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Cuba: Procedures followed to obtain an exit permit; procedures followed to extend an exit permit while outside of Cuba; consequences to returning to Cuba with an expired exit permit

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Procedures followed to obtain an exit permit

According to an article published in *El Nuevo Herald*, the exit permit (*Tarjeta Blanca*) is issued by the Department of Immigration (Departamento de Inmigración y Extranjería) of the Ministry of Interior (Ministerio del Interior) (2 July 2006; see also Cubanet 31 Aug. 2001). The Web site of the Cuban Ministry of Foreign Affairs (Ministerio de Relaciones Exteriores) explains that in order to apply for a temporary or permanent exit permit (*Permiso de Viaje al Exterior, PVE*), a Cuban citizen must submit a letter of invitation from a foreigner, a relative or a Cuban friend living abroad (Cuba 11 Oct. 2005). This individual must prepare the invitation letter at a Cuban consulate or before a notary (*ibid.*). The letter of invitation, once approved by a Cuban consulate, is valid for one year (*ibid.*).

An article published on the Web site of Grupo Vacacionar, "an official tour operator registered in Cuba" (n.d.a), indicates that a Cuban citizen who wishes to travel to United States

must to apply for an Exit Permit to leave Cuba at the Immigration Department of his/her municipality, with a letter of invitation issued by an American citizen or a permanent resident in the [United States] U.S. The letter of invitation can be sent from the United States or it can be issued in Cuba by a person with the mentioned requirements visiting the country. In both cases, the letter must be legalized at the "Consultoría Jurídica Internacional" or with a Notary of the International Law Office; the cost of this process is \$140.00 [approximately CAD 160 (Canada 5 Dec. 2006a)].

Once the departure is approved by the Immigration Department, the mentioned authority will send the "Tarjeta Blanca" to the applicant by mail. When the applicant receives it, he/she must go to a BANDEC [Bank of Credit and Commerce] office and pay \$150.00 [approximately CAD 171.26 (Canada 5 Dec. 2006b)] for it, where he/she will be given a travelers' check. (n.d.b)

Although not all of this information could be corroborated among the sources consulted by the Research Directorate, an article published by Noticiero Cuba corroborates the fact that the price of a Cuban exit permit is USD 150.00 (20 Nov.

2006). No further information on the procedures followed to obtain an exit permit could be found among the sources consulted by the Research Directorate.

Procedures followed to extend an exit permit while outside of Cuba

The Web site of the Cuban Department of Foreign Affairs provides the following information. Cuban citizens travelling with a permit for foreign travel (non-immigrant) [*Permiso de Viaje al Exterior (no emigrante)*] can spend up to 11 months outside of the country (Cuba 11 Oct. 2005). Following the first 30 days of their stay outside the country, they must contact the closest consulate to pay the required fee for each additional month that they wish to spend outside of the country (ibid.). This amount can be paid in a lump sum or in instalments (ibid.).

In 21 November 2006 correspondence with the Research Directorate, an official at the Canadian Embassy in Cuba indicated that Cuban citizens can extend their exit permit "for a period of up to 11 months from the date of departure from Cuba." The Official at the Canadian Embassy in Cuba also provided the following information:

Cuban exit permits for persons travelling on official government business will typically be valid for the period of time foreseen for the trip. Private visitors will, in most cases, be given permits for one month, but in some cases this goes to up to three months. Persons who wish to extend the validity of their exit permit must do so at a Cuban consular office abroad. In Canada, the fee is 64 Canadian dollars per month, counting the day of departure from Cuba as the first day of the trip, but the first month is not subject to payment. The payment can be made at any time during the trip, but [it must be done] before attempting to travel back to Cuba. It can also be made in instalments. From the circumstantial evidence [the Canadian Embassy in Cuba has], this would appear to be a routine and straight-forward service, and [the Canadian Embassy in Cuba is] unaware of any difficulties in extending the initial permit for a period of up to 11 months.

If a Cuban stays abroad for over 11 months, however, they would have to ask for a special permit to return to Cuba, be it for a temporary visit or to resume residence. The Cuban government will consider that the citizen has uprooted herself or himself, and they will not be allowed to return to Cuba without an endorsement in their passport placed by the Cuban diplomatic mission abroad, which in most cases requires approval from the authorities in Cuba. (n.d.b)

No further information on the procedures followed to extend an exit permit while outside of Cuba could be found among the sources consulted by the Research Directorate.

Consequences for returning to Cuba with an expired exit permit

A report published by Human Rights Watch (HRW) states that, "[t]he Cuban government forbids its citizens from leaving or returning to Cuba without first obtaining official authorization," and that "[u]nauthorized travel can result in criminal prosecution" (October 2005, 2). The HRW report also adds that, according to Article 215 of Cuba's Criminal Code, "[i]ndividuals who enter Cuba 'without completing legal formalities or immigration requirements' risk one to three years of imprisonment" (HRW October 2005, 10). The Official at the Canadian Embassy in Havana indicated that

The Cuban Immigration Act (*Ley de Inmigración*) states that Cuban citizens must be properly documented when attempting return to the island. However, while the Act is public, it is a very cursory and general five-page document, and the procedures governing its implementation are in the regulations, which are internal and not in the public domain.

Circumstantial evidence available to [the Canadian Embassy in Cuba] would indicate

that, if the person attempts to return to Cuba within the 11 months of departure, they could still be admitted, but not without difficulties if they [had] failed to extend the validity of their exit permit before attempting re-entry. It is always preferable to obtain these extensions prior to the trip back to Cuba. In addition, airlines should not board passengers who are not properly documented.

Persons who have been outside Cuba for over 11 months and do not have a re-entry permit, or an open permit to reside abroad, should never attempt to travel back to Cuba. They will be not be allowed to enter, and will be subject to swift removal. Those Cuban citizens will be considered inadmissible to Cuba until they have obtained a document allowing their re-entry. It is also worth mentioning that, although such persons lose their right to residence in Cuba, they will still be considered citizens, and they will even be eligible to receive new Cuban passports at Cuban consulates abroad. (21 Nov. 2006)

No further information on the consequences for returning to Cuba with an expired exit permit could be found among the sources consulted by the Research Directorate.

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 additional sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral source: The Embassy of Cuba in Canada did not provide information within the time constraints of this Response.

Internet sites, including: Amnesty International (AI), Cuban American National Foundation (CANF), Embassy of Cuba in Canada, Office of the United Nations High Commissioner for Refugees (UNHCR), United States Bureau of Consular Affairs, Universidad de Oriente - Santiago de Cuba.

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