



BACKGROUND

The Cuban Adjustment Act of 1966 (CAA)

The Cuban Adjustment Act of 1966 (CAA):

- “Enacted on November 2, 1966. The law applies to any native or citizen of Cuba who has been inspected and admitted or paroled into the United States after January 1, 1959 and has been physically present for at least one year; and is admissible to the United States for Permanent Residence”. – U.S. Department of State.
- The act essentially allows Cubans who enter the United States the ability to apply for legal permanent resident status a year and a day after they enter the United States.
- The law is unique with the only other example being Public Law 85-559 allowing Hungarian parolees to adjust to resident status during the mid-1950s.
- Unlike the Hungarian Adjustment Act, the act does not have a cut-off date.
- In 1996, Congress amended the act with language that specified that the CAA would be repealed when Cuba becomes a democracy.

Cuban Adjustment Act by the numbers:

- 75% of all Cuban immigrants between 2000 and 2009 adjusted their status through the CAA.
- In the last decade we saw an increase in Cuban migration and adjustment through the CAA. 303,778 Cubans migrated to the United States, of which 226,999 adjusted through the CAA. This number eclipsed the previous decade in which 170,229 Cubans migrated with 103,860 adjusting through the CAA.

Travel to Cuba:

- Under the Bush administration, Cubans with immediate relatives were allowed to visit Cuba once every three years.
- The Obama administration has eased travel restrictions allowing “religious and cultural” exchanges as well as increasing the number of airports that can service charter flights to the island.
- The New York Times reported earlier this year that an estimated “400,000 passengers will fly to Cuba from the United States this year, nearly four times the number in 2008”.

Code of Federal Regulations:

- Travel by asylum applicants back to their country of origin is an offense that the Code of Federal Regulations penalizes by a cancellation of their application for asylum.
- Title 8, Section 208.8(b) of the Code of Federal Regulations, states that “An applicant who leaves the United States pursuant to advance parole under § 212.5(e) of this chapter and returns to the country of claimed persecution shall be presumed to have abandoned his or her application, unless the applicant is able to establish compelling reasons for such return.”

Definitions of a refugee and an asylee:

- “A refugee is a person who is unwilling or unable to return to his country of nationality or habitual residence because of a well founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion.”
- “The definitions of refugee and asylee are essentially the same in the Immigration and Naturalization Act (INA), with the notable difference being the physical location of the persons seeking the status. Those who are in the United States or at a port of entry in the United States apply for asylum, while those who are displaced abroad apply for refugee status.”
- Definitions were taken from Sections 207 and 208 of the INA by the Congressional Research Service.

