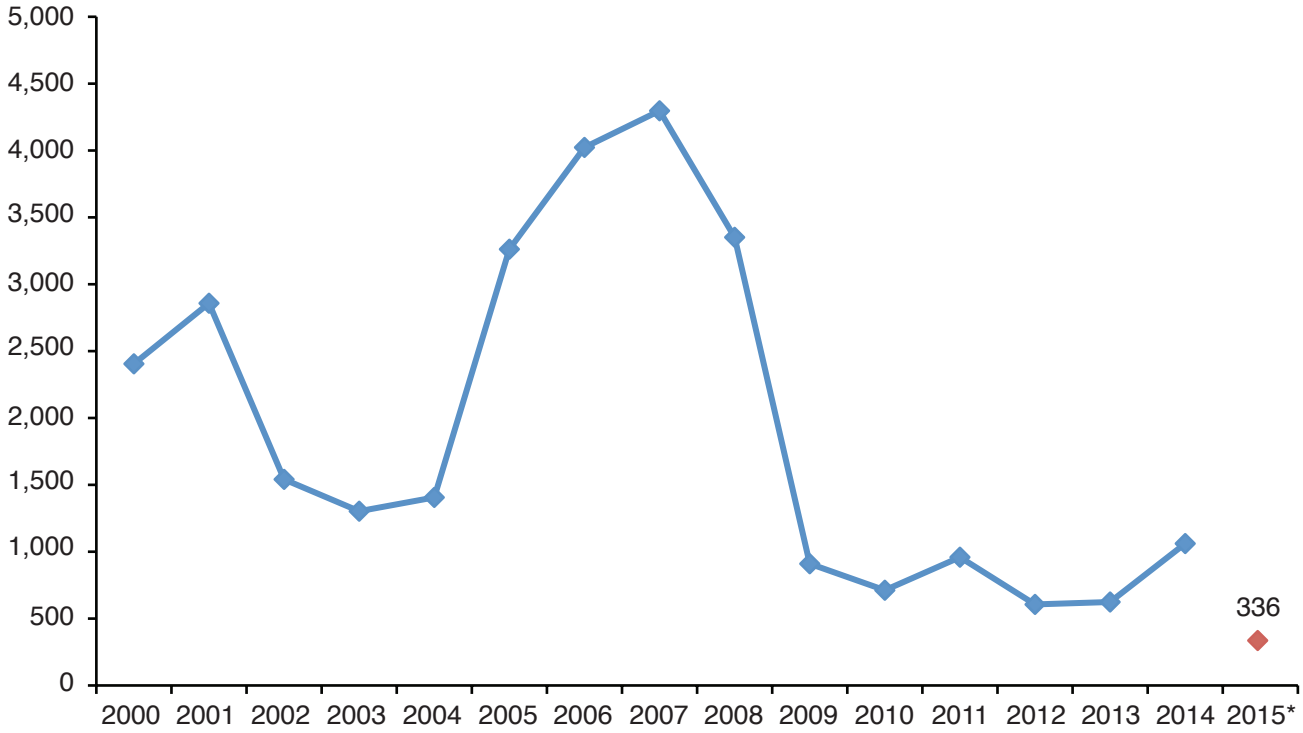
As Figure 1 shows, the number of visa-less Cuban aliens encountered by CBP officers at ports of entry has been growing since FY 2009, even as apprehensions by the Border Patrol (mostly maritime) have been falling over the same period. (See Figure 2.)

Figure 1. U.S. Customs and Border Protection, Office of Field Operations, Visa-Less Cuban Aliens, FY 2004 - FY 2015



Source: U.S. Custom and Border Protection.
* YTD 2016.

Figure 2. U.S. Border Patrol Apprehensions of Cubans, FY 2000 - FY 2015



Source: U.S. Custom and Border Protection
* FY 2015 total apprehensions of Cuban Aliens is based on YTD February 20, 2015.

During FY 2015, 43,154 Cubans without visas entered the United States through the ports of entry. This represents a 78 percent increase over the previous year, when 24,277 Cubans entered. And the number of Cubans who entered through February 24 of the current fiscal year (25,806 Cuban aliens) exceeds all of FY 2014.

Several factors have had an effect on this upward trend:

- **Cuban Adjustment Act of 1966 (CAA) and "Wet Foot, Dry Foot" Policy**. The primary pull factor is the "wet foot, dry foot" policy and the Cuban Adjustment Act, on which it is based. The possibility of being allowed to adjust to permanent resident status if one can reach U.S. soil is a major incentive for migration. The policy of allowing all those who arrive by land to come in while turning away all those who are apprehended at sea is a major incentive to use the ports of entry. However, the Obama administration has repeatedly stated that it has no intention of changing either policy.[7]

- **Cuba Lifted Travel Restrictions in 2013**. In the early 1960s Fidel Castro put in place travel restrictions on Cuban citizens, requiring them to obtain permission to leave the country. Under President Raul Castro, the restrictions were lifted.[8] Cubans no longer need an "exit permit" to travel, making it easier for Cubans to leave the country and make their way to the United States.

- **No Tourist Visa Requirement in Ecuador for Cubans.** Prior to December 1, 2015, Cubans did not need a visa to travel to Ecuador. Consequently, the islanders could readily fly to Ecuador and use it as a springboard to make their way north through Central America to the United States. In January 2014, 753 Cubans entered Ecuador; in January 2015, 2,502 entered. As more and more Cubans continued to enter Ecuador, the government made an "exception" and re-imposed a visa requirement for Cubans. Now, Cubans must register with Ecuador's virtual consulate and apply for tourist visa 12-X, which is valid for 90 days.[9] This new requirement raises the question on whether the num-

ber of Cubans who choose a maritime route (to the Yucatan Peninsula, Central America, or Florida) will increase, perhaps depending on how strict Ecuador is in issuing visas to Cubans.

- **Thawing of U.S.-Cuban Relations.** President Obama and President Castro simultaneously announced a new course in relations between the United States and Cuba on December 17, 2014. The steeper spike of land arrivals illustrated in Figure 1 happened soon thereafter. The announcement appears to have increased fears that the United States would change its generous immigration policies toward Cubans. From January to March 2015, 9,900 Cubans entered the United States, more than double the 4,746 who arrived during the same period in 2014.[10]

- **No More Limits on Remittances Sent to Cuba.** As early as 2009, the Obama administration announced a relaxation of limits on remittances to Cuba. Consequently, the Treasury Department has issued a series of amendments to the Cuban Assets Control Regulations (CACR), which regulates U.S. restrictions on such remittances.[11] The latest of these amendments lifted the dollar limits altogether on donative remittances to Cuban nationals and on amounts licensed travelers may carry to Cuba. The loosening of these limits gives greater access to funding from relatives to cover migration costs. As Silvia Pedraza and Lara Back of the University of Michigan put it, "Not only does migration result in remittances, but remittances also result in migration."[12] The Havana Consulting Group LLC maintains that remittances to Cuba grew to $2.77 billion in 2013, an increase of almost 7 percent in comparison to 2012.[13] A study by the Inter-American Dialogue estimated that, due to Obama administration policies, the growth in remittances from the United Staes to Cuba could double by the end of 2016.[14]

- **Cuba's Policy on Repatriation.** Unlike most countries, the Cuban government will not accept its citizens back for repatriation on a routine basis. It will accept back only those Cubans who were identified in a 1984 repatriation agreement that covered the so-called Marielitos, who entered the United States in 1980 as part of a mass exodus.[15] A total of 42 Cuban citizens were deported from the United States in 2015 and 24 were deported in 2014 (not necessarily to Cuba). Meanwhile, according to U.S. Immigration and Customs Enforcement (ICE) records, there are approximately 35,000 Cubans (of whom 80 percent have at least one criminal conviction) who have been ordered deported, but who currently cannot be sent back to Cuba.[16] These individuals are unlikely to be removed, as the United States has not taken steps to force the issue with Cuba. The United States has requested that Cuba agree to discuss the possibility of allowing additional deportations to Cuba at the biannual U.S.-Cuban Migration Talks, but as of last year, Cuba has declined to do so. The Cuban government's position is well-known among Cubans, and the awareness that this policy could change under U.S. pressure could be one motivating factor in the recent uptick in Cuban migration.

- **Access to Refugee Assistance.** Cubans, as presumed refugees, have immediate access on arrival to federal welfare benefits, including: TANF (cash welfare), SNAP (food stamps), and Medicaid. Cubans are also issued a work permit and a Social Security number.[17] Last year, the *South Florida Sun Sentinel* newspaper published an investigative series on the islanders' systematic abuse of these benefits.[18] Access to these benefits creates a significant incentive for Cuban migration to the United States.

Conclusion

The flow of Cuban migrants making their way to the United States has accelerated in recent years and shows no signs of slowing down. Presently, Central American countries are trying to find a solution to thousands of newly arrived north-bound Cubans stranded in Panama. Additionally, Cubans who have lived in Ecuador for years are also seeking to reach the United States as economic circumstances deteriorate in Ecuador.[19] These continued flows of Cuban migrants will continue as long as U.S. policies provide the incentive.

End Notes

[1] Susan Eckstein and Lorena Barberia, "Grounding Immigrant Generations in History: Cuban Americans and Their Transnational Ties", *International Migration Review*, Vol. 36, No. 3 (Autumn 2002), pp. 799-837.

[2] Pew Research Center, "U.S. Population, by Ethnicity and Cuban Origin, 2013", September 9, 2015.

[3] CIS tabulations of the 2014 American Community Survey via IPUMS.

[4] Ley de Migracion, Secretaria de Relaciones Exteriores, October 30, 2014.

[5] Fabiola Martinez, "La repatriacion de Cubanos es minima; Mexico los apoya para llegar a EU: INM", *La Jornada*, December 20, 2015.

[6] "El Instituto Nacional de Migracion, referenda su compromiso de garantizar los derechos humanos", Instituto Nacional de Migracion, July 31, 2015.

[7] Kausha Luna, "First Group of U.S.-Bound Cubans Will leave Costa Rica January 12", Center for Immigration Studies, January 8, 2016.

[8] Nick Miroff, "After 50 Years, Cuba Drops Unpopular Travel Restriction", National Public Radio, January 11, 2013.

[9] "Ecuador exigira visa a los ciudadanos cubanos", *El Universo*, November 26, 2015.

[10] Jens Manuel Krogstad, "Cuban immigration to U.S. surges as relations warm", Pew Research, December 10, 2015.

[11] Mark P. Sullivan, "Cuba: U.S. Restrictions on Travel and Remittances", Congressional Research Service, April 6, 2016.

[12] Silvia Pedraza and Lara Back, "Assimilation or Transnationalism? Evidence from the Latino National Survey 2006", Florida International University, September 2012.

[13] Mark P. Sullivan, "Cuba: U.S. Restrictions on Travel and Remittances", Congressional Research Service, February 4, 2014.

[14] Manuel Orozco, Laura Porras, and Julia Yansura, "Trends in Remittances to Latin America and the Caribbean in 2014", Inter-American Dialogue, February 24, 2015.

[15] Bernard Weinraub, "U.S. and Cuba Gain an Accord on Repatriation", *The New York Times*, December 15, 1984.

[16] Immigration and Customs Enforcement, "Weekly Departures and Detention Report", October 4, 2015.

[17] Ruth Ellen Wasem, "Cuban Migration to the United States: Policy and Trends", Congressional Research Service, June 2, 2009.

[18] "U.S. welfare flows to Cuba", *South Florida Sun Sentinel*, October 1, 2015.

[19] Abel Fernandez, "Cubans in Ecuador want to fly directly from Quito to reach the U.S.", *Miami Herald*, April 14, 2016.