



The Continuing Growth of Cuban Migration

By Kausha Luna

With only a few weeks left in fiscal year 2016, there are thousands more U.S.-bound Cubans stranded in Central and South America. They are hoping for additional airlifts to the U.S. southern border so they can take advantage of the Cuban Adjustment Act (CAA) and the “wet foot, dry foot” policy that give them immediate legal status in the United States and full access to welfare.

During the first five months of 2016, thousands of Cubans stranded in Costa Rica and Panama were transferred to Mexico through a series of airlifts and bus transfers.

Earlier this year, the Center for Immigration Studies reported on the growing number of visa-less Cuban arrivals to the United States, noting that the number for the current fiscal year (25,806 as of February) had exceeded all of FY 2014 (24,277).¹ Figure 1, an updated graph from the aforementioned report, shows that the number of arrivals during the first 10 months of FY 2016 has now surpassed all of FY 2015 (43,154).² This number could grow even more as the Cubans in Central America continue to make their way north to the U.S. border.

Backlogs in Central and South America

Ecuador. Currently, Ecuador and Colombia are host to thousands more Cubans, approximately 5,000³ and 2,000⁴ respectively, hoping to reach the United States. These backlogs are the result of various Central American countries closing their borders as the flow of Cubans continued to grow. The domino effect started in November 2015 when Nicaragua closed its border, while Costa Rica and Panama followed suit in the following months.

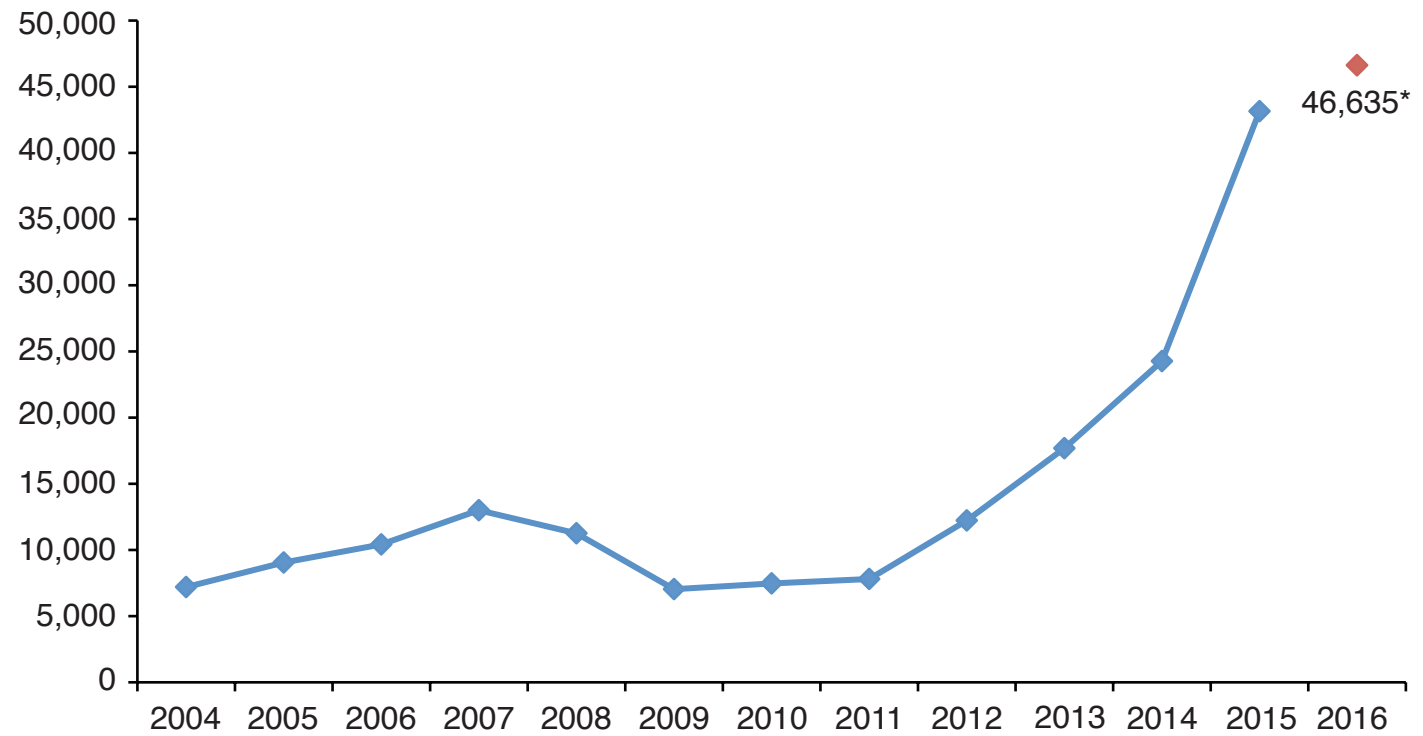
In late May 2016, Cubans in Ecuador gathered outside various embassies to demand visas and an airlift to Mexico so they could make their way to the U.S. southern border. However, the government of Ecuador stated that it would not provide an airlift because doing so would mean getting involved in illegal migration and the smuggling process.⁵ On July 9, the government of Ecuador deported the first group of 29 Cuban migrants back to the island. On July 11, 46 more islanders were deported, and on July 13 a third group, totaling 121 deported Cuban illegal aliens.⁶

It should be noted that in the past Ecuador has been more open to Cubans. Prior to December 1, 2015, Cubans did not need a tourist visa to travel to Ecuador, a restriction that was lifted in 2008, permitting them to stay in the country up to 90 days. Consequently, the islanders could readily fly to Ecuador from Cuba and use it as a springboard to make their way north through Central America to the United States. Moreover, Ecuador has played host to Cuban temporary and permanent residents. As of March 28, 2016, Ecuador has granted 26,936 non-immigrant visas (temporary residents) and 16,738 immigrant visas (permanent residents) to Cuban nationals since 2012. Additionally, during the same time period 697 Cubans were granted Ecuadorian citizenship.⁷ Due to Ecuador’s current economic crisis, some of these temporary and permanent Cuban residents are joining the recent arrivals as they head north to the United States.⁸

Ultimately, Ecuador’s economic conditions and current U.S. immigration policies (such as the CAA and “wet foot, dry foot policy” policy) act as push and pull factors, which increase the number of potential Cuban arrivals from Ecuador to the United States.

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Figure 1. U.S. Arrivals of Visa-Less Cuban Aliens, FY 2004-2015



Source: Department of Homeland Security. * First 10 months of FY 2016.

Colombia. At the end of July, the islanders in Colombia addressed a letter to President Obama “in the name of the 2,432 Cubans stranded at the northern border of Colombia.” The letter read:

We write to you to ask that you intervene and use your resources so we can safely get to your country, without having to risk our lives in the jungle at the hands of smugglers. We urge that our request is processed as we are under constant psychological violence by the threat of deportation to which we are subjected to by the Colombian authorities.⁹

Later in the letter, the islanders declare that they are “determined to die in [Colombia] if the final decision comes to deportation.” And the final sentence of the letter states: “If it would be desirable for the American government, we are prepared to renounce all economic benefits that Cubans receive upon arrival.” Upon arrival, as presumed refugees, Cubans have immediate access to refugee assistance and federal welfare benefits, including TANF (cash welfare), SNAP (food stamps), and Medicaid. The islanders are also issued work permits and a Social Security number.

On August 1, two days after the letter was addressed to President Obama, Colombia’s foreign minister, during a press conference at the U.S. Department of State, noted that there were approximately 4,000 illegal aliens of various nationalities along the northern border of Colombia. She added that the planned response was deportation, “The idea is deportation. We cannot have citizens of any nationality in the country illegally.” Regarding Cuban nationals, which account for approximately 2,000 of the 4,000 illegal aliens at Colombia’s northern border, the foreign minister said there is an agreement with Ecuador that allows for Cubans who entered Colombia through Ecuador to be returned to Ecuador.¹⁰

The first 14 Cuban illegal aliens were deported back to Cuba on August 6, according to a press release by Migración Colombia, the government’s immigration authority.¹¹ However, this is not the deportation procedure that has been applied to the majority of Cuban aliens. Per Migración Colombia, Cuban illegal aliens have the option to accept “voluntary deportation” and “leave the National territory by their own means.”¹² In other words, the Colombian government grants a “safe passage” permit (or *salvoconducto* in Spanish), which allows the illegal alien to move about the country for a given number of the days. In theory, the safe passage permit should be used to return to Ecuador or Cuba.



According to Colombia's Decree 1067 of 2015, Article 2.2.1.11.4.9,¹³ a safe passage permit is a "temporary document issued by the Special Administrative Unit Migración Colombia to foreigners that require it." A safe passage permit to exit the country will be granted in circumstances, including:

- *When a foreigner incurs an irregular stay, subject to compliance with pecuniary sanctions as may be appropriate. In this case, the term of the safe passage permit will be up to thirty (30) calendar days.*
- *When a foreigner is deported or expelled, except in cases provided for in Article 2.2.1.13.2.2 decree, situation in which the alien must leave the country immediately. In this case, the term of the safe passage permit will be up to thirty (30) calendar days.*

Decree 1067 also allows for safe passage permits to be granted so an alien may stay in the country while resolving matters of refugee or asylum status.

Unsurprisingly, the majority of the islanders have opted to accept "voluntary deportation".¹⁴ This process is offered in lieu of deportations to Ecuador or Cuba or an airlift to Mexico. The Colombian government has said that the latter is "impossible". Like Ecuador, Colombia refuses to provide the airlift because to do so would mean participating in human smuggling.¹⁵ However, the process of "voluntary deportation" fails to prevent human smuggling. Instead of going back to Ecuador or Cuba "by their own means", Cuban aliens hire a smuggler and use the safe passage permit to make their way to the Darien Jungle in an attempt to reach Panama. More importantly, the "voluntary deportation" process is paraded as "humanitarian" immigration enforcement, but in reality functions as an open border policy.

The Inter-American Commission on Human Rights reminded the government of Colombia that prior to promoting voluntary deportation and granting safe passage permits, it is the “duty” of the state to identify migrants with special protection needs, such as asylum seekers and refugees.¹⁶ This raises several questions as to why the Colombian government, concerned with humanitarian approaches to migration, grants safe passage permits to Cubans instead of refugee status. Additionally, it raises the question as to why Cubans, as presumed refugees, insist on an airlift to the United States instead of seeking asylum in Colombia, Ecuador, or anywhere else along the way.

Panama. As a result of Colombia’s “voluntary deportation” policy, Cubans are crossing the Darien Jungle into Panama. In response to the renewed influx of Cubans in the Panamanian territory, the government of Panama installed two new “humanitarian camps” where it will provide medical attention and apply biometric security controls to all “irregular” migrants. Nevertheless, the Panamanian government maintains that its border with Colombia is closed to flows of “irregular” migration.¹⁷

This continued flow of illegal aliens follows a series of airlifts in which over 5,000 islanders were transferred from Panama to the U.S.-Mexico border between February and May 2016.¹⁸ This number is striking when compared to Panama’s deportation statistics. According to the country’s immigration agency, between 2011 and 2015 only seven Cuban nationals were deported.¹⁹ Moreover, between February and May 2016, the same period during which 5,000 Cuban illegal aliens were transferred to the U.S. southern border from Panama, three Cuban nationals were deported. As of August 31, four Cuban nationals have been deported from Panama in 2016.²⁰

Like Colombia, Panama has touted a humanitarian approach to illegal migration through its territory. But in reality the Panamanian government has avoided immigration enforcement by providing alternative measures to deportation, such as the airlifts. Ultimately, weak immigration enforcement has created a pull factor for more illegal migration, evident in the continued flows of Cuban illegal aliens.

Costa Rica. In response to the mobilization of Cubans from Colombia to Panama, the Costa Rican government reiterated that the country is not in a condition to allow their entry as it did at the end of 2015 and the beginning of 2016. Furthermore the government warned Cuban migrants not to enter Costa Rican territory.²¹

At the end of 2015 and the beginning of 2016, approximately 8,000 Cuban illegal aliens became stranded in Costa Rica after Nicaragua closed its border and denied the islanders passage. Subsequently, the Cubans were transferred to Mexico, where they made their way to the U.S. border.²²

The number of Cubans moving through Costa Rica has been increasing over the last couple of years. In 2013, Costa Rica saw 2,500 Cubans move through its territory; the number increased to 5,200 in 2014, and to 22,000 in 2015.²³ In comparison, two Cuban nationals were deported in 2013, 41 in 2014, and 560 in 2015.²⁴ Most recently, 251 islanders tried to enter Costa Rica in August, but were returned to Panama.²⁵

Costa Rica, a country smaller than West Virginia, has come to recognize that it cannot handle an influx of illegal aliens as it has experienced with Cuban migrants. Consequently, the government has correctly pointed to U.S. immigration policies as a cause for the increasing flows Cuban migration. The Costa Rican government has failed, however, to acknowledge that its own actions, such as the airlifts, also create an incentive for illegal migration.

Mexico. In a recent interview, Mexico’s undersecretary of foreign relations for Latin America and the Caribbean stated the Mexican government will not participate in any more programs to transfer Cuban migrants:

*It is a permanent crisis; it is an issue that has not been resolved. We said it last time we carried out a transfer program, that we would not allow these types of programs in the future. And I believe that not doing them is consistent with the discussions within the framework of the Regional Conference on Migration, that we should not encourage this kind of transfers and we should also have an obligation to strengthen our measures to promote legal, orderly and safe migration.*²⁶

In the same interview, the Mexican government official noted that migration is a very complex issue, and that the majority of the migrants leave the island for economic reasons. Moreover, she pointed to the CAA and “wet foot, dry foot” policy as incentives for “disordered” Cuban migration.

Between February and May of this year, the period of the transfers, there were 162 deportation events of Cuban aliens. A deportation event refers to the return to their country of origin of migrants who did not observe the provisions of Mexico's Migration Act and Regulations. In the first seven months of 2016 there were 217 deportation events of Cuban aliens.²⁷ Most recently, a group of 88 Cuban illegal aliens were granted an "assisted return", according to a press release published on August 15.²⁸

In May, amidst the transfers, an immigration agreement between Mexico and Cuba came into effect. The memorandum establishes a relatively unrestricted repatriation agreement between the two countries:

Article 11. - The Parties commit to return all nationals that are acceptable to the counterparty under this Article. Mexico will accept the return of all its nationals. Cuba will accept the return of its citizens in the following categories: a) those that enter Mexican territory directly and illegally; b) those who are temporarily abroad within the legal terms established by their immigration regulations and have an irregular immigration status in the Mexican territory, except those authorized to travel to the United States of America; c) those who have directly and illegally migrated to Central American countries, and are in an irregular situation in Mexico, as long as they are within the timeframe since leaving Cuba, which will be established through diplomatic channels.

*The parties reserve the right to not accept returns. These cases will be notified through official channels. The content of this Article shall apply without prejudice to their respective national laws.*²⁹

Nevertheless, Mexico has been very lax in its own immigration policies toward Cubans. In July 2015, Mexico's National Institute for Migration announced a policy under which Cuban migrants would be granted safe passage permits, instead of being deported.³⁰ Additionally, Mexico received and facilitated the transfer of the aforementioned 8,000 Cuban illegal aliens from Central America to the U.S.-Mexico border.

Mexico's immigration policies regarding Cubans create a magnet for more illegal immigration, evident in the backlogs in Ecuador and Colombia and their solicitations for more airlifts. It should be noted, however, that Mexico is able to adopt such policies because of the United States' own immigration policies. Without the Cuban Adjustment Act and wet foot, dry foot policy, which guarantee Cuban nationals access to the United States, the Mexican government loses its incentive to allow an influx of illegal aliens into its territory. In other words, the release valve created by U.S. immigration policies allows Mexico to relax its own immigration enforcement.

Cuba's Response

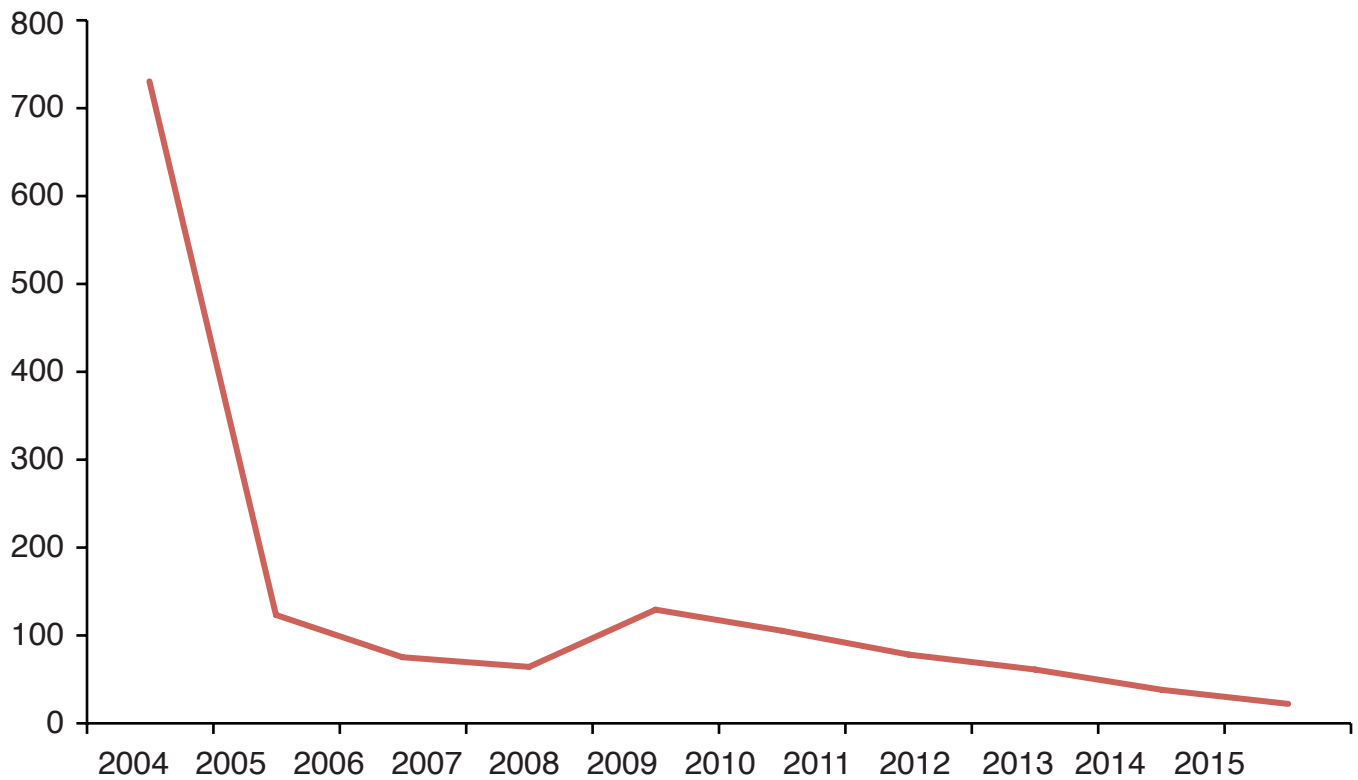
The Cuban government has received the deportees from Ecuador, Colombia, and Mexico. Unfortunately, this is not the norm between Cuba and the United States, as the repatriation agreement between the United States and Cuba is very limited.

The number of visa-less Cubans arriving to the United States has been increasing since 2009. The number of Cuban aliens removed (not necessarily to Cuba), however, has been decreasing. In FY 2009, 130 Cuban aliens were removed (86 criminal and 44 non-criminal aliens). By FY 2014, the number of removals dropped to 23 (15 criminal and 8 non-criminal aliens). It should be noted that Cuba's reluctance to take back its nationals is accompanied by a lack of political will within the Obama administration to enforce U.S. immigration laws and to impose visa sanctions (as required by statute) on countries that refuse to take back their citizens.³¹

In response to the growing flow of Cuban migration and the deportations taking place in Central and South America, Cuba has pointed out U.S. immigration policies as a magnet for illegal immigration:

The situation created with irregular migrants in the region, who initially traveled abroad legally, meeting all the requirements of our immigration regulations, to subsequently initiate an irregular journey encouraged by the "wet foot-dry, dry foot" policy, the Cuban Medical Professional Parole Program, and the Cuban Adjustment Act, which give our citizens a selective and unique treatment throughout the world, while constituting a violation of the migratory agreements signed between the two countries, is the responsibility of the United States government and immigration policy, formed in recent decades ... This policy is inconsistent with the current bilateral context. It prevents the normalization of migratory

Figure 2. Total Cuban Aliens Removed, FY 2005-2014



Source: Department of Homeland Security (DHS), Office of Immigration Statistics, [Yearbook of Immigration Statistics, 2014](#).

*relations between Cuba and the U.S. and creates problems for other countries, while it discriminates other migrants, including minors, who suffer abuse and repression at the U.S. border before being deported en masse.*³²

It is clear that U.S. immigration policies are a major pull factor for Cuban illegal aliens. Yet the Obama administration insists that it will not be making any changes to current policies, even though action by Congress is not necessarily needed to end the wet foot, dry foot policy.³³

Alternative Routes

Honduras. Cuban migrants are now looking to reach Honduras in order to circumvent the closed borders to the south. Cubans have also noted that upon arrival they are able to stay in Honduras for a couple of months and then continue on to the United States. Upon arrival, they are granted a safe passage permit that allows them to remain in Honduras for a given period. Then the Cubans can stay in Honduras to work for several months before heading northward.³⁴ This pattern is similar to the one used in Ecuador, where migrants could stay for a longer period in order to earn money before continuing to the United States.

Ultimately, this new route is a shift away from Honduras as a place of transit to one of temporary residence.

U.S. Coast Guard. According to the Coast Guard, as of August 26, 2016, 545 Cubans attempted to reach the United States by sea in the month of August. In July, 773 migrants made the trek, in comparison to the 653 Cuban migrants that attempted the crossing in June. The number of sea journeys in 2016 to date, both successful and intercepted (6,310), has surpassed the numbers for 2015 (4,473) and 2014 (3,940).³⁵

The increase in sea journeys could indicate a shift back to a maritime route as a result of numerous countries tightening their borders in Latin America.

Conclusion

The flow of U.S.-bound Cubans moving through Latin America continues to accelerate and does not appear to be slowing down. Most recently, nine Latin American countries (Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, and Peru) addressed a letter to Secretary of State John Kerry calling for an end to U.S. immigration policies favoring Cubans.³⁶ The United States' extremely generous CAA and the "wet foot, dry foot" policy, coupled with a severe lack of immigration enforcement throughout Latin America, create a significant magnet for illegal Cuban migration to the United States. Consequently, the flow of Cuban migrants will continue as long as these two issues remain unresolved.

End Notes

- ¹ Kausha Luna, "[Growing Numbers of Cuban Migrants in the United States](#)", Center for Immigration Studies, May 2016.
- ² Jens Manuel Krogstad, "[Surge in Cuban immigration continues into 2016](#)", Pew Research Center, August 5, 2016.
- ³ Noah Schumer, "[In Ecuador, Fissures Grow Among Cubans](#)", U.S. News, July 6, 2016.
- ⁴ "[Comunicado de prensa de Migración Colombia sobre la situación en Turbo \(Antioquia\)](#)", Cancillería de Colombia, August 8, 2016.
- ⁵ Kausha Luna, "[Ecuador: No Airlift for U.S.-bound Cubans](#)", Center for Immigration Studies, July 8, 2016.
- ⁶ "[CIDH expresa preocupación ante detenciones y deportaciones de migrantes Cubanos en Ecuador](#)", Organization of American States, July 26, 2016.
- ⁷ "[Situación de ciudadanos cubanos en Ecuador](#)", Ministerio de Relaciones Exteriores y Movilidad Humana Ecuador, March 28, 2016.
- ⁸ Abel Fernández, "[Cubans in Ecuador want to fly directly from Quito to reach the U.S.](#)", In Cuba Today, April 14, 2016.
- ⁹ "[Cubanos en Turbo piden ayuda a Obama para llegar a E.E.U.U.](#)", Martí Noticias, July 31, 2016.
- ¹⁰ "[Intervención de la Canciller Holguín en el VI Diálogo de Alto Nivel Colombia – Estados Unidos](#)", Cancillería Colombia, August 1, 2016.
- ¹¹ "[Migración Colombia Deportó Primer Grupo de Cubanos a su País de Origen](#)", Migración Colombia, August 6, 2016.
- ¹² "[Comunicado de prensa de Migración Colombia sobre la situación en Turbo \(Antioquia\)](#)", Cancillería Colombia, August 8, 2016.
- ¹³ "[Decreto 1067 de 2015](#)", Cancillería Colombia, August 16, 2016.
- ¹⁴ "[Situación Migrantes Irregulares en Turbo](#)", Migración Colombia, August 10, 2016.
- ¹⁵ "[Comunicado de prensa de Migración Colombia sobre la situación en Turbo \(Antioquia\)](#)", Cancillería Colombia, August 8, 2016.
- ¹⁶ "[CIDH expresa profunda preocupación por situación de migrantes en Colombia, cerca de la frontera de Panamá](#)", Organization of American States, August 8, 2016.
- ¹⁷ Armando Aparicio, "[Gobierno de Panamá mantiene frontera cerrada y ayuda humanitaria en respuesta a flujos migratorios irregulares](#)", Presidencia Panamá, Agosto 15, 2016.
- ¹⁸ Kausha Luna, "[Transfer of Visa-less Cubans to U.S. Border Continues](#)", Center for Immigration Studies, May 10, 2016.
- ¹⁹ "[Deportados 2011-2015](#)", Servicio Nacional de Migración Panamá, 2016.
- ²⁰ "[Deportados 2016](#)", Servicio Nacional de Migración Panamá, August 2016.
- ²¹ "[Costa Rica advierte no ingresar al país a migrantes irregulares desde América del Sur](#)", Presidencia Costa Rica, August 4, 2016.

- ²² Kausha Luna, [“Costa Rica Arranges Direct Flights to Mexico for Stranded U.S.- Bound Cubans”](#), Center for Immigration Studies, February 8, 2016.
- ²³ Kausha Luna, [“U.S.- bound Illegal Migration Through Costa Rica: Cubans and More”](#), Center for Immigration Studies, May 20, 2016.
- ²⁴ [“Migración Costa Rica Rech-Dep 2013-2015 Costa Rica”](#), Migración Costa Rica. August 18, 2016.
- ²⁵ Bryan Castillo, [“251 cubanos que intentaron entrar a Costa Rica fueron devueltos a Panamá”](#), *La Prensa Libre Costa Rica*, September 1, 2016.
- ²⁶ Natalia Gomez, “México no abrirá más programas para trasladar a migrantes: Flores Liera”, *El Universal México*, August 8, 2016.
- ²⁷ [“Eventos de extranjeros devueltos por la autoridad migratoria mexicana, según continente, país de nacionalidad y tipo de resolución, 2015”](#), Unidad de Política Migratoria Secretaría de Gobernación México, 2015.
- ²⁸ [“El Instituto Nacional de Migración otorga retorno asistido a 88 extranjeros de nacionalidad cubana”](#), Instituto Nacional de Migración México, August 15, 2016.
- ²⁹ “Memorando De Entendimiento Entre el Gobierno de la República de Cuba y el Gobierno de los Estados Unidos Mexicanos Para Garantizar un Flujo Migratorio Legal, Ordenado y Seguro Entre Ambos Países”, Senado de México, Octubre 2008.
- ³⁰ [“El Instituto Nacional de Migración, refrenda su compromiso de garantizar los derechos humanos”](#), Instituto Nacional de Migración México, July 31, 2015.
- ³¹ Jon Feere, [“Why Hillary Clinton & John Kerry Share Responsibility for Criminal Alien Releases”](#), Center for Immigration Studies, May 2014.
- ³² [“Nota de prensa de la Dirección de Asuntos Consulares y de Cubanos Residentes en el Exterior del Ministerio de Relaciones Exteriores”](#), Ministerio de Relaciones Exteriores de Cuba, July 12, 2016.
- ³³ Dan Cadman, [“Don’t Reward Illegal Cuban Arrivals with the Benefit of Adjustment”](#), Center for Immigration Studies, January 2016.
- ³⁴ [“Flujos Migratorios de cubanos ahora apuntan a Honduras por cierre de fronteras en Nicaragua”](#), Departamento19 Honduras, July 13, 2016.
- ³⁵ Franco Ordoñez, [“U.S. should end special treatment for Cubans, Costa Rican minister says”](#), *Miami Herald*, August 26, 2016.
- ³⁶ Kausha Luna, [“Latin American Countries Call for an End to U.S. Immigration Policies Favoring Cubans”](#), Center for Immigration Studies, August 30, 2016.