

Accountancy

Special Treatment of Cuban Immigrants

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Cuban immigrants get special treatment because of laws created during the Cold War era, such as the Cuban Adjustment Act (CAA) of 1966. Since fiscal 2014, Cuban immigration has increased by 78 percent because of the normalizing of relations between the United States and Cuba (Krogstad, 2015). These improving relations create controversy about whether the CAA is still necessary.

Background

The origins of the Cuban Adjustment Act date back to the Cuban Revolution in 1959, when Fidel Castro became the Communist leader of Cuba. In 1966, President Johnson signed this act for political reasons more than just for the purpose of helping the political refugees (Rimer, 2015). According to *The Atlantic*, "Freedom Flights' from 1965 to 1973 carried some 300,000 Cubans to Miami" (Phippen, 2016). These flights were a response to Castro's announcement that Cubans could leave for the United States. Castro also said that their Cuban American relatives could come to get them. He did this to undermine America's immigration system (Rimer, 2015). From a political standpoint, accepting many middle class Cuban citizens weakened Cuba's society and economy during the Cold War (Benson, 2003). The United States believed this strategy would remove some of the power and influence from Communist Cuba.

Cuban Adjustment Act

According to the United States Citizenship and Immigration Services (USCIS), the CAA allows paroled Cuban immigrants to apply for a green card after one year in the United States ("Green Card for Cuban," 2011). In addition, their citizenship is not disqualified by public charge, and they can enter the United States at non-USCIS ports of entry if paroled ("Green

Card for Cuban," 2011). Public charge is a term used by the USCIS to describe immigrants who need financial assistance from the government ("Public

Charge,” 2009). Unlike other immigrants, Cuban immigrants do not have to prove that they can support themselves financially to get a green card. The fact that they can come to unofficial ports of entry essentially means they can enter the country illegally.

U.S.-Cuba Immigration Accord

The U.S.-Cuba Immigration Accord of 1995 is the official title for the “wet-foot, dry-foot” policy. This policy states that immigrants who are caught at sea in the process of attempting to reach America will be taken back to Cuba or another country, but those who reach U.S. land can stay (Morley, 2007). Furthermore, Rusin, Zong, and Batalova (2015) explain that “the Cuban government, per signed accords, cannot retaliate against” the returned Cubans. The tenets of the “wet foot, dry foot” policy keep the United States from viewing Cuban immigrants as undocumented, regardless of how they get to America.

Attempts by Sea

Though methods of traveling by land have become more popular recently, a significant number of Cuban immigrants come to America—and more specifically, Florida—by sea. According to Krogstad (2015), 9,999 Cubans entered the Miami area in fiscal year 2015 (October 2014–September 2015). Krogstad (2015) also claims, “the U.S. Coast Guard apprehended 3,505 Cubans at sea.” Brown and Patten (2013) reported, “Cubans are the most geographically concentrated of the twelve largest Hispanic origin groups. 70% live in Florida.” This statistic represents Cuban immigrants who travel to Florida because of its proximity to Cuba.

Attempts by Land

Recently, immigrating to America by land or air has been a popular method for many Cubans. The Guardian (2014) states that over 22,000 Cubans entered the United States through the Mexican and Canadian borders in fiscal 2014 (Associated Press). Cuban immigrants can get to America through Mexico by flying into Ecuador. According to Shoichet (2016), Ecuador only began requiring travel visas in late 2015. From Ecuador, the Cubans travel up through Latin America and Mexico.

Immigration Process

The immigration process for Cubans is short and simple due to the CAA and the “wet-foot, dry-foot” policy. This is especially obvious when comparing the treatment of Cubans with other immigrants or other political refugees.

Other Immigrants

The immigration process for the average immigrant is a much lengthier and more highly regulated process than Cubans experience under the CAA. In order to get a green card, other immigrants must apply through the USCIS and receive an immigrant petition (“Green Card Eligibility,” 2011). The USCIS takes public charge status seriously when considering other immigrants. Public charge prohibits these people from obtaining a green card.

West (2013) explains that applying for a green card or a visa is expensive because the USCIS relies on applicant fees for its funding. In contrast, Benson (2003) reports that Cuban immigrants have received benefits, such as “emergency housing, English-language training, federal educational funds for Cuban children, and medical care” (p. 51). The length of the process is also different for Cuban and non-Cuban immigrants. After a year, Cuban immigrants can apply for a green card; however, the green card process can take years for other immigrants. If non-Cubans attempt to speed up the process by ignoring or bypassing regulations, they are considered illegal immigrants. Rimer (2015) explains that there are “an estimated eleven million unauthorized immigrants in the country.” This number does not include Cuban immigrants because of the “wet-foot, dry-foot” policy (Rimer, 2015).

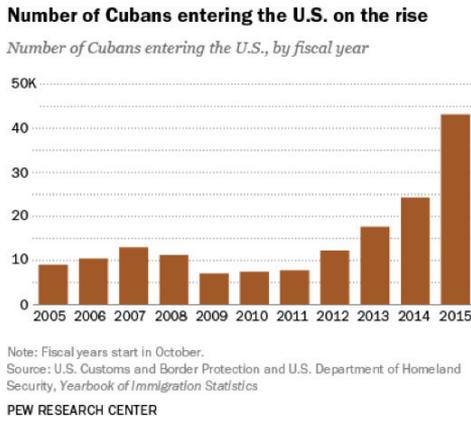
Other Refugees

The United States originally granted special rights to Cubans because they were political refugees. From that perspective, it makes sense that the immigration process differs for Cubans and other immigrants. However, there are also extensive differences between the treatment of Cuban immigrants and the treatment of other political refugees. The USCIS (2015) explains that refugees have to be referred to the U.S. Refugee Admissions Program (“Refugees”). According to the USCIS (2015), a refugee “demonstrates that they were persecuted or fear persecution due to race, religion, nationality, political opinion, or membership in a particular social group” (“Refugees”). The United States accepts Cuban immigrants as political refugees without ensuring that they fit this definition.

Political refugees from other countries typically receive some benefits, such as travel planning and loans for the trip to the United States and potential “medical and cash assistance” (“Refugees,” 2015). These benefits are not as extensive as those given to Cuban immigrants. Furthermore, the groups’ success rates differ greatly. The USCIS accepts every Cuban immigrant that reaches the United States’ soil. Blitzer (2016) claims that since 2014, “tens of thousands of people fleeing violence in Honduras, El Salvador, and Guatemala have arrived in the U.S.” According to this source, “of the nearly thousand of those cases that judges have heard so far, eighty per cent have ended with deportation” (Blitzer, 2016).

Recent Increase in Cuban Immigration

Understanding the CAA and its privileges is important because there has been a significant increase in Cuban immigration in the last year. According to Krogstad (2015), there were 43,159 Cuban immigrants in fiscal 2015. Krogstad (2015) reports, "This represents a 78% increase over the previous year." The following graph from Pew Research Center shows the rise in Cuban immigration since 2005 (Krogstad, 2015).



In 2014, President Obama announced that the United States would begin normalizing relations with Cuba (Phippen, 2016). This caused people to consider whether the U.S. government would take away the CAA if it was successful in improving the relations with Cuba. This concern was partly responsible for the increase in Cuban immigrants.

Another factor that caused this dramatic increase in immigration is that the Cuban government has eased its previously strict policies on immigration out of the country. According to Whitefield (2015), the amount of time Cubans can stay outside of the country without compromising their citizenship has been extended from eleven months to two years. In addition, Cuba removed the expensive exit visa that used to be necessary to leave the country (Associated Press, 2014). Now, Cubans can easily leave their own country in order to come to the United States.

Controversy

Opponents of the CAA claim that the “wet-foot, dry-foot” policy “encourages Cubans to risk their lives to cross the Florida Straits” (Whitefield, 2015). Morley (2007) explains that there are no official statistics on the number of Cubans who die at sea while trying to come to America; however, he continues, “During the balsero crisis of 1994, there were estimates that anywhere from 25 percent to 75 percent of all those who attempt to migrate were dying at sea” (Morley, 2007). Though this estimate is not specific, it shows that at least some Cubans who travel by sea experience physical harm from poor weather conditions or unsafe rafts.

Some of the controversy surrounding this topic comes from the idea that people will abuse the system. Gioioso (2015) claims that “Cubans who have left the island since 1991 resemble economic migrants rather than political refugees.” Opponents believe that the U.S. government gives Cuban immigrants refugee privileges that they no longer need. Whitefield (2015) mentions the possibility that Cuba’s lengthened time-away allowance will lead people to go back and forth between the countries and exploit the system for personal or economic gain.

Conclusion

The U.S. and Cuba began normalizing relations in 2014, and the Cuban government changed its restrictions on leaving Cuba. Since these changes, Cuban immigration has increased by 78 percent. The increase brings public attention to the Cuban Adjustment Act. Other groups do not receive the CAA’s privileges, such as the nearly 800 Central American refugees who have been deported since 2014 (Blitzer, 2016). Cubans are concerned that the U.S. government will remove the CAA.

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