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### MEMORANDUM

TO: Marsha Runnigen  
FROM: Martha Davidson  
SUBJECT: Process for Adjustment and Citizenship of Mariel Cubans  
and the Subsequent Immigration of their Family Members

### Registration

December 3-January 31, 1984 is the period during which Mariel Cubans must register with INS. The purpose of this registration is to provide INS with updated information as to the whereabouts and numbers of Cuban entrants who wish to adjust to legal permanent resident (LPR). These individuals were registered in the period from April 15, 1980 to October 10, 1980, but have not been required to update that registration since October 31, 1981.

In addition to current address and phone, the registration form will ask for the following: name; country of citizenship; date of birth; date of arrival in the U.S.; name and address of present sponsor, if any; name and nationality of children; name and nationality of sponsor; number of children residing with applicant. They will not be asked if they intend to petition for family members still in Cuba.

If a Mariel Cuban entrant does not register during December, 1984, he will have to wait until May, 1985 when all interviews are projected to be completed for those that do.

INS estimates 100,000 people will register, 60,000 of whom live in or around Dade County.

### Clerical Processing of Applications

From February 1, 1985 - April 1, 1985 INS will begin clerical processing of existing applications (54,000 entrants made applications for LPR in 1980-81), will begin to make criminal record checks, and will begin to schedule interviews.

Record checks will include fingerprint checks with the CIA, FBI, and name, date of birth checks with police files in selected states (FL, CA, NY, NJ, IL, NV). Individuals will also be requested to obtain a local police clearance for any area in which he has lived longer than six months.

### Adjustment

The first interviews and adjustments will begin April 1, 1985 and are scheduled to continue until March 30, 1986. INS estimates that time period will be sufficient to accommodate all those who wish to apply. INS also plans to allocate additional resources to expedite and complete the adjustment and the naturalization processes.

Following the interview, the applicants will be screened and investigated on a case by case basis. All applicants will be required to have a medical exam which will include a psychological examination. It should require a minimum of three months and a maximum of one year to complete the investigation, depending upon the mobility, number of jobs, and background of the applicant. The "public charge" exclusion will not apply to Cuban entrants applying for LPR.

If approved for permanent resident status, the LPR will be able to petition for his spouse and minor unmarried children to come to the U.S. under the 2nd preference. Second preference is subject to a numerical quota of 20,000 per year per country. See attachment for explanation of preference categories.

Under the roll-back provisions of the Cuban Adjustment Act (the effective date of permanent residence is thirty months prior to the date the application is filed, or on the date of parole into the United States, whichever is more recent), some Mariel entrants may be able to satisfy the five year requirement for citizenship as early as May, 1985. INS proposes to grant all Mariel Cubans who have not filed an adjustment application a constructive filing date of May 1, 1981 thus making them eligible to apply for citizenship after May 1, 1986. INS is, in fact, offering the opportunity to apply for citizenship at the same time application is made for LPR, the rationale being that since only one investigation would have to be made, both time and resources would be utilized efficiently. As one INS source stated, "The Service intends to kill two birds with one stone."

### Citizenship

The LPR status must be granted before application can be made for citizenship, but since the five year residency requirement will be satisfied soon after some entrants are adjusted to LPR, application may follow almost immediately. Once formal application is made for citizenship, the naturalization process may require up to another year for the necessary testing, medical exams, background screening, and administrative procedure.

In the best case scenario, therefore, a Mariel Cuban could attain U.S. citizenship as early as the summer of 1986.

Petition for Family Members

Immediately upon attaining citizenship, the new U.S. citizens may petition for the emigration of his family members from Cuba. As a citizen, his spouse, parents and unmarried children would be eligible for visas as "immediate relatives of U.S. citizens", would not count in the numerical quota of 20,000 per country per year, and would therefore not have to wait to come to the U.S. once their visas were granted. Married children, children over 21, and brothers and sisters fall into the 1st, 4th, and 5th preference categories, and will have to wait for "their day" when their "priority date" (based on the filing date of their relative's petition) becomes "current". See attachment.

On December 14, 1984, the U.S.-Cuba agreement included the resumption of issuing visas in Havana to family members of U.S. citizens. The process is as follows:

1. The U.S. citizen files a petition with INS.
2. INS certifies U.S. citizen (may take 3 months).
3. INS contacts State Department.
4. State Department contacts office ("interest section") in Havana.
5. State Department notifies relative and schedules an interview.
6. The relative files an application.
7. The relative completes the application screening process (medical exam, security check). All 33 grounds of exclusion will apply, including public charge. This process may take six months to one year.
8. Once application is approved, and visa is granted, immediate family members may come immediately. Those under preference system will have to wait for "their day".

Again, the "best case" for emigration of family members would seem to be mid-1987.

Even though 1st, 2nd and 4th preference categories for Cuba are current, that could change rapidly after Marielitos are naturalized.

Note: There is a huge backlog of applications filed even prior to 1980 when the visa sanctions were imposed. There has been a steady flow of Cuban immigrants into this country during the last four years, but far below the 20,000 quota. Since 1980, visas have been issued to immediate family members only by the Interest Section in Havana, but these numbers are small (1,242 in 1983). Other Cuban immigrants (7,818 in 1983) have come from 3rd countries such as Spain, Costa Rica, Panama, and Germany, but since the quota is based on country of birth, the Cuba quota has been charged. Many U.S. Cuban citizens have filed petitions for their preference category family members still in Cuba, but only those Cuban nationals who have a valid Cuban passport, manage to obtain visas from other countries, are allowed to leave Cuba, and finally obtain visas from the American embassy in that third country,

Marsha Runningen  
Page Four

manage to get to the U.S. Worldwide, there are already 37,756 preference category visa applications filed at consular offices by Cuban nationals; approximately 15,000 are on file in the U.S. Interests Section in Havana.

Under a preference classification, they must wait for their priority date to become current just as the national of any foreign country.

The all important date is the registry date, the date on which the U.S. citizen relative filed the petition with INS for the immigration of their Cuban relative.

### Summary

Projections of actual members of Cuban relatives of Marielitos eligible to come to the U.S. will hinge on information gathered during the registry and interview processes. During a recent briefing, INS officials promised to share that information with FWO as it becomes available, late February 1985 at the earliest.

In making any projections on the numbers of Cubans that may subsequently immigrate as relatives of the Mariel group, it is important to consider the naturalization rate that may be expected. Of the first wave of Cuban immigrants in the 1960's, only 46% have become naturalized. Even though it may be assumed that the earlier group of Cubans was more highly educated and affluent in Cuba, many still are not proficient enough in English and knowledge of U.S. government to meet the criteria for citizenship. For example, a recent naturalization campaign in Miami resulted in a 50% approval rate for those that applied (25% failed, 25% never returned for the interview after the English requirement was understood).

INS estimates that only 35% of the Marielitos will attain U.S. citizenship. Since the unrestricted arrival of immediate family members (parents, spouse, unmarried children under 21) depends on the U.S. citizenship of the Mariel Cuban, the naturalization rate will have a significant effect. When they arrived in 1980, 34% of the Marielitos were unmarried males. Since, as LPR's, they may petition only for spouses and unmarried children under 21 (not parents) under the 2nd preference and within the 20,000 quota, it would appear that the flow of emigrant Cuban family members will be slower than recent press projections would suggest.

MD:ecd

## CLASSIFICATIONS OF FAMILY MEMBERS AND VISA PREFERENCES

### Category I

#### Immediate Relatives of U.S. citizens:

Spouse  
Parents  
Children (unmarried sons and daughters under 21)

These relatives are not subject to the 20,000 persons/per year/per country quota and may emigrate as soon as their visa is granted.

### Category II

#### Numerical Visa Preferences

- 1st Preference: Unmarried sons and daughters (over 21) of U.S. citizens.  
2nd Preference: Spouses and unmarried sons and daughters (under 21) of legal permanent residents (LPR's).  
3rd Preference: Professionals and persons of exceptional ability in the science and arts field.  
4th Preference: Married sons and daughters of U.S. citizens.  
5th Preference: Brothers and sisters, 21 or older, of U.S. citizens.  
6th Preference: Skilled and unskilled workers in short supply in the U.S.

Each country is limited to 20,000 persons per year. There is no carryover. Only Mexico and Canada are allowed to transfer quota slots between countries. The world wide quota is 270,000 year, for preferences 1, 2, 4, and 5. In the preference categories, the "place in line" is determined by the date the petition is filed by the U.S. citizen. For many countries, the wait is long; for 5th preference in the Phillipines, for example, the current wait is seven years.

There is no distribution among the preference categories unless a country fills its 20,000 quota in the previous year. If that occurs, the following distribution is mandated:

1st preference	20%	4,000 persons
2nd preference	26%	5,200 persons
3rd preference	10%	2,000 persons
4th preference	10%	2,000 persons
5th preference	24%	4,800 persons
6th preference	10%	2,000 persons