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C U B A

Havana. January 18, 2013

New Cuban migration and travel policy

SERGIO ALEJANDRO GÓMEZ



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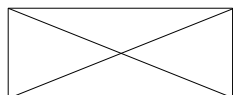
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avuelta@granmai.cip.cu



WITH the January 14 introduction of a new travel and migration policy, Cuba has taken another step toward ensuring that travel and migration are legal, orderly and safe, as well as taking a positive stance regarding emigration. The approved measures reflect a sovereign decision by the state and are not a response to pressure or obligation from or by anyone. In a statement to **Granma**, Colonel Lamberto Fraga Hernández, deputy director of the Department of Migration and International Travel (DIE) of the Ministry of the Interior, confirmed that "all conditions are in place" in the 195 National Identification, Migration and Travel Centers set up around the country to offer services required under Decree-Law 302, dated October 11, 2012, the amendment to Migration and Travel Law 1312, dated September 20, 1976, and the complementary decrees and resolutions.

The services include processing new passport applications and extensions, as well as validating passports issued before January 14, 2013 to minors and disabled persons, who can complete the process in local offices in the applicant's municipality of residence. Applications for residence in Cuba and visa extensions to remain in Cuba by émigré Cubans and foreigners visiting the country, as well as applications to change foreigners' migration status, will continue to be processed through the Migration and International Travel offices. Colonel Fraga reconfirmed that now, according to the new migration law, passport holders do not need a travel permit or a letter of invitation.

PASSPORT: GUARANTEE OF RIGHTS ABROAD

The Cuban passport, the basic document for international movement, is valid for two years, extendable every two years up to a maximum of six years.

To obtain a passport, applicants must only present their national ID card. If they are under 18 years of age or registered disabled, they are required to provide authorization from their parents or legal representatives, formalized by a Ministry of Justice Public Notary, as well as their ID card. It is worth noting, Fraga stated, that in cases where one or more parents or legal representatives are outside Cuba, authorization can be formalized in a Cuban Consulate. Also, if one or both of the parents have died, it is necessary to present the relevant Death Certificate. Measures for

submitting documentary evidence are also in place for cases in which one parent does not have custody rights or if these have been rescinded.

With regards to young men wishing to travel between January 1 of the year in which they reach 17 years of age and December 31 of the year they turn 19 – as well as those over 19 who have been informed that they will be required to register for military service – must visit the Municipal Military Committee in their area, as they will be required to fulfill some obligations.

In all cases, the Migration and Travel Offices will verify, as per legal requirements, that the applicant is not included in one of the special categories identified by Article 23 of the Migration Law which limits the issuing of passports.

According to Fraga, if there is no reason to deny a passport, which will be the case in the majority of situations, processing of the passport application will begin or, if necessary, the applicant will be provided information about all procedures to be followed to meet relevant requirements.

The DIE has confirmed that persons over 18 years of age are not required to update their currently valid passports, since they were automatically revalidated and can be used to travel as long as required visas have been obtained from countries to be visited.

At airport passport control, authorities again check that passengers who may have a valid passport do not fall into any category, as outlined in Article 25 of the Migration Law, which may restrict their leaving the country.

Some of the grounds on which permission to travel could be denied are: being involved in a criminal case, awaiting sentencing or some other sanction, having outstanding obligations with the state or civil responsibility, not having complied with rules designed to safeguard the country's workforce, or not having fulfilled legal requirements, all of which, combined with the stipulations established in Article 23, would be grounds for being denied a passport.

In this regard, persons who held a passport before January 14, 2013 should bear these requirements in mind before buying a travel ticket or appearing at the airport ready to travel, so as to avoid problems and unnecessary inconvenience at passport control.

PROTECTING THE REVOLUTION, ITS HUMAN CAPITAL & PROMOTING LEGAL, ORDERLY, SAFE MIGRATION

Fraga also stated, regarding Decree-Law 302 itself, that the government of the United States has historically used its migration policy toward Cuba for hostile, subversive and destabilizing purposes, against the legitimate interests of our people and the Cuban émigré community; and has encouraged, via the Cuban

Adjustment Act and its "wet foot, dry foot" policy, illegal and unsafe emigration from Cuba which has caused loss of human life, the perpetration of violent criminal acts, has impeded international medical cooperation and stimulated so-called "brain theft" for political motives.

Furthermore, since the approval of the Helms-Burton Act in 1996, incidents related to illegal migration have constituted a motive for U.S. intervention, which is why this issue forms part of Cuba's national security program. Fraga goes on to say that illegal exits, promoted and backed by the United States, constitute a risk for Cuban citizens.

These reasons, according to one of the recitals of the Decree-Law 302, demand that, in conjunction with the new measures, certain regulations be established which limit the effects of such actions, as well as enforcing rules designed to preserve Cuba's qualified workforce.

Thus, a small number of persons will be subject to special regulations if they wish to travel abroad, which does not mean they will not be permitted to do so, but that they will be required to obtain appropriate authorization.

Article 1 of Decree No. 306, published in the **Gaceta Oficial**, specifies who is subject to these regulations. Article 2 details what is required for this category, while Article 3 stipulates that it is the highest authority in the relevant organization, enterprise or administrative body which is authorized to award travel permits to individuals in this category. Article 2 details what is required for this category, while Article 3 stipulates that it is the highest authority in the relevant organization, enterprise or administrative organism which is authorized to award travel permits to individuals in this category. that the authorizing body will let employees know if they are subject to the regulations in this Decree, what is required and the complementary dispositions.

One important consideration, according to Fraga, is separating the responsibilities set forth in the Migration and Travel Law from those of other laws such as those related to employment and labor.

In addition, Cuban authorities announced a set of complementary measures for Decree-Law 302, according to which the status of Cubans who left illegally after the 1994 migration agreements is now normalized, allowing temporary entry if these individuals have been outside Cuba for more than eight years. The same will be applied to health professionals and high performance athletes who left after 1990, again if they have been away for more than eight years, except in cases where, on humanitarian grounds, their entry into Cuba is permitted within a shorter time span.

The updating of the country's migration and travel policy, taken as a whole, as well as making it easier for Cubans to obtain necessary documents to travel, protects more than half a century of the Revolution, its human capital, and offers new links with Cubans

living abroad.

- CUBAN MIGRATION POLICY AND U.S. MANIPULATION
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Editor-in-chief: Lázaro Barredo Medina / **Editor:** Gustavo Becerra Estorino

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