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From: Mills, Cheryl D <MillsCD@state.gov>
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To: H
Subject: FW: Cuba visas...

From: Nuland, Victoria J
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To: Mills, Cheryl D; Jacobson, Roberta S; CAPRESSREQUESTS; Ostick, William A
Subject: Cuba visas...

With thanks to the Bureaus for good guidance, here is how this went today. The numbers of issuances really helped quench the fire.

QUESTION: Actually, just something from – to follow up on from yesterday on the visa issue for Raul Castro’s daughter. We understand that there were Cubans who – scholars and such who also applied for – to go to either this conference in San Francisco or something related to it, and that those were – some of them, at least, were rejected. The applications were rejected.

I’m wondering if you can say how many were not approved or were rejected, and if – some of the people who are talking – some of these people, apparently, have come out said that they were rejected. And these – some of them are people who have advocated for greater engagement and openness both in Cuba – within Cuba and also with the United States. And I’m just wondering if you could comment on why these visas might have been – what was the reason for their rejection?

MS. NULAND: Well, first, thank you, Matt, for the opportunity to put this in a little bit of context. First and foremost, as we said yesterday, all visas anywhere in the world are processed in accordance with the Immigration and Naturalization Act. We understand that there were about a hundred Cuban academics who were invited to this conference. It’s the 2012 Latin American Studies Association International Congress, which is taking place in San Francisco from May 23rd to the 26th.

Our Interests Section in Havana received 77 applications from Cubans to attend the conference. To date, we have issued visas for 60 Cubans to participate in this conference, 11 have been denied, and six are still pending processing. So 77 received, 60 issued, 11 denied, six pending processing.

You can imagine that under the law, I can’t speak to the various grounds under which visas might have been denied, but they were all in accordance with law. But do understand that of the 77, 60 have already been issued and we still have six to look at.

QUESTION: And do you know how long that takes or how long does that – when you say they’re still being processed --

MS. NULAND: Well, I would assume that the expectation would be in time for them to travel if we’re going to be able to issue.

QUESTION: Okay. And then I’m not asking for the reason for denial for specific instances, but can you, in general, talk about why a visa or a Cuban academic would be denied?

MS. NULAND: I don't have the full INA here in front of me, but there are all kinds of reasons that visas can be denied, as you know, can range from concern that the visa is being applied for not for the purpose stated, can be a matter of security concern about the individual, can be a matter of any other derogatory information that we may have with regard to their intent in the United States. There are all kinds of reasons why they might be able to – might be denied under the law.

QUESTION: Really, at your discretion, at the Department's discretion, whether to grant the visa or not?

MS. NULAND: The Department looks at each application individually, evaluates each one individually, as it applies – as they qualify under the law, and makes the determination as to whether they are eligible.

QUESTION: But what I – I guess what I'm getting at is, if there isn't a derogatory information that is in the – as defined by what the law is, and you just don't happen to like someone for some particular reason; you can still deny that visa, correct?

MS. NULAND: No.

QUESTION: So you're --

MS. NULAND: Visas --

QUESTION: Even for Cuban Government officials?

MS. NULAND: Yeah, let me go through this. So every visa anywhere in the world, right, is reviewed on a case-by-case basis, goes through an interagency review, if necessary. With regard to Cubans, there was the presidential proclamation of 1985. That's Presidential Proclamation 5379*. It suspends entry into the United States of high-level employees and officers of the Government of Cuba and the Communist Party. However, that itself was modified in 1999 by the Secretary of State that allows us to make exceptions to that in certain cases.

So there are – there is the INA. There is the presidential proclamation with regard to high-level Cubans; there's some ability to suspend that. And as I said, like anywhere else in the world, we have to evaluate each case case-by-case.

QUESTION: Are you required to tell someone why they have been denied?

MS. NULAND: We do give them a citation under U.S. law as to why they're denied, yes.

QUESTION: And – but you're saying, though, that you cannot deny – if someone doesn't – isn't disqualified under the law, there's no other reason you can deny the visa?

MS. NULAND: There's no "we don't like you, therefore you're not getting a visa" stipulation.

QUESTION: You can't do that?

MS. NULAND: No.

QUESTION: Okay.

QUESTION: Victoria, just to make sure then, the default position would be if they were members of the government, high officials, or of the Communist Party, the default position would be you don't get it unless we give them an exception. Is that correct?

MS. NULAND: Yeah. Let me just give you the relevant statutes again. So the Immigration and Naturalization Act is binding around the world. There is an addition to that with regard to Cubans: Presidential Proclamation 5377, dated October 4th, 1985, as modified in 1999. So this presidential proclamation, just to read it again, "suspends entry into the United States of high-level employees and officers of the Government of Cuba and the Communist Party." But as a result of this modification made in 1999, the proclamation operates mainly to suspend entry of high-level government and Communist Party officials, military, police, and intelligence officers.

Okay?

QUESTION: So – but somebody could be a member of the Communist Party or an official, let's say working for a university, which is considered government, I would presume, who then could, even if they were a member of the Communist Party, could get an exception?

MS. NULAND: There is the ability to do that under the right circumstances. And then of course, as the host nation for the UN, we obviously grant UN visas as well.

QUESTION: Has there been exceptions, and can you give an example?

MS. NULAND: There have been. I'm obviously not going to talk to – speak to anybody's individual visa.

QUESTION: But I mean, the –I was just thinking, if these are academics, and probably most of them work for government universities – right?

MS. NULAND: I'm going to let them speak for themselves. The bottom line is --

QUESTION: No, but I mean, just so I understand.

MS. NULAND: -- we had 77 apply and 60 already issued. Right?

QUESTION: Right.

MS. NULAND: Yeah.

QUESTION: Which sounds like everybody basically, except for the people who were turned down, got an exception. Because wouldn't they pretty much fall into --

MS. NULAND: Again, the law was applied. The cases were reviewed. My assumption, although I can't speak to the individual cases, is that for these 60 who were issued – I can't speak to their individual backgrounds – we considered the reason for applying was legitimate. We thought that they – if they were applying to come to this congress, that they were appropriate and invited participants in the congress, and we didn't have any reason to have concerns about how they would conduct themselves in the United States, or any security concerns.

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