



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

Cuba: Treatment by authorities of failed asylum seekers that have returned to Cuba, including the treatment of family members that remained in Cuba

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Information on the treatment by authorities of failed asylum seekers that have returned to Cuba, including the treatment of family members that remained in Cuba, was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

The Director of the International Institute for the Study of Cuba (IISC), "an initiative by a team of UK located academics, specialists and consultants with the object of providing an in-depth and focused appraisal of the Cuban 'Social Experience'," provided the following information in correspondence with the Research Directorate:

What happens to failed asylum seekers in Cuba after they return depends upon what they did before they left [Cuba]. If they were good citizens before they left, very little if anything is done to them. However, if for example the asylum seeker was wanted for a felony in Cuba before they left it is certain that they will be arrested and dealt with accordingly.

Until the change in the migration law recently, it became an offence if a Cuban remained outside the country for longer than 11 months without registering with the Consulate in the country they were residing in and obtaining permission to remain abroad. That in itself would result in a fine and a criminal record if they returned. Such people in effect lost their citizenship and their property was taken by the state in their absence. They would not get it back automatically if they did not return voluntarily □ That has now stopped since the recent reforms □ In my experience, the Cuban government and authorities treat such people very leniently, especially if their previous record in Cuba has been a good one. (IISC 14 Feb. 2013)

In correspondence sent to the Research Directorate on 14 February 2013, the Executive Director of the Center for Latin American and Caribbean Initiatives (CLACI) of the Miami Dade College in Florida indicated the following:

The treatment depends on two aspects: first, if the Cuban citizen [has] returned to Cuba within the 24-month period that, according to the new law (Decree 302 of 2012), is allowed to stay out of Cuba, he or she would not have problems. If the person is returned to Cuba after the 24-month period, Cuba will not let him or her in since that person would be considered an émigré and a traitor. Second, the treatment also depends on whether Cuban authorities know that during those 24 months the person applied for refugee status and failed to get it abroad. If they do not have such knowledge, the returnee would not face problems; but if authorities know, the person would be blacklisted and authorities might keep an eye on him or her. The person could also face difficulties accessing employment and other services.

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.

References

Center for Latin American and Caribbean Initiatives (CLACI). 14 February 2013. Correspondence sent by the Executive Director to the Research Directorate.

International Institute for the Study of Cuba (IISC). 14 February 2013. Correspondence sent by the Director to the Research Directorate.

Additional Sources Consulted

Oral sources: Attempts to contact researchers at the the Institute for Cuban and Cuban American Studies at the University of Miami were unsuccessful.

Internet sites, including: Andina, Agencia Peruana de Noticias; Amnesty International; *Los Andes*; Asylum Research Consultancy; Australia — Migration Review Tribunal; British Broadcasting Corporation; *Clarín*; Cuba — Consultoría Jurídica Internacioal, Gaceta Oficial; Cuba Encuentro; La Cubanada; Cubanet; *Diario de Cuba*; ecoi.net; Factiva; Freedom House; Granma Internacional; *Havana Times*; Human Rights Watch; Institute for War and Peace Reporting; International Crisis Group; International Federation for Human Rights; *Los Angeles Times*; *Martín Noticias*; *Miami Herald*; National Public Radio; Norway — Immigration Authorities; NTN 24; *El Nuevo Herald*; *El País*; Primavera Digital; Radio Free Europe; Radio Martí; United Kingdom — Home Office; United Nations — Refworld, ReliefWeb, UN High Commissioner for Refugees; United States — Department of Homeland Security, Department of State.

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