

PRESS STATEMENT (EMBARGOED UNTIL 4:00 PM 12/14/84)

AGREEMENT SIGNED ON MARIEL EXCLUDABLES

As the result of several years of efforts and a series of intensive discussions, the U.S. was able to reach agreement with Cuba today on the return to Cuba of approximately 2,700 of the 129,000 persons who came to the United States in the Mariel Boatlift of 1980. Representatives of the Department of State and the Immigration and Naturalization Service of the Department of Justice participated in these discussions.

As we have stated from the beginning, the talks were limited only to migration matters. Moreover, the conclusion of an agreement on this issue does not signal any change in U.S. policy toward Cuba. That policy reflects our serious concern about Cuba's international behavior. We see no evidence that Cuba is prepared to change that behavior.

Those persons to be returned to Cuba are ineligible to remain in the U.S. because they admitted to committing serious crimes in Cuba, have committed serious crimes in the United States, or suffer from severe mental disorders. It was agreed that these persons will be returned in a phased and orderly manner.

I would like to point out that those who will be returned represent only a very small percentage of the persons who came to the United States in the Mariel boatlift. The vast majority of these 129,000 persons have incorporated themselves into American life and are now being processed by INS, under the Cuban Adjustment Act of 1966, for legal resident status.

Cuba's agreement to accept the return of those individuals removes an impediment under U.S. law to resume normal processing of visas for Cuban applicants which had been conducted in Havana prior to 1980. Processing of all immigrant visas other than for immediate relatives of U.S. citizens, and processing of refugee applications, have been suspended since 1980 because of Cuba's refusal to accept the return of persons whom the U.S. has declared excludable. Under the refugee program, ex-political prisoners in Cuba will be eligible to apply to come to the United States under established U.S. procedures.

As you may have inferred from my remarks, we cannot predict at this time how many Cubans will apply for entry into the U.S. I would like to reemphasize that both those returning to Cuba and those applying to come to the U.S. will be handled in a phased and orderly process.

The documents comprising the agreement, and a detailed statement on consular and refugee questions, contain important additional information. They are available here and at the State Department Press Office.

## COMMUNIQUE

Discussions between representatives of the United States of America and of the Republic of Cuba on immigration matters concluded today with the adoption of agreements for the normalization of immigration procedures between the two countries and to put an end to the abnormal situation which has existed since 1980.

The United States will resume issuance of preference immigrant visas to Cuban nationals residing in Cuba up to the number of 20,000 each year, in particular to close family relatives of United States citizens and of Cuban permanent residents in the United States.

The United States side expressed its willingness to implement -- with the cooperation of the Cuban authorities -- all necessary measures to ensure that Cuban nationals residing in Cuba wishing to emigrate to the United States and who qualify under United States law to receive immigrant visas, may enter the United States, taking maximum advantage of the number of up to 20,000 immigrants per year.

For its part, the United States will continue granting immigrant visas to residents of Cuba who are parents, spouses and unmarried children under 21 years of age of United States citizens. These immigrants will not be counted against the annual limit indicated above.

Cuba will accept the return of those Cubans nationals who came to the United States in 1980 via the port of Mariel and who have been declared ineligible to enter the United States legally. The number of such persons is 2,746 and their names appear on an approved list. The return of these persons will be carried out by means of an orderly program of returns with the cooperation of the immigration authorities of both countries. The returns will proceed in a phased and orderly manner until all the identified individuals who appear on the approved list have been returned. The returns will be effected at a rate of 100 each calendar month, but if the figure of 100 is not met in a given month, the remaining numbers may be used in subsequent months, provided that no more than 150 will be returned in any calendar month. The United States stated that measures were being taken so that the Cuban nationals who came to the United States in 1980 via the port of Mariel may acquire, beginning now and with retroactive effect of approximately 30 months, legal status as permanent residents of the United States.

Both delegations expressed their concern in regard to the situation of those persons who, having been released after serving sentences for acts which Cuban penal legislation defines as "Offenses against the Security of the State," wish to reside permanently in the United States. The United States will facilitate the admission of such persons and their

immediate family members by means of a program to be carried out under applicable United States law. The United States delegation stated that to this end the necessary steps have been taken for admission during Fiscal Year 1985 of up to 3,000 such persons, including immediate family members. The size of the program and any possible increase in subsequent fiscal years will be determined in the light of experience with the process and the desire expressed by both parties to carry out this program in such a way as to allow its ongoing implementation until fully completed in the shortest possible time.

The representatives of the United States of America and of the Republic of Cuba decided to meet again within six months in order to analyze progress in the implementation of these agreements.

New York, December 14, 1984

## MINUTE ON IMPLEMENTATION

In regard to the discussions on immigration matters which concluded today, the representatives of the United States of America and of the Republic of Cuba reached the following agreements on the implementation of certain points dealt with in the Communique announcing the results of these talks:

Concerning the return of Cuban nationals who came to the United States in 1980 via the port of Mariel and who have been identified by the United States as persons ineligible to enter the United States legally, it was agreed that the returns would begin no earlier than 30 days from today. The United States immigration authorities will give the Cuban authorities in advance of the actual return of any person all available health information, including any available medical records, diagnoses and recommendations for treatment. Both authorities will cooperate closely to assure that appropriate measures are taken to protect both the health of the individual and the public health.

With regard to persons charged with committing crimes in the United States, the United States will furnish a certified description, based on United States records, of the offense or offenses committed, the circumstances under which such offenses were committed, the nature of the evidence supporting the

charges, the time the person was held in detention, and the status of judicial proceedings, including the sentence imposed, if any.

Likewise, the United States will provide a certified copy of the applicable federal or state law establishing the offense. These documents will be provided as soon as possible and in no case later than 30 days prior to the date on which the person is to be returned to Cuba, allowing the Cuban authorities to analyze the criminal records of those who committed an offense during their stay in the United States and who are to be returned by the United States authorities. The United States immigration authorities will notify the Cuban immigration authorities, no less than 10 days prior to a return, of the registration number of the aircraft to be used to transport persons to Cuba, of the names of the individuals aboard such flights, and of the measures for inflight custody.

If, at the point of entry in Cuba, errors are detected which both parties agree negate the identification of a person being returned as a Cuban national who left Cuba via Mariel in 1980, that person will be returned to the United States pending further efforts to identify him.

The definition of "Offenses against the Security of the State" is understood to include former prisoners convicted of the offense of illegal departure from the country which, at the time the offense was committed, was defined by applicable criminal law as falling within that definition.

The former prisoner who emigrates to the United States may be accompanied by his parents, unmarried children under 21 years of age and spouse, and, as appropriate, other family members who live with him under his protection or custody.

In order to facilitate the ongoing and uninterrupted implementation of the program for the normal issuance of immigrant visas and the program for former prisoners, the Government of Cuba will furnish to applicants for entry into the United States the necessary documents in accordance with United States law such as certified copies of vital statistics registry extracts (birth, marriage, and death certificates), divorce decree, as well as penal records, and will facilitate to the extent possible the conduct of medical examinations including provision of chest x-rays.

The United States Interests Section will continue to employ measures which are conducive to the orderly processing of persons applying to go to the United States, including the continued use of applications by mail.

The normal processing of immigrant visas and the processing of applications for the program for former prisoners will require the assignment of 10 additional United States officials to the United States Interests Section of the Embassy of Switzerland in Havana. The Cuban Government agreed to authorize these increases, on the understanding that these officers will be assigned temporarily and will not be

considered permanent staff of the United States Interests Section, and agreed to provide them with the necessary facilities for carrying out their functions.

The representatives of the United States and Cuba agreed to meet within six months to analyze progress in implementation of these steps.

New York, December 4, 1984

**RESUMPTION OF U.S. IMMIGRATION AND  
REFUGEE PROGRAMS IN CUBA**

As announced on December 14, 1984, the United States and Cuba have concluded an agreement which provides the basis for the resumption of normal immigrant visa processing in Havana. This will include the issuance of preference immigrant visas to all eligible Cuban citizens, up to the 20,000 annual limit established by U.S. law. Since May 1980 immigrant visas in Cuba have been issued only to the spouses, parents, and unmarried minor children of U.S. citizens. With the restoration of normal visa processing, the following additional categories of persons set forth in U.S. law may now apply for immigrant visas in Cuba:

- the sons and daughters (over age 21) of U.S. citizens, regardless of marital status;
- brothers and sisters of U.S. citizens;
- spouses and unmarried sons and daughters of legal permanent residents of the U.S.;
- highly skilled members of the professions, including the arts and sciences, with pre-arranged employment in the U.S.;
- certain skilled and unskilled workers with pre-arranged employment in the U.S. who receive a labor certification from the U.S. Department of Labor.

The United States will also process applications for admission to the United States of persons who have been imprisoned for what the Cuban Penal Code describes as "crimes against the security of the state." These persons are ex-political prisoners.

Restoration of normal visa issuance is subject to the necessary administrative preparations and an initial delay is expected.

The Consular Section of the U.S. Interests Section in the Embassy of Switzerland in Havana will communicate in writing with those persons who are currently registered at the Interests Section as intending immigrants. This registration consists of petitions filed in the U.S. and approved by the

U.S. Immigration and Naturalization Service. Since the Interests Section has nearly 15,000 Cuban citizens already registered, it will take several months for notification to be completed. All persons concerned are urged not to telephone or visit the U.S. Interests Section to inquire about individual cases. U.S. administrative arrangements require that all such communication be by mail. Inquiries by telephone or in person can only result in delays for all.

Those persons who believe they are registered for immigration, but who have not received a letter from the U.S. Interests Section by June 30, 1985 should write to the Consular Section of the U.S. Interests Section. They should include their full name, date and place of birth and information about the original notice of registration as an intending immigrant, including date. No original documents should be submitted. The Consular Section will respond only by mail. Observance of these procedures will ensure an expeditious reply to all inquiries.

United States citizens and legal permanent residents of the United States who wish to file a petition on behalf of a Cuban citizen relative should write to the nearest office of the U.S. Immigration and Naturalization Service.

Processing applications for immigrant visas involves several steps, such as administrative processing, the collection by the applicant of documents required by U.S. law, a physical examination and an immigrant visa interview. The applicants generally processed first are those who were registered first. Registration, however, does not guarantee a visa, and persons who receive letters confirming their registration should not take any irreversible actions, such as quitting jobs, prior to being issued an immigrant visa.

All requests for information about immigration to the United States should be made in writing to the Consular Section of the U.S. Interests Section in the Embassy of Switzerland in Havana. Again it should be noted that the Consular Section will respond to inquiries only by mail. Those persons in the United States requiring information about immigration should write to the U.S. Immigration and Naturalization Service.

The U.S. Government will also resume the processing in Havana, under its refugee resettlement program, of former political prisoners who were charged under the Cuban Penal Code of "crimes against the security of the state." Also

eligible for consideration would be the applicant's spouse, parents, unmarried children under the age of 21, and, as appropriate, other family members who live with him under his protection and custody. The U.S. Interests Section will process applications on a numerically limited basis set by the President in consultation with the U.S. Congress as part of the annual regional refugee admission ceilings.

Persons sentenced under the Cuban Penal Code for "crimes against the security of the state" who believe they might be eligible, should write to the Chief of the Consular Section, U.S. Interests Section, Embassy of Switzerland, Havana, regardless of whether they have made past applications. Copies of the court records involved in the applicant's sentence for "crimes against the security of the state," as well as marriage and birth records, should be submitted with the application. No original documents should be submitted. After the written application has been considered, the U.S. Interests Section will advise the applicant concerning the need for additional information or an interview. Applicants who appear eligible under U.S. law will be interviewed by U.S. Immigration and Naturalization Service inspectors during periodic visits to Havana.