

September 1995

CUBA

U.S. Response to the 1994 Cuban Migration Crisis





United States
General Accounting Office
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National Security and
International Affairs Division

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The Honorable Jose E. Serrano
The Honorable Lamar Smith
House of Representatives

In response to your request, we reviewed the U.S. government's actions to address the mass exodus of people from Cuba in the summer of 1994. Our objectives were to (1) describe how U.S. policy toward those seeking to leave Cuba has changed since that time, (2) identify the agencies and costs to the U.S. government associated with the exodus of Cubans, (3) assess the capabilities of the U.S. Interests Section in Havana to process applicants seeking legal entry into the United States, and (4) evaluate the adequacy of living conditions at the Cuban safe haven camps at the U.S. Naval Station, Guantanamo Bay.

We briefed your staff on the results of our review on June 30, 1995. This report summarizes and updates the information provided during that briefing.

Results in Brief

For over 30 years, fleeing Cubans had been welcomed to the United States. However, the U.S. government reversed this policy on August 19, 1994, when President Clinton announced that Cuban rafters interdicted at sea would no longer be brought to the United States. Instead, they would be taken to safe haven camps at the U.S. Naval Station, Guantanamo Bay, Cuba, with no opportunity for eventual entry into the United States other than by returning to Havana to apply for entry through legal channels at the U.S. Interests Section. On September 9, 1994, the U.S. and Cuban governments agreed that the United States would allow at least 20,000 Cubans to enter annually in exchange for Cuba's pledge to prevent further unlawful departures by rafters. On May 2, 1995, a White House announcement was released stating that Cubans interdicted at sea would not be taken to a safe haven but would be returned to Cuba where they could apply for entry into the United States at the Interests Section in Havana. The announcement also stated that eligible Cubans in the safe

haven camps would be paroled into the United States¹ and that those found to be ineligible for parole would be returned to Cuba.²

Several U.S. agencies have been involved in implementing the U.S. policy regarding Cubans wishing to leave their country. The predominant agencies are (1) the Department of Defense, which will spend about \$434 million from August 1994 through September 1995 operating the safe haven camps; (2) the U.S. Coast Guard, which spent about \$7.8 million interdicting Cubans at sea from August 1994 to the present; (3) the Department of Justice's Immigration and Naturalization Service (INS) and Community Relations Service (CRS), which together will spend about \$48.3 million for the Cuban migration crisis from August 1994 through September 1995; and (4) the Department of State, which will spend an estimated \$7.1 million during this same period.³

The U.S. Interests Section in Havana has been able to meet the workload of processing applicants seeking legal entry into the United States. As of June 9, 1995, it had approved 16,305 Cubans for U.S. entry. However, not all those approved for travel will leave Cuba by September 1995, the anniversary of the September 1994 agreement.

The Cubans' living conditions at the Guantanamo Bay safe haven camps are difficult but, we believe, adequate based on our observations at the camps. We found no internationally accepted standards of what the living conditions should be at refugee camps, but we noted that conditions in all camps generally exceeded U.N. inspection guidelines for minimal shelter, food, and water.

U.S. Policy Toward Fleeing Cubans

For decades Cubans have fled Cuba, often by raft, seeking freedom in the United States. For example, during the first 6 months of 1993, the U.S. Coast Guard picked up about 1,300 rafters and brought them to the United States. This number increased to about 4,700 during the same period in

¹The Immigration and Nationality Act of 1952, as amended, 8 U.S.C. sec. 1182, grants the Attorney General the discretionary authority to temporarily parole aliens into the United States for humanitarian or public interest reasons. Under the Cuban Adjustment Act of 1966, Cuban parolees may apply for permanent resident alien status after 1 year in the United States. Permanent resident aliens are generally eligible to apply for U.S. citizenship after 5 years residence in the United States.

²In accordance with 8 U.S.C. sec. 1182 (the Immigration and Nationality Act of 1952, as amended), camp residents can be determined ineligible for parole for reasons such as criminal history; medical, physical, or mental conditions; or commission of acts of violence while in the camps.

³These figures represent incremental costs that would not have been incurred had there been no migration operation.

1994. At that time, Cuba was maintaining its strict policy of forbidding its citizens from illegally exiting the country.

In June 1994, violence by both the Cuban authorities and would-be asylum seekers escalated when, for example, Cuban authorities shot and killed a Cuban who was attempting to escape the island. From July 13 through August 8, 1994, at least 37 asylum seekers and 2 Cuban officials were killed in a series of boat hijackings. In addition, a riot erupted in Havana on August 5 when police attempted to disperse a crowd that had gathered when a false rumor circulated that a flotilla of boats was on its way to pick up people seeking to leave. On August 13, Fidel Castro gave a televised speech blaming the United States for the riots and violence and threatened to remove restrictions on Cubans exiting the country if the United States did not take steps to deter boat departures and return those hijackers who had reached the United States.

Not receiving the response he anticipated from the United States, Castro indicated he would not prevent Cubans from leaving. Over the next week, Cubans flocked to the beaches, where they constructed make-shift vessels and set out to sea.

As the flow of rafters increased, President Clinton announced on August 19, 1994, that the Coast Guard would no longer bring interdicted Cubans to the United States but would hold them at Guantanamo Bay. The President and the Attorney General indicated at that time that those Cubans taken to Guantanamo Bay would have no opportunity for eventual entry into the United States. This announcement reversed a 3-decade policy of welcoming Cubans seeking refuge into the United States. Many Cubans did not believe that the United States would actually enforce the new policy and consequently continued to leave Cuba. About 33,000 Cubans were picked up at sea and taken to Guantanamo Bay.⁴

Concerned about the continuing exodus, on September 9, 1994, the United States and Cuba signed an accord under which the United States agreed to admit at least 20,000 Cubans per year directly from Cuba through legal channels.⁵ The U.S. Interests Section in Havana estimated that this number

⁴This number included 8,763 who were subsequently transferred to a Panama safe haven from September 1994 through February 1995.

⁵The United States also agreed that during the first year of the agreement, it would parole those currently on the immigrant visa waiting list, raising the total to be admitted in 1995 to about 26,700.

would comprise approximately 7,000 refugees and family members,⁶ 8,000 immigrant visa recipients and their families, and 5,000 paroled through the Special Cuban Migration Program—a special lottery. The Cuban government agreed “to prevent unsafe departures using mainly persuasive methods.” Within days the Cuban police again were patrolling the roads leading to the beaches, under orders to arrest persons carrying rafts or the materials to build them, and Cubans stopped departing by raft.

The United States later began granting parole to certain categories of Cubans in the safe haven camps at Guantanamo Bay. On October 14, 1994, President Clinton announced that parole would be granted to those over age 70, unaccompanied minors, or those with serious medical conditions and their caregivers. On December 2, 1994, the Attorney General announced that parole would be considered on a case-by-case basis for children and their immediate families who would be adversely affected by long-term presence in safe havens. These four categories became known as the “four protocols.”

On May 2, 1995, the White House Press Secretary announced that Cubans interdicted at sea would no longer be taken to safe haven at Guantanamo Bay but would be returned to Cuba where they could apply for entry into the United States through legal channels at the U.S. Interests Section. In discussing this announcement, the Attorney General stated that measures would be taken to ensure that persons who claimed a genuine need for protection, which they believed could not be satisfied by applying at the U.S. Interests Section, would be examined before their return to Cuba. She also announced at that time that remaining Cubans at Guantanamo Bay—about 18,500 as of June 7, 1995—would be considered for parole into the United States, excluding those found to be ineligible for parole due to criminal activity in Cuba, in the United States, or while in safe haven and those with certain serious medical conditions.

Agencies Involved With Cuban Migration

Within the executive branch, an interagency working group is responsible for developing strategies for implementing the Cuban migration policy. The working group is chaired by the National Security Council and includes representatives from the State Department’s Bureau for Inter-American Affairs and Population, Refugees, and Migration and the Legal Advisor’s Office; the Department of Justice’s INS and CRS; the Defense

⁶In 8 U.S.C. sec. 1101 (a) (42) a refugee is defined as a person who has fled his or her home country because of persecution, or a well-founded fear of persecution, for reasons of race, religion, nationality, membership in a particular social group, or political opinion.

Department's Offices of the Secretary of Defense (Humanitarian and Refugee Affairs) and Joint Chiefs of Staff; and the Coast Guard.

The U.S. Interests Section in Havana is responsible for processing the more than 20,000 expected Cuban applicants for U.S. entry, annually. As of August 1995, the Interests Section had increased its processing staff to 6 full-time consular officers and about 3 temporary-duty consular officers, 4 INS officers, about 40 local nationals, and 4 U.S. and third country contract hires. Consular officers at the Interests Section process immigrant visa applications and prescreen parole applicants; the Refugee Coordinator prescreens refugee applicants. INS adjudicates refugee and parole applications in Havana and parole applications at Guantanamo Bay.

The Defense Department is responsible for carrying out the safe haven program at Guantanamo Bay. The Office of the Secretary of Defense and the Joint Chiefs of Staff oversee safe haven operations, and the U.S. Atlantic Command has operational responsibility. Joint Task Force (JTF)-160 executes the safe haven mission at Guantanamo—caring for the inhabitants, providing for their security and protection, and preparing them for travel to the United States. JTF-160 is also charged with the safety and security of U.S. personnel at Guantanamo Bay and the security of the station itself. The U.S. Coast Guard interdicts rafters at sea and, until May 2, 1995, it took them to safe haven at Guantanamo Bay. Since May 2, 1995, most Cubans interdicted at sea have been returned by the Coast Guard to Cuba.

Civilian agencies implement various components of the safe haven program. The Department of State's Bureau for Population, Refugees, and Migration provides assistance to the safe haven population at Guantanamo Bay through a grant to the World Relief Corporation. At Guantanamo Bay, CRS assists in parole processing and provides human resource services, such as family reunification, conciliation and mediation assistance and training, and recreation and education. CRS also provides resettlement assistance to parolees when they arrive in the United States. The State Department also maintains an officer in Guantanamo Bay as a liaison with the military and civilian agencies.

Other organizations are also involved in Cuban migration operations at Guantanamo Bay. The World Relief Corporation, a nongovernmental organization, provides public health and social services, vocational training, mail services, and coordination of private donations. The International Organization for Migration (IOM), an intergovernmental

organization based in Geneva, Switzerland, arranges resettlement for Cubans wishing to migrate to countries other than the United States. Pursuant to an agreement with the Cuban government to allow some voluntary repatriation over land rather than flying to Havana, IOM also arranges voluntary repatriation through the station's Northeast Gate. IOM was also working with the remaining Haitians in camps at Guantanamo Bay.

Considerable military and civilian personnel resources are at Guantanamo Bay to support the safe haven operation. As shown in table 1, more than 5,000 personnel were providing security and services to Cubans in the safe haven camp at the time of our visit in June 1995.

Table 1: Organization and Assigned Personnel Providing Security and Services at the Cuban Guantanamo Bay Safe Haven Camps

Organization	Assigned personnel
Department of Defense (JTF-160)	4,897
Department of Justice	
INS	13
CRS	57
Department of State	1
World Relief Corporation	40
IOM	15
Total	5,023

INS planned to increase its personnel to at least 18 by the end of summer to augment parole eligibility determination. IOM, on the other hand, expects to decrease its presence to six as the remaining Haitians are repatriated or allowed entry into the United States.

Costs Associated With Cuban Migration

We estimate that the total cost of the U.S. response to the Cuban exodus from August 1994 through fiscal year 1995 will exceed \$497 million (see table 2). This represents incremental costs, which are costs that agencies would not have incurred had there been no Cuban migration crisis.

Table 2: Estimated Costs of Cuban Migrant Operations From August 1, 1994, Through September 30, 1995

Dollars in millions	
Agency	Cost
Defense Department	\$434.0
Coast Guard	7.8
State Department	7.1
INS	8.8
CRS	39.5
Total	\$497.2

Defense costs include procuring construction materials, food, medical supplies, and miscellaneous items for camps at Guantanamo Bay and in Panama; shipping food and supplies; transporting military personnel to the camps and about 500 to 550 parolees to Homestead Air Force Base, Florida, each week; and moving 8,763 Cubans from Guantanamo Bay to Panama in September 1994 and 7,291 back again in February 1995. Defense does not budget for such migrant operations, and it requested a \$370-million supplemental appropriation for fiscal year 1995 to minimize the impact of these activities on military operations. Coast Guard expenses cover the costs of patrolling the waters between Cuba and Florida and bringing people to Guantanamo Bay and Cuba. CRS' costs primarily cover resettlement assistance to parolees arriving in the United States (about \$31.3 million). State Department costs include expanding consular processing in Havana and providing a liaison officer at Guantanamo Bay and a grant to the World Relief Corporation to provide services at the safe haven camps.

Processing Capability in Havana

Our review of the processing workload at the Interests Section indicates that it will process 20,000 applicants for U.S. entry and the additional 6,700 applicants on the waiting list by September 8, 1995—the end of the first year under the agreement.⁷ As of June 9, 1995, the Interests Section had approved 16,305 for entry into the United States. This number included 7,693 refugees, 40 paroled family members of refugees, 3,601 immigrant visas, 3,073 paroled family members of immigrant visa recipients, and 1,898 parolees selected through a lottery. An additional 4,451 applicants for immigrant visas who were on the noncurrent preference lists had been approved for parole and 1,269 of their immediate relatives had been issued immigrant visas, pursuant to the September 1994 agreement. From 1996 through 1998, the workload will be somewhat

⁷On August 21, 1995, the U.S. Interest Section announced that the first-year commitment agreed to in the Migration Accord had been achieved as of August 15.

reduced because the 20,000-person requirement will be offset each year for 3 years by up to 5,000 as a result of the May 2 announcement that all eligible Guantanamo Bay camp applicants would be paroled into the United States.

Resettlement From Guantanamo Bay

Resettlement processing continues, as about 500 to 550 Cubans enter the United States from Guantanamo Bay each week. As of June 27, 1995, 14,746 had been paroled into the United States under the four humanitarian protocols, including 1,270 paroled from the temporary Howard Air Force Base safe haven in Panama from October 1994 through February 1995. Another 622 had returned to Cuba through diplomatic channels, 139 had resettled in third countries, and 1,000 had returned to Cuba on their own, either over land or by water. Sixty Cuban rafters had been interdicted and repatriated to Cuba as of that date, pursuant to the May 2 announcement that such individuals would be returned to Cuba.

At the time of our visit to Guantanamo Bay, 18,802 Cubans remained in the camps. Of these, 5,856 qualified for parole under the four protocols, and 12,946 were eligible to apply for parole consideration under the May 2 announcement. The INS officer-in-charge noted that JTF-160 had compiled about 4,500 camp incident reports involving camp infractions that INS staff will review for impact on individual parole eligibility. However, INS estimates that only a small number of those involved will be ineligible for parole.

Conditions at the Guantanamo Bay Camps

While detention in safe haven camps is undoubtedly difficult, our review at the Guantanamo Bay camps indicated that living conditions were adequate. While we found no internationally accepted criteria for minimal refugee living standards,⁸ we noted that the U.S. Atlantic Command had developed standards for safe haven conditions based on inspection guidelines of the United Nations High Commissioner for Refugees (UNHCR) and standard military regulations and manuals' requirements. The Command developed a camp construction model for migrant operations based on a population of 10,000 that could be adapted for population changes and issued corresponding operational guidelines, including camp organization, services, construction, and logistics.

We found that conditions generally met or exceeded Atlantic Command standards and UNHCR inspection guidelines. For example, minimal UNHCR

⁸Refugees: Living Conditions are Marginal (GAO/NSIAD-91-258, Sept. 11, 1991).

inspection guidelines include 3.5 square meters of living space per migrant. Using this as guidance, the Command recommended using medium-sized tents to house up to 15 Cubans.⁹ We found no indication that these tents housed more than 15 persons.

Camp conditions have improved since the influx of Cubans in the summer of 1994, due to decreasing population density and a Defense Department "Quality of Life" facilities upgrade. In late August 1994, thousands of people were arriving daily at the Guantanamo Bay camps. Together with about 12,000 Haitians, the camps' population totaled about 45,000 in September 1994. At that time, living conditions were marginal, according to Atlantic Command officials, as JTF-160 was erecting tents and installing portable toilets as quickly as people arrived. Crowded conditions began easing as most Haitians were repatriated to Haiti following President Aristide's return in October 1994, and more than 8,000 Cubans were relocated to safe haven camps in Panama for 6 months. Also, Cubans began leaving via parole following the October and December protocol announcements.

The Defense Department had intended to spend almost \$35 million to upgrade facilities to accommodate a longer term camp operation. However, the May 2 announcement that most camp inhabitants would be eligible for parole lessened the urgency to improve conditions. As a result, the Defense Department spent about \$25.3 million for its upgrade program.¹⁰ Not all camps were upgraded; some camps were scheduled to be disassembled as populations decreased. Upgrades included elevated hardback tents, plumbing, tension fabric structures as multipurpose buildings, and electricity. (See figs. 1 through 3.)

⁹The military services use medium-sized tents to house 10 to 20 personnel, depending upon the quality of life desired.

¹⁰The upgrade program, begun in December 1994, was well underway when the May 2 announcement altered the program's scope.

Figure 1: Elevated Hardback Tents



Figure 2: Tension Fabric Structure



Figure 3: Women's Rest Room



In general, those who are expected to be paroled in late 1995 and early 1996 are located in the newer camps. Those eligible for parole under the first four protocols are scheduled to leave by the end of summer 1995 and, for the most part, are located in the camps that have not been upgraded (see fig. 4).

Figure 4: Non-Upgraded Camp Area

In addition to adequate shelter, camp residents receive breakfast, a hot dinner prepared by Cuban cooks, and Meals Ready to Eat (MRE) for lunch. Cubans with whom we spoke said that the food was better than when they first arrived, when they mostly received rice. They also receive medical treatment at camp clinics and in military medical and surgical units as necessary. Recreational activities include baseball, basketball, pool, ping-pong, movies, music, arts and crafts, and libraries. In addition, adults can attend English and vocational classes coordinated by World Relief. Most children have left the camps, but the few remaining receive basic schooling organized by CRS. Many of these services are provided by camp residents with special skills.

Security is professional but not overtly oppressive. Camp residents are relatively free to move around within camp areas. When they first arrived, the Cubans were restricted to smaller areas behind razor concertina wire. According to military personnel, tensions have eased since the May 2 announcement that the Cubans would not be detained indefinitely but could apply for parole.

Travel From Cuba to the United States Is Being Delayed

Although by September 1995 the Interests Section will likely have processed for U.S. entry the 20,000 Cubans called for in the September 9, 1994, agreement as well as the 6,700 on the noncurrent immigrant visa preference list,¹¹ it is unlikely that this number will travel to the United States by that date. Of the 7,693 refugees approved for travel, only 1,494 had left as of June 9, 1995. While this partly reflects the normal lag in obtaining sponsorship for approved refugees, the relatively small number who have left also reflects the adverse impact of steep Cuban government-imposed air fare increases and fees for migration-related services. In February 1995, the Cuban government raised the one-way fare from Havana to Miami from \$150 to \$990.¹² When the rate was increased, the Interests Section refused to pay the higher amount and negotiated rates with commercial airlines for regularly scheduled flights to Miami through Mexico and Costa Rica. The number of such seats was limited, resulting in 5,267 refugees waiting to travel at the time of our visit. The remaining 932 refugees had been adjudicated but had not yet obtained all documents required for travel.

Unlike refugees, immigrant visa holders and parolees must arrange and pay for their own transportation to the United States. Because they arrange their own travel, the Interests Section does not track the number that has departed from Cuba. Although INS will report in 1997 on numbers of Cubans coming through U.S. ports of entry in 1995, these numbers will reflect country of nationality, not country of departure.

The U.S. government repeatedly voiced its concern to the Cuban government about the exorbitant airfare. Cuba agreed to lower the fare; however, it also imposed additional fees in June 1995, including \$400 for the medical examination required for all people seeking U.S. entry (\$250 for children), \$250 for an exit permit and related documents, and \$50 for a passport. U.S. officials told us that they believe that some fees for these previously free services may be reasonable, but the fees imposed (even with reduced air charters) will pose serious obstacles for Cubans seeking to emigrate.

At the time of our visit to Guantanamo Bay, the backlog of those approved for travel from there was estimated by INS at about 1,200. Parolees leave Guantanamo Bay on three charter flights each week, and depending on the

¹¹According to the U.S. Interests Section, the first-year commitment agreed to in the Migration Accord was achieved as of August 15.

¹²The U.S. government normally provides transportation for refugees who sign a promissory note to reimburse the government for these costs within 4 years.

size of the aircraft, 500 to 550 parolees depart each week. At this rate, the camps should be empty by March 15, 1996. However, the availability of transportation is not the limiting factor in more rapidly reducing the camps' population. Despite the backlog and the continuing cost to operate the camps, the weekly departure rates are not expected to increase. According to Defense, State, and Justice officials, state of Florida officials maintain that the state can accommodate no more than 550 parolees per week. Defense, State, and Justice officials said that senior Clinton administration officials have agreed not to exceed that figure. According to Defense Department officials, if departures could be accelerated to 690 per week, they could empty the camps by December 15, 1995, and save about \$22.2 million in operating expenses.

Agency Comments and Our Evaluation

The Departments of Defense, Justice, and State provided oral comments on this report. Their technical comments have been incorporated where appropriate. State Department officials suggested that it would have been useful to have compared costs incurred with those that might have been incurred by both the federal and state of Florida governments had no action been taken to stem the flow of Cubans to the United States. Such an analysis may be interesting, but it was not within the scope of work we were requested to perform. Furthermore, such analysis would be highly subjective because the cost would depend on many unknown factors such as the number of Cubans who would have fled to the United States had no action been taken to stem the flow, and what benefits and services would have been provided. Also, we found no evidence that the decision to reverse a 30-year policy of welcoming fleeing Cubans to the United States was based on cost consideration.

Scope and Methodology

We identified U.S. policies toward Cubans seeking U.S. entry through discussions with State, INS, and CRS officials and reviewing documentation such as agreements with the Cuban government, joint communiques, administration announcements of parole and safe haven positions, and pertinent legislation. To determine the processing capabilities of the Interests Section, we interviewed INS officials in Washington, D.C., and visited the Interests Section in Havana. In Havana, we discussed with consular, INS, and senior post officials the various screening and adjudication processes for refugees, immigrants, and parolees; reviewed sample case files; and observed ongoing screenings.

To determine living conditions at Guantanamo Bay, we visited the U.S. Atlantic Command in Norfolk, Virginia, to discuss its oversight of migrant operations and how it developed criteria for living standards. We also visited Guantanamo Bay, where we observed camp conditions, examined the parole processing procedures, and monitored the weekly meeting with the JTF Commander and the Cuban representatives from each camp. In addition, we met with JTF-160 operations and logistics officers and officials from CRS, INS, State, World Relief Corporation, IOM, and UNHCR to discuss their activities at Guantanamo Bay.

To determine program costs, we obtained estimated actual and projected Cuban migrant program incremental cost data for fiscal years 1994 and 1995 from the Departments of Defense and State, INS, CRS, and the Coast Guard. We did not verify the accuracy of the agencies' estimates.

We conducted our review between April and August 1995 in accordance with generally accepted government auditing standards.

Unless you announce its contents earlier, we plan no further distribution of this report until 15 days after its issue date. At that time, we will send copies to the Departments of State, Defense, and Justice and to interested congressional committees, and to others upon request.

If you or your staff have any questions concerning this report, please contact me at (202) 512-4128. Major contributors to this report were David R. Martin, Assistant Director, and Audrey E. Solis, Senior Evaluator.



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