

**“Welcome, Cuban migrants. We have an adjustment for you.”**

**News items:**

August 29, 2016 (TeleSur): “Nine Latin America foreign ministers sent a letter to U.S. Secretary of State John Kerry Monday accusing the United States of fomenting a migration crisis in the region through its Cold War-era immigration policies for Cuban migrants. [The] ministers argue that the 1966 U.S. immigration policy toward Cubans known as the Cuban Adjustment Act has ‘encouraged a disorderly, irregular and unsafe flow of Cubans’ through various countries of Latin America on route to the United States” .... “The State Department on Tuesday indicated it had no plans to meet with nine [the] Latin American governments.” (Washington Examiner)

November 25, 2015 (BBC) “Some 3000 Cubans are presently at Costa Rica’s northern border ... which has caused Costa Rican authorities to warn about a possible humanitarian crisis. But Nicaragua claims that to allow them to cross into their territory on their way to the United States would expose them to great dangers, and further legitimizes what it regards as ‘illegal policies.’”

December 1, 2015 (Cubadebate.cu) “On November 30, a new round of migratory talks took place between delegations from Cuba and the United States ... The Cuban delegation reiterated its serious concern regarding ...enforcement of the Cuban Adjustment Act, and, in particular, the implementation of the so-called “wet foot-dry foot” policy, which affords Cuban preferential treatment – unique in the world – admitting them immediately and automatically, regardless of the ways and means used to reach U.S. territory.”

November 26, 1999 (Los Angeles Times): “[F]ishermen plucked from the sea a 5-year-old boy found clinging to an inflated inner tube. The child--alone, severely dehydrated and slipping in and out of consciousness--was one of 14 people believed to have left Cuba on Sunday aboard a 17-foot boat that sank in the Gulf Stream two days ago. Eleven of the 14--including the boy's mother--are missing and believed drowned, according to the U.S. Coast Guard.”

**What’s going on?**

The Cuban Adjustment Act became U. S. law on November 2, 1966 with overwhelming congressional support. The legislation enabled Cubans arriving in the United States without papers to receive permanent residence at the end of two years – reduced to one year by a 1976 amendment – and in the meantime receive public assistance. The Lyndon Johnson administration was intent upon giving legal status to masses of Cuban citizens already living in the United States who fled revolutionary Cuba. The new rules would apply to all subsequent arrivals.

U.S. governmental leaders gained a powerful propaganda tool as they and the media portrayed Cuban migrants as victims of communist brutality who were escaping, although most newly arrived Cubans have been described, especially recently, as

economic refugees. A humanitarian disaster ensued; thousands of Cubans died on their dangerous passage across the Florida Straights in rickety boats.

In response to the deaths and to U.S. reluctance to take in great numbers of Cubans who were part of the "rafters' crisis" of 1994 – and the necessity to house them at the U.S. prison in Guantanamo – the United States and Cuba arranged for a migratory agreement in 1995 stipulating that Cubans who succeed in walking on U.S. soil may stay and those apprehended at sea will be returned to Cuba. This is the so-called "wet foot, dry foot" policy. The two sides agreed upon a U. S. lottery system aimed at opening up possibilities for legal migration. U.S. authorities have unfortunately used it sparingly.

In response, thousands of Cubans heading for the United States paid high fees to smugglers to take them to Mexico's Yucatan coast. From there they made their way to Mexico's border with Texas.

The situation changed radically on January 14, 2013, when new Cuban regulations took effect. Cubans traveling abroad would no longer have to secure an exit visa. They need only to obtain an entry visa –if required - from the proposed host country.

That opening jibed with the U. S. Cuba diplomatic rapprochement announced by Presidents Castro and Obama on December 14, 2014. Fearing imminent repeal of the Cuban Adjustment Act as part of diminished bi-national hostilities, Cubans with money to pay travel expenses and human smugglers headed for Ecuador, and from there to the United States. At the time Ecuador and Guyana were the only Latin American nations not requiring foreign visitors to obtain entry visas.

Droves of needy Cubans moving north found themselves stuck at international borders. Consequently, Ecuador for humanitarian reasons announced that as of December 1, 2015 arrivals would have to show an entry visa. The flow continues, however, and hence the recent call by the nine Latin American nations for the United States to repeal the Cuban Adjustment Act.

### **What's to be done?**

The U.S. government must balance any idea of change with legal constraints. Section 606 of Division C of the "Illegal Immigration Reform and Immigrant Responsibility Act of 1996" states that "[the Cuban Adjustment Act] is repealed effective only upon a determination by the President under section 203(c)(3) of the [Helms – Burton] Act of 1996 ... that a democratically elected government in Cuba is in power." No president since has opted to repeal.

Question: Is there any hint of normalcy of binational relations in a situation marked by the United States awarding sweeping immigration privileges to residents of the other country, but none to those of any other country in the world? In the case of Cuba, it's hard to find, we say.

Getting rid of the Cuban Adjustment Act stands as one prerequisite for truly normal U.S. relations with the neighboring island.