

**Prepared Testimony by Tomas Bilbao, Executive Director of the Cuba Study Group
Hearing on H.R. 2831
United States House of Representatives
Committee on the Judiciary
Subcommittee on Immigration Policy and Enforcement**

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Thank you Chairman Gallegly, Ranking Member Lofgren and honorable members of the Committee for this opportunity to present a point of view that often goes unrepresented in this body, despite the fact that it reflects the opinions of the overwhelming majority of the Cuban-American community. I believe it is important to provide this perspective on a bill that amounts to little more than yet another travel ban to Cuba and which does so by targeting a long-standing benefit afforded to our community, which has helped it assimilate and contribute to the United States for decades.

The Cuba Study Group, for which I serve as Executive Director, is a non-partisan, non-for-profit organization whose mission is to facilitate a peaceful transition in Cuba leading to a free and open society, respect for human rights and the rule of law, a market-based economy and the reunification of the Cuban nation.

For over a decade, the Cuba Study Group has advocated for policies that help break the isolation imposed on the Cuban people, mainly by the Cuban regime's policies, but sadly by U.S. policy as well. Our moral beliefs tell us that dividing Cuban families is wrong, no matter who is responsible for it, and that the best way to help Cubans on the island become authors of their own future is to empower them through resources and information.

Unfortunately, the last decade has also been characterized by concerted efforts by some to limit travel to Cuba despite the human costs while ignoring valuable historical lessons, and others much more recent, which highlight the strong correlation between greater openness and civil society empowerment.

Beginning with travel restrictions imposed by the Bush Administration in 2004, which limited family travel to the island to once every three years, proponents of a policy of isolation of the Cuban people continue to look for ways to curtail the rights of persons subject to the jurisdiction of the United States. H.R. 2831 is just the latest effort to isolate Cuba at the expense of family reunification and of individual liberties.

This bill follows various similar efforts at the state and national level aimed at isolating the Cuban people at all costs. In 2006, the State of Florida enacted House Bill 1171, prohibiting the State's institutions of higher learning from engaging in any travel to Cuba, even if financed with private funds.¹ In doing so, Florida's academic institutions have lost the ability to empower Cuba's civil society and have been relegated to the sidelines during a crucial time of change on the island.

¹ See: <http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=33338>

Those who advocate for travel restrictions to Cuba do so because they believe the denial of travel-related revenue to the regime will cause it to collapse. This strategy ignores almost half a century of evidence to the contrary. At the heart of this theory of resource denial is a belief that a repressive regime, starved of foreign currency will collapse on itself. We believe it is clear, after half a century of isolating Cuba and other authoritarian states such as North Korea, that leaders of repressive regimes will starve their own civilian populations while diverting whatever scarce resources exist toward ensuring their own grasp on power. Such a strategy does little more than punish the victims of repressive regimes, stunt the growth of civil society and provide these regimes with a convenient scapegoat for their own failed policies.

Since the reversal of restrictions on family travel enacted in 2004, Cuban-Americans have taken over 400,000 trips annually, and this number continues to grow. Hundreds of thousands in our community are voting with their feet and telling us that for them, family is more important than politics. A September 2011 poll conducted by Florida International University's Cuban Research Institute demonstrated that 57% of Cuban-Americans in Miami-Dade County favor unrestricted travel to Cuba by any American citizen, not just family travel. That number rises to 75% for more recent Cuban immigrants, those targeted by H.R. 2831.²

This increased openness resulting from the reversal of the 2004 travel restrictions has coincided with one of the greatest expansions in activity in Cuba's civil society, further proof that while authoritarian regimes strive on isolation, openness—contact with the outside world—erodes their control over the individual.

Leaders of Cuba's pro-democracy movement have called on the U.S. to eliminate all travel retractions to Cuba. Almost exactly two years ago today, seventy-four of Cuba's top democracy advocates wrote Congress stating that: "We share the opinion that the isolation of the people of Cuba benefits the most inflexible interests of its government, while any opening serves to inform and empower the Cuban people and helps to further strengthen our civil society."³

Now at a time when the Cuban government is in the process of reforming its onerous migratory laws, which deny its citizens the right to travel and divides Cuban families, H.R. 2831 seeks to impose similar restrictions in the United States.

Unfortunately for the Cuban American community, this latest effort to restrict travel to the island targets a long-standing benefit afforded to us, which has enabled countless Cubans immigrants to adapt to life in the United States and rise to the highest levels of academia, business, philanthropy, the arts and public service. Without it, hundreds of thousands of Cuban immigrants would still be in legal limbo, unable to realize their dream of a better life in the United States. Now H.R. 2831 threatens to selectively strip

² See: http://diasporaydesarrollo.org/index.cfm/files/serve?File_id=68ad2e41-37b9-47cf-9cef-22e5adff6080

³ See: http://www.cubastudygroup.org/index.cfm/newsroom?ContentRecord_id=6f86f40a-cbab-4290-ba23-118e8f93a3d8&ContentType_id=8c81d17c-7ffe-48d6-81e7-cd93fe3120eb&Group_id=0b3ad3ec-d24e-4d2a-b425-a97ae7617c16&MonthDisplay=6&YearDisplay=2010

certain Cuban immigrants of this benefit in an effort to curb travel to the island. In doing so, this bill penalizes family reunification, a central principle of U.S. immigration law.

Proponents of this bill have suggested that the beneficiaries of the Cuban Adjustment Act shouldn't travel to the island because they benefit from this law by claiming political persecution. However, the Cuban Adjustment Act does not make political persecution a condition for obtaining lawful status. In fact, of the approximately 20,000 Cubans who immigrated to the United States in 2011, 17,000 were family-based immigrants seeking to reunify with family members and only 3,000 were individuals claiming political persecution.⁴

United States immigration law toward Cuba has a long history of providing resettlement assistance to Cuban immigrants regardless of whether they claim political persecution. This is because as Americans we understand that Cuban immigrants, whether they claim political persecution or not, are victims of a system that systematically violates individual liberties and stifles private initiative.

Suggesting that all Cuban immigrants benefiting from the Cuban Adjustment Act have claimed political persecution or were required to do so by the law is simply incorrect. In fact, the Cuban Adjustment Act was passed for the express purpose of regularizing the status of hundreds of thousands of Cuban immigrants in the United States without permanent legal status. Ironically, H.R. 2831 aims to do exactly the opposite: to penalize family reunification by leaving Cuban immigrants in indefinite legal limbo should they travel to Cuba.

The bill's proponents claim it is necessary to prevent "abuse and manipulation" by Cuban-Americans. Not only are these attacks unfounded, as no evidence of widespread abuse has been presented, but they are divisive and insulting. Moreover, the bill is written so broadly as to penalize those Cuban-Americans, who by virtue of having family in Cuba need to travel to the island. The broad scope of the language of this bill suggests that it seeks not just to prevent the abuses alleged by the bill's proponents, but rather to force all Cuban immigrants who want to maintain stable legal status in the United States to give up visiting family in Cuba.

Unfortunately, penalizing those who visit their family and targeting a long-standing practice of many in the Cuban-American community may not be the only consequences of H.R. 2831 if passed. Additionally, this bill in its current form could force Cuban Americans serving in the U.S. Armed Forces, long-time residents of the U.S. who never became citizens, or Cuban-Americans traveling to the island to assist the pro-democracy movement into undocumented status and even deportation proceedings.

If passed, H.R. 2831 could revoke the status of U.S. service members of Cuban descent who travel to Cuba to visit a dying relative or to visit a sick child. The 2004 case of U.S. Army medic Sargent Carlos Lazo, a Cuban immigrant and U.S. citizen, best exemplifies this scenario. When he testified before the Senate Finance Committee in December 2007, Sargent Lazo explained how family travel restrictions imposed in 2004 prevented

⁴ Information provided by House Judiciary Committee minority staff.

him from visiting his ill son in Cuba during a two week R&R from the war in Iraq. A Bronze Star recipient, Sargent Lazo's patriotism and dedication to the cause of liberty are unquestionable. Yet, if H.R. 2831 becomes law, some service members of Cuban descent could fall into undocumented status simply for visiting an ill child or attending a parent's funeral. This is not the American way.

While this bill clearly targets recent Cuban immigrants who travel more often to Cuba to visit relatives, long-time U.S. residents of Cuban descent who have been living in the U.S. for decades and have never become naturalized citizens could also fall into undocumented status if they chose to travel to their homeland to visit a dying relative or to see their country before they die. Our community strongly values family, and the thought of our parents or grandparents falling into legal limbo for wanting to visit their homeland before dying is incomprehensible. That type of assault on their freedoms is the reason they came to the U.S. in the first place.

Even Cuban-Americans traveling to the island to support Cuba's pro-democracy movement could fall into permanent undocumented status. Cuban immigrants traveling to Cuba to deliver material assistance to civil society would lose their ability to adjust their status under this bill. Cuban Americans are our best ambassadors to Cuba and they, more than anyone, have a right and a duty to support Cuba's civil society.

Mr. Chairman, Ranking Member Lofgren, Members of the Committee, this bill as currently drafted amounts to little more than another concerted effort by some to restrict travel to Cuba regardless of the human cost and criminalize those who do so by targeting a long-standing benefit enjoyed by our community. The overwhelming majority of Cuban-Americans reject efforts to restrict our rights to visit our family on the island and reject suggestions of abuse and manipulation waged against us in an effort to pass legislation that would force us to choose between not seeing a family member before they die and falling into undocumented status or even deportation proceedings.

I appreciate this opportunity and would be happy to answer any questions you may have.

Respectfully,

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