

NORMALIZING U.S. RELATIONS WITH CUBA: ARE WE THERE YET?

Regulation vs. Legislation



Recent regulatory reforms have expanded opportunities for travel, commerce, and trade with Cuba.

Despite progress, the U.S. embargo on Cuba still exists and can only be fully dismantled by legislation.

Until Congress passes laws to end this antiquated and unpopular policy, the embargo will continue to have a chilling effect on international education diplomacy and make facilitating meaningful educational opportunities unnecessarily difficult.

| SUBJECT | QUESTION | CUBA TODAY WITH U.S. REGULATORY CHANGES | CUBA TOMORROW WITH U.S. CONGRESSIONAL ACTION |
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| TRAVEL | May Americans freely travel to Cuba? | ⚠️ Not quite! Only individuals whose travel falls within one of 12 authorized categories may travel to Cuba: family visits; official business of the U.S. government, foreign governments and certain intergovernmental organizations; journalistic activity; professional research and professional meetings; educational activities; religious activities; public performance, clinics, workshops, athletic and other competitions, and exhibitions; support for the Cuban people; humanitarian projects; activities of private foundations or research on educational institutes; exportation, importation, or transmissions of information or information materials; and certain authorized export transactions. | ✓ Yes. U.S. citizens could travel to Cuba, without limitation, as they can to every other country in the world. |
| DOCUMENTATION | May Americans discard receipts and travel documents after a trip to Cuba? | ❌ No. Most U.S. travelers to Cuba are required to maintain and demonstrate a full-time schedule of authorized activities. Additionally, they must retain records related to the authorized travel transactions, including receipts, logs of purchases, and other documentation, for at least five years. Such strict rules can have a chilling effect on U.S. travel to Cuba, creating fears of penalties or prosecution. | ✓ Yes. Everyone could travel to Cuba, without risk of penalty, as he/she can in every other country in the world. |
| MONEY | May Americans freely spend money, make credit card transactions and use ATMs in Cuba? | ⚠️ Not quite! Though regulatory reforms have authorized certain banking and financial transactions, many U.S. financial institutions have yet to establish the necessary mechanisms for credit and debit card use in Cuba. U.S. companies, investors, and the banks facilitating their financial transactions, are not yet willing to make long-term investments in Cuba because of lingering uncertainty about whether the regulatory changes will be permanent. | ✓ Yes. Passing laws to fully remove travel and trade restrictions will create an environment where the infrastructure for meaningful collaborations can thrive. |
| TOURISM | May Americans visit Cuba as tourists? | ❌ No. Tourist travel for recreational activity is strictly prohibited under U.S. law. | ✓ Yes. Everyone could travel to Cuba, without restriction, as he/she can in every other country in the world. |
| ACTIVITIES | May Americans take part in all types of activities while in Cuba? | ❌ No. Even if you fall within the 12 authorized categories of travel under a general license, there are still some limits on what you can and cannot do. Educational people-to-people activities are permitted if they are part of a full-time schedule as required by U.S. government regulations. | ✓ Yes. Everyone could travel to Cuba, without restriction, as he/she can in every other country in the world. |
| FUTURE TRAVEL | May Americans make plans to travel to Cuba in 2017? | ⚠️ Not quite! Although the Obama Administration relaxed regulatory restrictions, they could only do so within the bounds of current law. Should the Trump Administration choose not to continue the policy of engagement with Cuba, they could unravel all of the regulatory progress that's been made. | ✓ Yes. Removing the embargo offers the assurances that recent momentum won't be thwarted or stalled by a change in policy from the executive branch. |

This document does not constitute legal advice. Travelers to Cuba must adhere to the regulatory guidance from the Office of Foreign Assets Control found in the Department of Treasury's Cuba Sanctions Resource Center.