TRAVEL TO CUBA

Interactions with Cuba are highly restricted by the Department of Treasury and Department of Commerce. Individuals traveling to Cuba must obtain a license from the Department of Treasury and may also need to apply for a license from the Department of Commerce to export materials, software, technical data or equipment to Cuba. Below is a brief overview of what you should know before traveling to Cuba.

Please note that the license application process may take several months and there is no guarantee that a license will be obtained. If you plan to travel to Cuba for University-related activities, please contact Research Compliance Services (RCS) at 472.6929 so that they may assist you in obtaining the proper licenses and documentation for your travel.

WHAT ONE NEEDS IN ORDER TO TRAVEL TO CUBA

- A license from the Department of Treasury's Office of Foreign Assets Control (OFAC)
- This may be a "General License" or a "Specific License"
- A license from the Department of Commerce for items or equipment you may be taking with you
- Some exceptions apply for personal belongings
- A Tourist Visa, or a "Tourist Card" from the Cuban Interests Section
- Travel arrangements made by an OFAC-certified travel provider
- Sufficient monetary funds
- You will not be able to withdraw funds from your bank while in Cuba, nor will you be able to utilize checks or credit cards, so come prepared with cash for all of your transactions
- Per diem rates apply for all expenses incident to your trip while in Cuba, as established by the Department of State
- Cuban health insurance, purchased upon arrival

TYPES OF OFAC LICENSES

There are two types of licenses available: a "General License" and a "Specific License".

GENERAL LICENSES

A General License provides blanket authorization to engage in certain activities under specific terms and conditions. General licenses are self-executing; therefore, one does not need to apply for a license from OFAC. However, if a General License is utilized to engage in activities with sanctioned countries, one must

thoroughly document the reasons why such a license was utilized and must be prepared to prove that all of the conditions of the license were met.

The following general licenses are most relevant to UNL students, faculty, and staff traveling to Cuba¹:

- Research conducted by full-time professionals in their professional areas
- Attendance at certain professional meetings or conferences organized by international professional organizations
- Educational activities by faculty, staff, and students of accredited U.S. graduate and undergraduate degree-granting academic institutions

SPECIFIC LICENSES

One would apply for a Specific License when an activity does not meet the criteria outlined in a General License. One must have an approved OFAC license prior to engaging in travel-related transactions. In addition, one must maintain thorough documentation that all terms of the license have been abided with.

Specific Licenses will be reviewed on a case-by-case basis. In addition, OFAC may place some restrictions on licensed activities.

OBTAINING AN OFAC LICENSE

Below are the steps that need to be taken depending on the type of license. Please contact RCS in order to determine whether you qualify for a General License or whether you will need to apply for a General License.

OBTAINING A GENERAL LICENSE

General Licenses are self-prescribed. One needs to look at the regulations carefully and determine whether they meet all of the requirements of a General License and document why they came to that conclusion. If you do not meet all of the criteria, you will need to apply for a Specific License.

RESEARCH ACTIVITIES TAKING PLACE IN CUBA²

One can travel to Cuba to conduct research that meets all of the following conditions:

- Research must be consistent with the faculty, staff, or student's area of expertise
- Individuals traveling under this license must prove that they have a full "research" agenda for the entirety of their trip
- All research must be "non commercial," academic research
- Research results must have a substantial likelihood of public dissemination (i.e., part of a graduate thesis, journal article, conference presentation, etc.)

PROFESSIONAL MEETINGS TAKING PLACE IN CUBA³

¹ Other general licenses are also available, please see 31 CFR 515.

² See <u>31 CFR 515.564</u> for details regarding specific terms and conditions.

³ See 31 <u>CFR 515.564</u> for details regarding specific terms and conditions.

One can travel to Cuba to attend a professional meeting in Cuba that meets all of the following conditions:

- The meeting must be organized by an international professional organization, institution, or association that regularly sponsors meetings or conferences in other countries
- The meeting may not be promoting tourism or other commercial activities involving Cuba that are not normally licensable under current U.S. policy
- The meeting must not be primarily intended for the purpose of fostering production of any biotechnological products

EDUCATIONAL ACTIVITIES TAKING PLACE IN CUBA4

Educational activities which are organized by a U.S. academic institution are eligible for a General License so long as the following conditions are met:

- Faculty, staff, and students must be participating in a structured educational program as part of a course offered for credit by the sponsoring U.S. academic institution -ortaking a formal course of study at a Cuban academic institution that will be accepted for credit toward the student's degree at the U.S. academic institution
- All research conducted in Cuba must be noncommercial, academic research specifically related to Cuba and for the purpose of obtaining a degree
- An individual who is regularly employed in a teaching capacity at the sponsoring U.S. academic institution may teach at a Cuban educational institution provided that:
- Teaching activities are related to an academic program at the Cuban institution, and
- The duration of the teaching be no shorter than 10 weeks

Note: Each individual traveling under this license exception must carry a letter on official letterhead signed by a designated representative of the sponsoring academic institution that they are traveling under this General License in order to participate in educational activities

OBTAINING A SPECIFIC LICENSE

Materials needed in order to apply for a Specific License vary. If you believe you will need to apply for a Specific License, please contact RCS in order to determine the specific requirements that need to be addressed. The license application process for travel to Cuba is done online at https://cubatravel.ofac.treas.gov.

Please note that the license application process may take a few months and there is no guarantee that a license will be granted.

Some common examples of licensable activities include:

ATTENDING MEETING⁵

 $^{^4}$ See $\underline{31\ \text{CFR}\ 515.565}$ for details regarding specific terms and conditions 5 31 CFR 515.564(b)

If you hope to attend a meeting or conference that does not qualify for General License, the following items will need to be submitted in order to obtain a Specific License:

- Your name, address and phone number
- A description of the goals and objectives of the organization you will be representing while attending the meeting
- An explanation of why the conference does not qualify under the General License to attend a professional meeting
- The duration and date of the trip
- A description of the meeting or conference, including:
- The scope of the conference and the subject matter that will be discussed
- The name of the entity organizing the conference and where the organization is headquartered
- A copy of the meeting agenda
- A description of why the applicant's attendance at the meeting is necessary
- A copy of your resume or curriculum vitae and a description of how your professional background or areas of expertise is related to the meeting or conference you wish to attend

CONDUCTING RESEARCH⁶

If you hope to conduct noncommercial academic research in Cuba that does not qualify for General License, the following items will need to be submitted in order to obtain a Specific License:

- Your name, address and phone number
- A description of the goals and objectives of the organization you will be representing while attending the meeting
- An explanation of why the conference does not qualify under the General License to attend a professional meeting
- The duration and date of the trip⁷
- A detailed description of the research you proposed to conduct, including:
- A statement of the thesis
- A description of the research plan or methodology
- A description of the resources you will be using (e.g., archives, interviews, etc.)
- A description of how the research results will be utilized or disseminated
- A copy of your resume or curriculum vitae and a description of how your professional background or areas of expertise is related to the meeting or conference you wish to attend

EDUCATIONAL ACTIVITIES⁸

Individuals who would like to engage in noncommercial academic research in Cuba, participate in a formal course of study at a Cuban academic institution, or teach at a Cuban academic institution who do not qualify for a General License (if, for example, you will not be traveling

⁷ If multiple research trips are anticipated, additional requirements may apply

⁶ 31 CFR 515.564(b)

^{8 31} CFR 515.565(b)(1)

under the auspices of an accredited U.S. academic, degree-granting institution) would need to apply for a Specific License. The license application will need to include the following:

- Your name, address and phone number
- A detailed description of the educational activities you will be engaged in. In addition, you will need to clearly identify whether the activity should be categorized as:
- Noncommercial academic research;
- Participation in a formal course of study at a Cuban academic institution; or
- Teaching at a Cuban academic institution
- The duration and date of the trip
- Supporting information regarding your trip (e.g., a letter from a representative at the academic institution)

PEOPLE-TO-PEOPLE EXCHANGES⁹

Organizations sponsoring programs that promote people-to-people contact and educational exchanges that are not to a degree program may apply for a Specific License. The following items must be submitted in order to obtain a license:

- The organization's name and address
- The name and phone number of the organization's license application and for ensuring compliance with the terms of the license once it is issued
- Information about the organization and a description of how it sponsor educational exchanges that are not pursuant to a degree program and promote people-to-people contact
- A description of the type of travel and the types of activities that will be conducted
 - Also, provide examples of how the proposed activities would create a meaningful interaction between the U.S. travelers and individuals in Cuba
- Certify that:
 - Each traveler will have a full-time schedule of educational exchange activities that will result in meaningful interaction with individuals in Cuba; and
 - The predominant portion of the activities will not be with individuals acting for or on behalf of a prohibited entity¹⁰

WHAT CAN YOU TAKE TO CUBA?

Not much, only personal belongings or gifts 11 may be taken to Cuba without obtaining a license from the Department of Commerce.

PERSONAL BELONGINGS

⁹ 31 CFR 515.565(b)(2)

¹⁰ Including prohibited officials of the Government of Cuba (as defined in 31 CFR 515.337) or a prohibited member of the Cuban Communist Party (as defined in 31 CFR 515.338)

 $^{^{11}}$ A gift is defined as a gift parcel given by an individual to an individual or a religions, charitable or educational organization (donee) for the use of the done or the donee's immediate family. The gift parcel must not be for resale and must be provided free of charge to the donee. For more information regarding the definition of a gift parcel, see 15 CFR 740.12.

In order to be exported without obtaining a license, personal belongings must be returned to the U.S. within 12 months. Personal belongings must fulfill the following restrictions:

- Items must be considered "typical" everyday use and in "typical" quantities
- Items must be for personal use or use by individuals of a family member traveling with you
- Encryption technology may be <u>excluded</u>, therefore you will want to double check what computer components and programs you have on your computer

ITEMS REQUIRING A LICENSE

Technical data, software, and items that do not qualify as "personal belongings" may require a license from the Department of Commerce before being exported to Cuba. Please note that the Department of Commerce will require that you first obtain a license from OFAC or qualify for a General License before they issue a license for any exports.

CUBAN TOURIST VISA

To apply for a Cuban Tourist Visa or "Tourist Card" you will need to submit the following:

- A tourist visa application (see attached)
- A money order for \$50 in order to pay the visa fee
- A money order for \$20 in order to pay the processing fee
- A photocopy of your passport
- A 2x3 photograph
- A pre-paid, self-addressed envelope (Express Mail or Priority Mail is highly recommended)

Money orders should be made out to the Cuban Interests Section (personal checks will not be accepted).

Paperwork should be mailed to the Cuban Interests Section at 2630 16th St. N.W., Washington D.C., 20009.

MAKING TRAVEL ARRANGEMENTS

You will realize that it is difficult to simply purchase tickets to Cuba on the internet! In order to make travel arrangements, you will need to work with an OFAC-certified travel provider. To find the most up-to-date list of providers, check http://www.treasury.gov/resource-center/sanctions/Programs/pages/cuba.aspx.

Some travel providers will apply for a Cuban Tourist Visa on your behalf while others will require that you obtain the Tourist Visa before they make your travel arrangements. Be sure to contact the travel agency directly to verify their requirements.

EXPENDABLE FUNDS WHILE IN CUBA

Note that U.S. banks may not operate in Cuba, therefore you should travel with cash. Withdrawals may not be able to be made from ATMS and credit cards and checks will not be accepted.

Also note that U.S. sanctions restrict all tourist travel in Cuba, therefore strict per diem rates apply. To check most current per diem rates, check the State Department <u>website</u>.

PURCHASING CUBAN HEALTH INSURANCE

Please note that you will be required to purchase Cuban Health Insurance when you arrive in the airport (this is not a scam).

IMPORTANT CONTACT INFORMATION

U.S. Interests Section in Havana:

Located at Calzada between L & M Streets, Vedado, Havana.

Phone: (53-7) 33-3551-3559.

Emergency/after hours phone: 33-3026

Hours: 8:30am - 5:00pm

Cuban Interests Section in Washington D.C.:

2630 16th Street NW, Washington, DC 20009

Phone: 202-797-8518 Hours: 9:00am-12:00pm

UNL Research Compliance Services:

209 Alexander West Building (on City Campus)

Phone: 402-472-6929 Hours: 8:00am-5:00pm