

DEPARTMENT OF STATE
OFFICE OF THE SPOKESMAN
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STATEMENT BY CHRISTINE SHELLY, ACTING SPOKESMAN
CUBA: IMPLEMENTATION OF MIGRATION AGREEMENT
OCTOBER 12, 1994

The United States is announcing today steps being taken to implement the September 9 migration agreement with Cuba.

Pursuant to the agreement, the U.S. will allow a minimum of 20,000 Cubans to migrate legally to the U.S. each year. This goal will be met through expanded immigrant visa and refugee processing and the use of the Attorney General's parole authority.

The U.S. will accelerate the immigrant visa issuance process at the U.S. Interests Section (USINT) in Havana, consistent with U.S. law. The accelerated scheduling of immigrant visa interviews has already begun. The U.S. Immigration and Naturalization Service (INS) will intensify outreach to the Cuban-American community to explain increased opportunities to bring family members from Cuba to the U.S. Additionally, USINT will intensify its efforts to inform the Cuban public of new immigration opportunities.

The United States also will increase the number of refugee admission slots available to Cubans through the U.S. Interests Section in Havana to at least 6,000 this year. While eligibility for the in-country program in Havana originally was limited to former political prisoners, application criteria have been expanded significantly. The U.S. will review pending and previously denied refugee cases in order to identify those qualifying under the expanded criteria.

In addition, public interest parole may be offered immediately to unmarried sons and daughters of Cubans issued immigrant visas or granted refugee status, as well as to family members who reside in the same household and are part of the same economic unit. USINT is in the process of informing those persons receiving immigrant visas and refugee travel documents about this program.

Also, as a one-time, extraordinary measure, public interest parole will be offered to preference visa petition beneficiaries on the immigrant visa waiting list as of September 9, 1994, and who would not have been eligible to receive an immigrant visa by the end of Fiscal Year 1995 (September 30, 1995). Individuals on this list will be contacted by USINT in Havana.

Finally, the U.S. government will operate a lottery that will substantially broaden avenues of legal migration for all Cubans, including those without direct family ties to the U.S. Candidates selected through the lottery will be allowed to bring their spouses and minor children with them to the U.S. This process is designed to benefit Cubans with a strong

desire to migrate and who can become self-sufficient. Details of the lottery will be announced in Cuba and the U.S. by November 1.

The U.S. will devote sufficient personnel and other resources to conduct all refugee, immigrant visa, and parole processing on an accelerated basis. The Immigration and Naturalization Service and the Department of State will each have in place additional officers at USINT on or about October 17; additional local staff already has been hired. A State Department team will arrive in Havana on October 17 to identify new facilities to accommodate the expanded processing.

All Cubans eligible for migration benefits will be screened for medical, criminal, and public charge requirements under U.S. immigration law as applicable.

These programs will be available to Cubans in Cuba proper. All Cubans in safehavens will be fully informed about the programs; in order to participate in them, they must return home. USINT and the State Department will continue to work with the Cuban government to facilitate the travel of all Cubans under U.S. government protection who wish to go home; no one will be compelled or encouraged to return. Appropriate steps will be taken to ensure that no Cuban wishing to return is disadvantaged in any of these programs if unable to do so in a timely fashion. On October 7, a group of 17 Cubans who requested voluntary return were flown from Guantanamo Naval Base to Havana.

With regard to Cubans in Guantanamo and Panama, significant efforts are under way to upgrade the facilities and to improve quality of life. We are making substantial progress in hygiene and nutrition, in upgrading the basic infrastructure, and in the delivery of medical, communications, and recreational services. Mail and newspaper delivery soon will be available. A fact sheet concerning improvements at Guantanamo follows.

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FACT SHEET IMPROVEMENTS AT GUANTANAMO

Significant efforts are under way to upgrade the facilities and to improve the quality of life for Cubans and Haitians at safehaven in Guantanamo. Improvements are being made in five categories:

I. Infrastructure/facilities II. Food/clothing/medicine III. Personal communications IV. Education/recreation V. Administrative/other

I. INFRASTRUCTURE/FACILITIES

Water: Running water is now available in all Haitian camps and in 75% of Cuban camps. Efforts are under way to provide running water to everyone by October 20.

Tents: All migrants have shelter, but dust is still a problem. Hard stands and wooden floors for the tents are being built as some migrants leave, and some camps are closed. We expect all tents to have wooden floors by early November.

Sanitation: There is currently one latrine for every 30 migrants. Cleaning is now done once every two days. By October 20, cleaning will be done once every day.

II. FOOD/CLOTHING/MEDICINE

Milk: A preliminary supply of milk has been provided along with specialized milk for babies with digestive problems. Additional supplies will be provided.

Food: Every effort is being made to develop a varied menu which is closer to Cuban or Haitian cooking. Food stocks, including donations, have increased and migrants are participating in food preparation. On Sundays, arroz con pollo (chicken with rice) is served. There are now enough food stocks to allow the announcement of menus two days in advance. In addition, two new kitchens have been built.

Clothing: Thanks to the efforts of many government and non- governmental organizations, each migrant has spare clothing and shoes. Those persons needing sun protection have baseball-style caps. More than 40,000 pairs of shoes were purchased for the migrants and all have been distributed.

Medicine: There have been no outbreaks of serious illnesses within the last month. Hygiene is improving daily and preventive care is being developed by camp doctors. There are about 250 pregnant women in the camps; pre-natal and post-natal facilities are being built to assist new and expectant mothers with care and feeding. Infamil with iron and other infant needs are being stocked. For most, the care they will receive will be better than they would have received in Cuba or Haiti.

III. PERSONAL COMMUNICATIONS

Mail: Limited postcard service has been available through the American Red Cross. The Department of Defense is arranging for regular letter and post card service, which will begin October 15. Package delivery will begin November 1.

Phones: All camps will have phone service by October 20. Phones have been installed in all camps; 35 percent of the phones are working and the remainder will be functioning by October 20.

IV. EDUCATION/RECREATION

Supplies: The U.S. Commander's initiative fund has been used to purchase crayons, toys and Spanish and Creole books. The initial shipments have arrived and more are expected.

Newspapers: Daily newspaper delivery service is expected to begin on October 20.

Radio: More than 1,000 radios were supplied to migrants in September, and additional deliveries are scheduled. The radios have been able to pick up Radio Marti during the evening hours. DOD has been producing additional broadcasts through a temporary station called Radio Esperanz (Radio Hope).

Other media: Camp leaders are also given the opportunity produce their own print media for the camps.

Recreation: The Cubans have asked for basketball areas and we expect that current construction will be completed by October 20. Each camp will have a recreation tent by October 12.

V. ADMINISTRATIVE/OTHER

Administrative: A Cuban-American, Mr. Guarione Diaz, was appointed Ombudsman to Task Force 160 to assist in the U.S. Government's effort to improve camp conditions.

Camp leadership for migrants: Each camp has selected a small group of camp leaders to voice concerns over the conditions of the camps. We are following their recommendations as much as practical.

Supplies: Priority items such as milk for babies, clothes, shoes, and a variety of food stocks have arrived in Guantanamo. As space permits, cigarette donations from the Cuban-American community in Miami have also been sent to the camps.

Camp visits: Representatives of the Archdiocese of Miami, the U.S. government, non-governmental organizations and many others have visited the camps to assist the migrants. Information will be released shortly about how other groups may arrange visits to Guantanamo. Scores of press have also visited the camps.

Donated goods/services: The U.S. Government welcomes all donations of goods and services for migrants in Guantanamo.

To donate goods, contact: Peggy Gilbert, World Relief, 914-268- 4135 (fax: 914-268-2271).

To donate services, contact: Mr. Guarione Diaz, Ombudsman for Cubans at the camps, 305-642-3484 (fax 305-642-7463).

October 12, 1994

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DEPUTY ASSISTANT SECRETARY MICHAEL SKOL AND DORIS MEISSNER,
COMMISSIONER, INS ON THE CUBAN MIGRATION AGREEMENT

October 12, 1994

MS. SHELLY: Good afternoon, ladies and gentlemen. I'm very pleased to welcome you here to this special briefing at the Department of State on the implementation of the Cuban migration agreement.

As you know, on September 9, the U.S. and Cuba reached an agreement that will allow a minimum of 20,000 Cubans to migrate legally to the U.S. every year. What we're doing today is announcing the steps being taken to implement the September 9 migration agreement.

I would also like to draw your attention to the press release, which we have made available to you, which includes some of the details of these implementing announcements.

Our briefers today are Senior Deputy Assistant Secretary Michael Skol from the Bureau of Inter-American Affairs, and Doris Meissner, the Commissioner of Immigration and Naturalization Service. I'd like to note the presence of Dennis Hayes, the Director of the Cuban Affairs Office.

We'll follow our usual format. We'll begin with some remarks after which our briefers will be happy to take your questions.

Mike, would you like to begin?

MR. SKOL: It's a pleasure to be here to follow up what we did in New York on the 9th of September. There's been a lot of work in this building and in INS and the Department of Justice and other buildings to make sure that we, in fact, are implementing this agreement, basically, to move from illegal and unsafe migration -- the rafting -- to legal, safe, reliable methods of migration. I think we've done our job.

When a team goes to Havana on the 24th of this month, headed by Dennis Hayes, the Coordinator for Cuban Affairs, we will be able to talk seriously with the Cubans about just how we are, and have already begun to implement our part of the agreement.

You have the press release. Let me go through some of the highlights for you. Again, there is a guaranteed minimum of 20,000 Cubans who will be allowed to migrate each year to the U.S., using various authorities within the U.S. Government. We're going to accelerate the immigrant visa issuance process. We've already begun to do that.

We're going to reach out to the Cuban-American community in the United States to make sure that they know how to reach out to their own relatives inside Cuba, to make sure that they know their rights, know how to proceed, and help bring these people legally to the United States.

We are going to have at least 6,000 refugee admission slots this first year. We are expanding the application criteria for refugees beyond the old definition of "just political prisoners."

We're doing something new with regard to who can accompany someone who gets an immigrant visa. We're talking about unmarried sons and daughters of Cubans as well as family members who reside in the same household and are part of the same economic unit. We're already doing this for people who are in the process of receiving immigrant visas.

As you know, part of the agreement was to go through the entire immigrant visa waiting list, as a one-time measure, and admit everyone who qualifies and still wants to enter the U.S., no matter where their numbers would normally have come up.

A new feature of this program is a lottery program that will substantially broaden the opportunities for Cubans, particularly all those Cubans who don't have family ties in the U.S. We want to give everyone the opportunity through this lottery mechanism to have some possibility of coming to the U.S. More details on that will be emitted by November 1.

I want to emphasize that we have made certain that we have the people -- the INS people, the State Department people -- who will be going down this coming Monday, the 17th, to actively start the process. Havana will become one of the largest immigrant visa-issuing posts the State Department has anywhere in the world.

Finally, you have with you a Fact Sheet on one of the most important aspects of what the United States is doing to fulfill its commitment to Cubans; not part of the immigration agreement, the migration agreement signed in New York on the 9th of September, but very, very important, and that is, to make life livable, more durable, more open for those Cubans who are presently in the safehavens in Guantanamo and in Panama.

With that, I will open up to questions.

Q About how many visas will be given out under the lottery program?

MR. SKOL: We are thinking of around 6,000 -- 5,000 to 6,000. There's no exact figure, because what we're doing is using the lottery to reach the 20,000 limit. But that is a reasonable estimate.

Q I understand the Cubans are not very unhappy -- the Cuban Government is not very unhappy with the lottery idea. Could you characterize that?

MR. SKOL: We have had no expressions of unhappiness. It is very important for everyone concerned that that type of Cuban who was desperate -- desperate enough to take to unsafe rafts and boats to travel to the United States, possibly because he or she didn't have any other hope, legal hope, to get to the United States; no close family

relations, no professional credentials - - we want to give hope for that specific kind of person that he or she, too, will have an opportunity to legally migrate to the U.S.

That is the reason for the lottery. I don't know why the Cuban Government would object to the logic for what we agreed to in New York.

Q They will be provided for, particularly health care and schooling once they arrive here?

MR. SKOL: You mean the people who legally migrate to the U.S.?

Q Yes.

MR. SKOL: It will be the normal procedures that have been successfully applied over the years -- the integration programs. Mainly, the private programs of the Cuban-American communities around the U.S., particularly, in places like New Jersey and south Florida. It has been enormously successful. They have provided the kind of integration programs which have produced vibrant, powerful communities.

There's increased numbers, but I see no reason why they can't handle it as before.

Q You can guarantee that there would be no special burden on local or state taxpayers as a result of this?

MR. SKOL: I cannot personally guarantee that there will be no increased burden.

MS. MEISSNER: Let me just step in and say that each of the people coming in in the lottery will have a sponsor, so it is the sponsorship connection that will take care of that. Moreover, the lottery will seek to choose people that can show they will be self-sufficient. That will be one of the criteria in the lottery.

Q Is there a number for how many people would come in on the lottery this first year?

MR. SKOL: As I said, 5,000 is a good, solid estimate. What we have guaranteed is that there will be a minimum of 20,000, so we will reach 20,000 through use of the lottery.

Q Would you do me a favor and just attach numbers with each of the different ways that people have of coming in? Is that possible?

MR. SKOL: Doris, you are a good number-attacher.

MS. MEISSNER: We'll do it a little together here. Starting with the most specific number, which is the refugees, that is at this point 6,000. That is a doubling of the level of the number of refugees that have been coming in Cuba in previous years.

So if you start with a refugee number of 6,000, then the immigrant visa number in the last several years has been running in the range of 2,500 to 3,000. So let's say 3,000 on

immigrant visas. But because of the fact that we're now allowing some larger number of family members to come with the immigrant visas -- but, of course, we don't know how much that will increase -- let's just say that the immigrant visas become about 4,000.

Then you have the waiting list, the people who have approved visa petitions but they are under a special parole because they're on the waiting list but their numbers have not yet become available. The total pool there is 19,000. But we believe that only somewhere in the range of 3,000 to 5,000 of those 19,000 are actually active cases. We really have no way of knowing. Those are letters that are going out and we'll now see how many people actually still are in Cuba and come and show up for interviews.

That gets you to about 15,000 for which then the difference to 20,000 is the lottery program.

Q How long have these people been on this waiting list? This is the reference here to a one-time extraordinary measure of public interest parole?

MS. MEISSNER: Right. The waiting list people -- the minimum that people have been on the waiting list -- well, the minimum is actually a month. But generally -- they're generally on the waiting list in the neighborhood of two years or more.

Q The refugee number is over and above the 20,000.

MS. MEISSNER: No, no. The refugee number is within the 20,000.

Q It is within the 20,000?

MS. MEISSNER: Right. That's why I started with the 6,000 as a base.

Q Can you explain for me, if there are Cubans in this country who have immigrant status who were in the past not allowed to bring their children or other members of the household, will they be able to do that now? Will this apply to Cubans who are already here?

MS. MEISSNER: I'm sorry. I was reading a note. Excuse me. Could you ask again?

Q Yes. For Cubans who are already here under regular Green Card holders, will they be allowed to bring people that they weren't previously allowed to bring now under these new rules, or will this only apply to people who are still in Cuba?

MS. MEISSNER: It applies to people in Cuba.

Q Household members and the unmarried sons and daughters are only accompanying people who you are now going to --

MS. MEISSNER: Accompanying people that are coming, right. On the other hand -- or at the same time, I should say, we are encouraging people in the United States who have the right to petition for people in Cuba, to petition for them. I mean, in other words, there definitely are people in the United States who can generate immigrant visas on behalf of their relatives, and we want that petition process to be flowing, and there will be a lot of publicity in Miami as well as opportunities; and we'll encourage people to pick up applications, and so forth, and file in behalf of their relatives, which will bring them into this process.

Q Normally, they would have had to have become citizens in order to qualify for that, would they not?

MS. MEISSNER: There are different levels of eligibility. There is eligibility for people that are permanent residents as well as for people who are citizens. It's a question of whether they're numerically counted, and so forth.

MR. SKOL: Let me make one clarification. Those who we are admitting through the immigrant visa waiting list, who would not qualify in this first year, that number is in addition to the 20,000.

Q That's the one-time only people?

MR. SKOL: That's the one-time only going through the immigrant visa waiting list. Hard number to predict, but, as I recall predicting in New York, it was around 4,500 to 5,000, 5,500. As I recall telling you then, 24,500 to 26,500 is a pretty good estimate of what is going to happen in the first year.

Q So that means a lottery would need to not be 6,000 -- I mean, basically if you don't count those, the lottery could be at 10,000.

MR. SKOL: No. The lottery is likely to be 5,000 to 6,000. If you add everybody up, that's what happens.

Q You said that you were going to broaden the category or criteria for refugees. Would you expand on that?

MR. SKOL: Yes. Former political prisoners, for example; members of persecuted religious minorities; human rights activists; forced labor conscripts; persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatment; others who appear to have a credible claim that they will face persecution, as defined in the United Nations Refugee Convention.

The original concept was political prisoners only. We are expanding that definition of refugees for purposes of admitting Cubans under that category.

Q You said in this that a small number of Cubans had in fact gone home from Guantanamo.

MR. SKOL: Yes.

Q Are there others who are interested or was that just the first tranche, or are there others interested?

MR. SKOL: What has happened, the process as defined in the September 9 agreement is that we will do this in the ordinary diplomatic consular process. We are not forcing people. We will never force people to return to Cuba. We are not encouraging people to return to Cuba.

But we are asking, among many questions that we ask of the people in Guantanamo, what are your intentions? What do you want to do? And those who say they want to return voluntarily to Cuba, the procedure is that we provide the names and some other data to the Cuban Government. The Cuban Government takes some time and then says, "Yes, these people can come back."

Last week, there were 17 Cubans who decided to go back voluntarily, were accepted according to the procedures by the Cuban Government, and were flown directly in an INS plane from Guantanamo to Havana. This is the procedure that has been set up and the procedure that will continue to be used for those -- and I repeat the key word -- voluntarily want to return to Cuba.

We understand that in that category there are at least a couple hundred more. We have submitted almost 200 names now additionally to the Cuban Government. We haven't received an answer to that request.

Q What is the total now in Guantanamo and Panama?

MR. SKOL: The total in Guantanamo is 28,000-plus. In Panama is three to four thousand -- nearly 4,000.

Q Do you anticipate that a lot of people were still waiting for this document in the extreme hope that there was going to be some special category of dispensation for them, and now that there isn't, there will be some increase in the people who want to go back?

MR. SKOL: That is entirely up to them. The availability -- and this is aimed at just the kind of person that is in Guantanamo -- that the availability of the possibility of legally migrating to the States has been opened up really for the first time to that kind of person. And the processing is open to all Cubans in Cuba.

How Cubans in Guantanamo or in Panama react to this is entirely their business. They are under the protection of the United States Government. We will respect their wishes.

Q Are you going to give them preference if they leave Guantanamo and get back to Havana or wherever?

MR. SKOL: There is no general preference for these people. The important thing is that the new procedures, particularly the lottery procedures, opens it up to all Cubans and therefore includes the kind of person who is in Guantanamo and gives them a much expanded opportunity from anything they had ever had before, particularly at the time that they took the extraordinary risk of rafting toward the United States.

Q Mike, the President spoke the other day about special consideration perhaps being given to children and other vulnerable people in Guantanamo and Panama. Can you say anything about that?

MR. SKOL: There have been some, and there are always the humanitarian considerations which must and are taken into consideration by our agencies, and we will obviously look at these cases on a case-by-case basis. There have been decisions along these lines, yes.

Q Have some been moved out of Guantanamo?

MR. SKOL: I believe so, yes.

Q Children?

MR. SKOL: I believe in the cases that have already been moved out, these are sick people -- humanitarian parole.

MS. MEISSNER: Not as a general category, but in extreme medical circumstances, yes.

Q Is it under consideration that that would change, and that a general category would be minors?

MR. SKOL: The policy is that we always look at humanitarian exceptions to the general rule. The policy has not changed and is not changing. But any policy that rejects the extreme humanitarian situations that we have already looked at and that we will be continuing to look at, that kind of policy is an inhuman policy, and we don't like that kind of policy.

MS. SHELLY: Last question.

MS. MEISSNER: Let me clarify something. I'm sorry to have to walk you back on this. We all know this very well, but it's complicated. In terms of the 20,000 and how the 20,000 is made up, just where I started, 6,000 refugees -- or that is 6,000- somewhat-plus as refugees as the starting base.

Then we're calculating that of the immigrant visa holders and their now attached family which would be brought in for the first time, that that might go as high as 8,000-9,000.

So that brings you to 15,000. The remainder up to 20,000 would be this new lottery. What I mentioned before about the waiting list, the one-time parole of people on the waiting list, that is not part of the 20,000. That is in addition to the 20,000. So I apologize for that mistake.

Q If you have a lottery, which is kind of to fill in the difference in those numbers, aren't you really saying that while 20,000 is your base number, it's probably close to being your ceiling as well, once you go through this first year of the special preference visas?

MR. SKOL: After this year, essentially we're talking about a minimum of 20,000, but essentially 20,000, yes. It's not a ceiling. I will not use the word "ceiling" ever again with regard to Cuban migration.

Q But as you don't have a specific number for the lottery and you plan to use that kind of as an accordion, you're still aiming at, roughly speaking, 20,000 per year.

MR. SKOL: Correct, but it is not a ceiling.

Q One last number question: If everybody who was on the one-time --the waiting list -- I know that many of those cases may not be active, but if all 19,000 of them showed up, plus the 20,000, you could potentially have almost 40,000. You don't expect to have that happen, but --

MR. SKOL: Potentially, yes. But our experience with immigrant visa waiting lists leads us to the smaller figure.

Q I believe you answered this, but, if you could just clarify, how the definition of refugees has precisely been expanded. What additional -- is that all?

MR. SKOL: Everything but former political prisoners was new. Political prisoners. Now it includes former political prisoners and a number of other categories.

Q Thank you.

MS. SHELLY: Thank you very much.