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Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Cuba: Procedure for obtaining an exit permit; procedure for extending an exit permit from outside Cuba; consequences of returning to Cuba with an expired exit permit

The government of Cuba requires that Cuban citizens wanting to travel abroad obtain authorization before they leave (Canada 31 Mar. 2010; US 11 Mar. 2010, intro; UK Mar. 2010, 105; Human Rights Watch 2010). The authorization is given in the form of an exit permit (US 11 Mar. 2010, Sec. 2d; UK Mar. 2010, 105) or an exit visa (US 11 Mar. 2010, Sec. 2d; AI 16 Oct. 2009).

Types of exit permits and procedure

According to Amnesty International (AI), the exit visa is called a *tarjeta blanca* (white card) (AI 16 Oct. 2009). The information in the following two paragraphs was provided in correspondence sent to the Research Directorate on 14 April 2010 by a representative of the Embassy of Canada in Havana, Cuba. There are two types of tarjetas blancas. The first is a small perforated card used by all persons who leave the country. It must be shown when leaving Cuba and then again when re-entering the country. That card is used by persons who travel abroad. A second type of tarjeta blanca is marked with a diagonal blue line and issued to Cuban citizens who are permanent residents in another country or who have permanently emigrated from Cuba.

Cuban citizens wanting to travel abroad must have a visa for the destination country stamped in their passport before they can receive a tarjeta blanca; they must then pay the fees for the exit permit. However, the Canadian Representative added that sometimes, because of delays, exit permit applicants who have paid the fees do not receive their tarjeta blanca before the visa issued by the destination country expires.

The information in the following two paragraphs was provided in correspondence sent to the Research Directorate on 31 March 2010 by the Representative of the Embassy of Canada in Havana. There are two types of exit permits for travel: temporary travel permits (*permisos de viaje temporal*, PVT) and foreign travel permits (*permisos de viaje al exterior*, PVE). According to the Representative, the PVT is issued to Cuban citizens

travelling abroad on behalf of a Cuban institution or company. These permits can be issued for a period of 30 days or more. If an extension is required while the holder is abroad, the person concerned must contact the institution or company they are representing, and the institution or company must request an extension from the Immigration and Foreign Services Directorate (Dirección de Inmigración y Extranjería, DIE) in Cuba. Once the extension has been granted, the holder must appear in person at a Cuban consular office abroad to obtain a new PVT and pay the fees. A child aged 16 years or less who possesses a PVT can obtain authorization to travel with one or both parents.

The PVE is used by Cuban citizens wanting to travel abroad. Potential travellers must apply to their local immigration office. The PVE is issued for a period of 30 days and can be extended for up to 10 months and 29 days from the date on which the permit holder leaves the country. To obtain an extension, the permit holder must contact the nearest consular office and pay the fees. The fees can be paid in monthly instalments or in one lump sum at the end of holder's stay abroad. In certain cases, it is possible to extend a stay for more than 11 months for "humanitarian reasons" with supporting documentary evidence, such as medical certificates. In such a case, the decision of whether to grant an extension or not is made on a case-by-case basis by the Cuban consular office. The Representative of the Canadian embassy stated that in order to obtain a PVE, a Cuban citizen must be aged 18 years or older, although a PVE can be issued to a person under 18 years "in exceptional circumstances."

The website of the Cuban Department of Foreign Affairs (Ministerio de Relaciones Exteriores de Cuba), which addresses emigration issues, indicates that a person wanting to obtain a PVE must ask for a letter of invitation from a Cuban or non-Cuban who is a family member or friend residing in the country where the applicant wants to travel to (Cuba n.d.). The letter must be notarized by a notary or prepared in a Cuban consular office; it must then be submitted to the International Legal Consultation Office (Consultoría Jurídica Internacional) in Havana, which, in turn, sends the letter to the applicant (ibid.).

The website of Grupo Vacacionar, which organizes trips to Cuba and is officially recognized by the government of Cuba (Grupo Vacacionar n.d.a), provides additional information on the procedure that a Cuban wanting to travel to the United States (US) must follow (Grupo Vacacionar n.d.b). According to the website, the applicant must first have a visa from the American authorities stamped in their passport and pay the fee of 71 US dollars to the US Interests Section in Havana; he or she must then obtain a letter of invitation from an American citizen or a permanent resident of the US (ibid.). According to the website, the letter must be notarized by a notary member of the International Law Office at a cost of 140 US dollars or by the International Legal Consultation Office (ibid.). Once the applicant has obtained the American visa and the letter of invitation, they can apply for an exit permit from their local immigration office (ibid.). When the exit permit is issued, the applicant receives the tarjeta blanca by mail and must then pay the sum of 150 US dollars to the Credit and Commerce Bank (Banco de crédito y comercio, BANDEC) (ibid.). Once the applicant has a passport, a visa issued by the American authorities, a traveller's cheque from the bank and the tarjeta blanca, he or she can then purchase a plane ticket (ibid.). Also according to the website, the applicant must appear in person at the local immigration office one week before departure so that an exit permit can be stamped in the passport (ibid.).

The following information was provided in correspondence sent to the Research Directorate on 31 March 2010 by the Representative of the Embassy of Canada in Havana. In addition to exit permits for travel, there are two types of permits for Cuban citizens residing abroad who want to conserve their residency rights and property in Cuba: the foreign residence permit (*permiso de residencia en el exterior*, PRE) and the indefinite exit permit (*permiso de salida indefinida*, PSI). PRE and PSI holders must be married to non-Cubans residing abroad. Cuban citizens married to non-Cubans living in the US cannot obtain a PRE but can be issued a PSI. The PRE gives the holder the right to return to Cuba for a period of three months without advance authorization, while a PSI holder must apply for an entry permit before travelling to Cuba. PRE holders can extend their visits to Cuba to up to 12 months by renewing their permission to stay every three months with the DIE. If PRE holders stay for longer than 12 months, they lose their PRE and must apply

for new one. Outside Cuba, the PRE is updated every two years when the holder renews their passport or applies for a new passport from the Cuban consular office.

PRE and PSI holders must “comply with the moral and social norms established in Cuba” in order to keep their permits (Canada 31 Mar. 2010). In correspondence sent to the Research Directorate on 14 April 2010, the Representative of the Canadian Embassy explained that there is a series of documents that regulate the lives and behaviours of Cuban citizens. These documents are the Constitution of the Republic of Cuba of 24 February 1976, the Family Code of 14 February 1975, the Civil Code of 16 July 1987 and the Penal Code of 29 December 1987 (Canada 14 Apr. 2010). According to the Representative from the embassy, “any behaviour that is not listed here is considered ‘against’ these regulations or is considered engaging in acts against the government” (ibid.). The Representative gave the example that a peaceful demonstration would be considered “illegal” and a violation of the moral and social norms of Cuba (ibid.).

Consequences of returning to Cuba with an expired exit permit

According to the Representative of the Embassy of Canada in Havana, leaving the country illegally is a crime under the Cuban Penal Code (Canada 31 Mar. 2010). According to Human Rights Watch, unauthorized travel can result in criminal prosecution (2010). A report on human rights published in 2009 by the United Kingdom (UK) Foreign and Commonwealth Office indicates that Cuban citizens staying outside the country for longer than authorized under their exit permit “risk being denied re-entry to their own country and are rendered effectively stateless” (UK Mar. 2010, 105).

Human rights observers report that Cuban authorities use selective refusal to issue visas and exit permits as punitive and coercive measures (Human Rights Watch Nov. 2009, 100; AI 16 Oct. 2009; UK Mar. 2010, 105). According to *Country Reports on Human Rights Practices for 2009* published by the US Department of State, at least 450 Cuban citizens were denied exit permits in 2009 (US 11 Mar. 2010, Sec. 2d). However, the report published by the UK Foreign and Commonwealth Office indicates that, in 2009, a small number of dissidents were allowed to leave the country, including a former neurosurgeon and regime opponent who was forced to wait 15 years (UK Mar. 2010, 105).

Country Reports 2009 indicates that “medical personnel, men of military age, and citizens with certain political beliefs,” as well as relatives of individuals who emigrated illegally are routinely denied exit permits (US 11 Mar. 2010, Sec. 2d). *Country Reports 2009* also indicates that, according to unpublicized government policy, health professionals are denied exit permits “until they have performed, on average, six to eight years of service in their profession after requesting permission to travel abroad,” while nurses and medical technicians are forced to wait an average of two to three years (ibid.).

In 2008, Raúl Castro announced that the restrictions on Cuban citizens wanting to travel abroad had relaxed (AI 30 Apr. 2009; *Daily News* 18 Apr. 2008). However, according to AI, the situation has not changed since 2008, particularly for dissidents (AI 13 Oct. 2009; ibid. 30 Apr. 2009).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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