

Immigration and Refugee Board of Canada

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> Responses to Information Requests

Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

4 May 2016

CUB105498.E

Cuba: Treatment by authorities of failed asylum seekers that have returned to Cuba, including treatment of family members that remained in Cuba (2014-April 2016)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Treatment of Returned Failed Asylum Seekers

Information on the treatment by Cuban authorities of failed asylum seekers that have returned to Cuba was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

The following information was provided to the Research Directorate in 2013 by the chairman of the International Institute for the Study of Cuba (IISC) [1], who presented his own views; he asserted on 5 April 2016 that, to his knowledge, it continues to be accurate:

What happens to failed asylum seekers in Cuba after they return depends upon what they did before they left [Cuba]. If they were good citizens before they left, very little if anything is done to them. However, if for example the asylum seeker was wanted for a felony in Cuba before they left[,] it is certain that they will be arrested and dealt with accordingly.

Until the change in the migration law recently, it became an offence if a Cuban remained outside the country for longer than 11 months without registering with the Consulate in the country they were residing in and obtaining permission to remain abroad. That in itself would result in a fine and a criminal record if they returned. Such people in effect lost their citizenship and their property was taken by the state in their absence. They would not get it back automatically if they did not return voluntarily and faced the music so to speak. That has now stopped following the recent reforms. (Chairman 5 Apr. 2016)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

A report based on a research project on returning failed asylum seekers, conducted by a team based at Sciences Po Paris and coordinated by a research fellow at the Free University of Amsterdam (Vrije Universiteit Amsterdam), states that the "new Migration Law [in Cuba] was adopted on 16th October 2012 and entered into force on 13th January 2013 (*Decreto Ley 302* modifying Law 1312, or '*Ley de Migración*')\" (Blondel et al. May 2015, 11). A June 2013 US Congressional Research Service paper indicates that the change in the Cuban migration policy went into effect on 14 January 2013 (US 13 June 2013, 44). The same source states that the new policy allows Cubans to stay outside of Cuba for "up to two years" without losing their rights as a citizen (ibid.). For information on the procedures and requirements for Cubans who have been outside Cuba to return to Cuba, including the 2013 legislation, see Response to Information Request CUB104521.

2. Treatment of Family Members of Returned Failed Asylum Seekers

Information on the treatment by Cuban authorities of family members of failed asylum seekers that have returned to Cuba was scarce among the sources consulted by the Research Directorate within the time constraints of this Response. The chairman of the IISC stated that, to his knowledge, family members of failed asylum seekers that have returned to Cuba "suffer no consequences" (5 Apr. 2016). Corroborating and further information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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 sources consulted in researching this Information Request.

Note

[1] The IISC is a membership association with the aim to "support and ensure the continued publication of the *International Journal of Cuban Studies* and to organize educational and academic events that disseminate research on Cuba, in particular its history, culture and scientific achievements" (IISC n.d.).

References

Blondel, Charlotte, Marie Conciatori, Nausicaa Preiss, Meritxell Sayos Monras, Suzanne Seiller and Janine Uhlmannsieck. May 2015. *Post-deportation Risks: Criminalized Departure and Risks for Returnees in Countries of Origin*. Edited by Maybritt Jill Alpes. <<http://www.statewatch.org/news/2015/dec/post-Deportation-Risks-Country-Catalogue.pdf>> [Accessed 15 Apr. 2016]

Chairman, International Institute for the Study of Cuba (IISC). 5 April 2016. Correspondence with the Research Directorate.

International Institute for the Study of Cuba (IISC). N.d. "Home." <<http://cubastudies.org/>> [Accessed 13 Apr. 2015]

United States (US). 12 June 2013. Congressional Research Service (CRS). *Cuba: U.S. Policy and Issues for the 113th Congress*. By Mark P. Sullivan. <<http://fpc.state.gov/documents/organization/210919.pdf>> [Accessed 15 Apr. 2016]

Additional Sources Consulted

Oral sources: Florida International University – Carlos A. Costa Immigration and Human Rights Clinic; Cuban Research Institute, Former Director of the Center for Latin American and Caribbean Initiatives; International Organization for Migration – Regional Office for Central America, North America and the Caribbean; Senior Lecturer, University College London; University of Miami – Institute for Cuban and Cuban American Studies; Professor of Latin American and Latino Studies, University of Illinois at Chicago; Professor of Spanish Language and Literature, Ramapo College of New Jersey

Internet sites, including: Amnesty International; Asylum Research Consultancy; BBC; *Bohemia*; Cuba – Gaceta Oficial; Cuba Encuentro; *Cuban Affairs*; Cubanet; *Cuban Studies*; Cuba Study Group; *Diario de Cuba*; ecoi.net; *The Economist*; *El Nuevo Herald*; *El País*; Factiva; Fédération internationale des ligues des droits de l'homme; Freedom House; *Granma*; *Granma Internacional*; *Havana Times*; *Human Rights Quarterly*; Human Rights Watch; Institute for War and Peace Reporting; International Crisis Group; IRIN; *Jane's Intelligence Review*; La Cubanada; *Los Angeles Times*; Martí Noticias; *Miami Herald*; Migration Policy Institute; Minority Rights Group International; National Public Radio; Norway – Landinfo Country of Origin Information Centre; NTN24; Primavera Digital; Radio France internationale; Radio Free Europe/Radio Liberty; Transparency International; United Kingdom – Foreign and Commonwealth Office, Home Office; United Nations – Development Program, Office of the High Commissioner for Human Rights, Refworld, ReliefWeb, UNHCR; United States – Department of Homeland Security, Department of State.

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