

# Cuban undocumented through Central America: The role of Nicaragua in the migration crisis of 2015

## Migración indocumentada cubana por Centroamérica: El papel de Nicaragua en la crisis migratoria de 2015

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### Abstract

The objective of this article is to analyze the role of Nicaragua in the crisis of Cuban migrants that occurred at the end of 2015 in Central America. The study period begins on November 2015 with the closing of the Nicaraguan border, and ends in February of 2016, with an agreement between most of the nations involved. Information was sought in media outlets, the official speeches by the Cuban and Nicaraguan authorities were consulted, and interviews were conducted with migrants, diplomats and experts. The text is an approach to a phenomenon that reconfigured relations between Cuba and the United States.

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### Resumen

El objetivo del artículo es analizar el papel de Nicaragua en la crisis de migrantes cubanos indocumentados ocurrida a finales de 2015 en Centroamérica. El periodo de estudio comienza en el mes de noviembre de 2015 con el cierre de la frontera nicaragüense y culmina en febrero de 2016, tras lograrse un acuerdo entre la mayoría de las naciones implicadas. Para estudiar lo anterior, se realizó una búsqueda de información en varios medios de prensa, se consultaron las declaraciones oficiales emitidas por las autoridades cubanas y sandinistas, y se entrevistó a migrantes, diplomáticos y expertos en el tema. La investigación constituye un acercamiento a un fenómeno que reconfiguró las relaciones migratorias entre Cuba y Estados Unidos.

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## Introduction and Methodology

Cuban migration to the United States is not a recent phenomenon in international history. In the context of large-scale global and regional migrations, while Cuba does not send significant numbers of emigrants to their main destination—the United States—the history of confrontation-rapprochement of these two nations since January 1, 1959, has imbued migration with some special characteristics that change depending on the relationship, context and priorities of each government (Aja, cited in Moreno, 2018, p. 40). Thus, it is not surprising that since the Cuban Revolution, there have been several intermittent peaks of immigration to the United States, such as the Camarioca boatlift, the Mariel boatlift, and the 1994 Cuban rafter crisis, to name a few.

These exoduses have been studied in detail by many specialists in the field who have focused on sociodemographic factors, the historical context in which they occurred, and the incorporation of new immigrants in the destination country, among other aspects. These authors include Antonio Aja (2009), Nivia Marina Brismat (2011), Lorena G. Barberia (2010), Lourdes de Urrutia Barroso (1997), Yusmany Hernández (2011), Humberto López (2008), Milagros Martínez (1996), and Ernesto Rodríguez (1997).

In this context, this article aims to analyze the origins of the Cuban migrant crisis that occurred in Central America in November 2015, when Nicaragua closed its border to Cubans traveling across the continent to reach the United States. To explain the origins of this crisis, the following hypothesis is proposed: the crisis was planned by Cuba with the help of Daniel Ortega to pressure the U.S. government to take action regarding immigration. This effectively happened in January 2017, when President Barack Obama ended the wet foot-dry foot<sup>1</sup> policy and the Cuban Medical Professional Parole (CMPP)<sup>2</sup> program, which had been an ongoing demand of the Cuban government over the years.

A qualitative methodology was used in this study; the research techniques consisted of in-depth interviews<sup>3</sup> with diplomats of the respective countries involved. Speeches and public statements made by various leaders from November 2015 to February 2016 were also consulted. This was complemented by semistructured interviews with migrants in transit when Daniel Ortega's government decided to close the borders, alluding to Nicaraguan sovereignty issues.

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<sup>1</sup> The main premise of the wet foot-dry foot policy was that Cubans intercepted on the high seas would be returned to Cuba, while those who managed to set foot on U.S. territory could enter and receive benefits in that country, including work permits and food stamps. One year and one day after entering the country, they could apply for permanent residency under the Cuban Adjustment Act of 1966.

<sup>2</sup> Under this program, the Department of Homeland Security allowed the entry of Cuban medical personnel who defected while undertaking Cuban government missions in third countries (i.e., not Cuba or the United States). This facilitated the subsequent entry of spouses and children under the age of 21 (Departamento de Seguridad Nacional de Estados Unidos, n.d.).

<sup>3</sup> This was one of the study's limitations because it was difficult to gain access to decision-making officials from several countries, as originally planned.

An exhaustive review was conducted of press releases and reports published in the main print and digital media outlets (November 14, 2015 to February 2016) of Nicaragua, Mexico, Costa Rica, Cuba, the United States, and the other nations involved. The Nicaraguan media sources were *La Prensa*, *El Nuevo Diario* and *El 19 Digital*, while the Mexican media sources were *Reforma*, *El Universal*, *La Jornada* and *El Financiero*. We also reviewed news coverage by the official Cuban media *Granma*, *Juventud Rebelde*, and *Cubadebate* as well as coverage by *The New York Times*, *Martínoticias*, *The Washington Post*, the *Los Angeles Times* and *El Nuevo Herald* in the U.S. In addition, we consulted newspapers from Honduras (*El Heraldo*), Ecuador (*El Telégrafo* and *El Comercio*), Panama (*La Prensa*), and Costa Rica (*La Nación*) and official press releases from the Office of the President of Costa Rica. Last, we reviewed the bibliographic resources on the subject and conducted in-depth interviews with migration experts. Thus, mainly primary and secondary research sources were used, including articles, journals, books, legislation, newspapers, and videos.

The article is organized as follows. First, a brief history of the Cuban migration from the Revolution up to the announcement of reestablished relations on December 17, 2014<sup>4</sup> (hereafter abbreviated as 17-D) is presented. The purpose of this review is to understand that Cuban migration is a historical phenomenon that has been closely linked to the vagaries of Cuban-U.S. ties since 1959. This is followed by an analysis of the context and details of the 2015 crisis that attempts to explain the Nicaraguan government's role in initiating the crisis. The third section presents the current trends in Cuban migration following Donald Trump's election as President of the United States, followed by the study conclusions. The significance of this study is that it is one of the first to examine Cuban migration to the U.S. as it flowed through the continent.

## Background of the Cuban Migration Flows

The history of migration from Cuba to the United States has its origins many years before the Cuban Revolution. By the end of the 19<sup>th</sup> century, thousands of Cubans were already living in the United States, due to the links between the two countries. A U.S. census published in 1958 reported 125,000 Cubans living in the country, which included both immigrants and their descendants. Antonio Aja (cited by Reed, 2015) noted that from 1930-1959, the most common destinations for Cuban emigrants were Spain, Venezuela and Puerto Rico, in addition to the U.S.

However, when Fidel Castro Ruz came to power on January 1, 1959, this migration flow assumed distinctive characteristics that differentiated it from other migrations throughout the continent. This was due in part to the subsequent Cuban emigration policy, U.S. immigration policy, and the internal conditions of the Greater Antilles.

Thus, it is not surprising that the first migration exoduses occurred between the end of 1958 and the early 1960s, when those close to President Fulgencio Batista's regime began to leave the country, as they could not identify with the ideals and objectives of

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<sup>4</sup> Cuba and the United States announced reestablished diplomatic relations on this date and began the process of normalizing the bilateral relationship. In this regard, the Cuban government indicated that for a truly normalized relationship, the crux of the conflict must be eliminated: hegemony versus sovereignty (Ramírez, 2016).

the Revolution. The situation was exploited by the U.S. government when it initiated the Cuban Refugee Program in 1961 and a year later when President John F. Kennedy signed into law the Migration and Refugee Assistance Act for foreign nationals from the Western Hemisphere.

In response to these decisions, Cuba decided to implement Law 989 in December 1961, which stipulated the conditions for the entry and exit of Cubans (Brismat, 2011, p. 154). However, despite the enactment of this legislation, 69 000 Cubans entered the United States between October 1962 and September 28, 1965 (López, 2008, pp. 112-114). Cuban sources indicated that nearly 274 000 Cuban citizens emigrated over this same period, many of them without going through any official procedures because the U.S. government authorized both individuals and entities to grant visas, including visas for extremely urgent cases (Hernández, 2011, p. 307).

The first great migration peak occurred in 1965 and originated from Boca de Camarioca. López Morales (2008) explains that on October 7 of that year, approximately 5 000 people arrived in Florida, with another 3 000 arriving a month later. Then, 2 014 Cubans began leaving the island in November, heading for Key West. According to Aja (2009, p. 108), during the first decade of the Revolution, 377 562 Cubans registered as immigrants in the United States. This was double the number of Cubans that emigrated to the U.S. in the 20<sup>th</sup> century prior to 1958. Immigration surged later when the Cuban Adjustment Act (Public Law 89-732)<sup>5</sup> was passed in November 1966 (Martínez, 1996, p. 15).

Ten years later, Cuba enacted the 1976 Law of Migration (Ley No. 1313, 1976). It should also be noted that in the 1970s, travel through third countries to reach the United States began to play a more important role (Aja, 2009, pp. 108-110). The data reviewed indicate that from 1973-1979, approximately 179 000 Cubans reached U.S. territory through third countries, mostly Spain, Mexico and Venezuela (López, 2008, pp. 114-116).

Another great exodus of emigrants occurred in 1980, when nearly 124 000 people set out from Cuba's Mariel Harbor over a five-month period. This event brought the two nations together in 1984. One of the notable agreements reached that year was the U.S. government's commitment to grant 20 000 visas per year to Cubans, while Cuba agreed to take back a group of *marielitos* (as those who emigrated from Mariel are known) with criminal records. However, the number of visas granted from 1984-1994 never exceeded 11 222 per year (De Urrutia, 1997, pp. 52-53).

The collapse of the Soviet Union, Cuba's main economic and commercial partner, led to the implementation of its "Special Period in Time of Peace". The lack of resources to meet the public's basic needs, along with a 34.8% drop in GDP from 1989-1993 (Rodríguez, 1997, p. 51), spurred many Cubans to leave the island on homemade rafts. U.S. Border Patrol data indicate that 2 173, 2 557, and 3 656 people embarked on rafts in 1991, 1992, and 1993, respectively (Martínez, 1996, pp. 5-6).

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<sup>5</sup> Approved by the U.S. Congress, this law works in parallel with U.S. Immigration Law and provides a path for Cuban immigrants (both legal and irregular) to obtain permanent residency one year and a day after arrival in the country. Its legal precedent and ideological basis is the Walter-McCarran Act of 1952 (Martínez, 1996, p. 15).

1994 was the year of the Cuban rafter crisis. According to Brismat (2011, p. 164), in less than a month, almost 35 000 people boarded extremely fragile vessels without having any navigational skills. Irregular migration between the two countries that year continued until September, when a new immigration accord was signed in New York.

These negotiations resulted in the granting of visas through a special lottery (known in Cuba as *el bombo*), renewed focus on cases pending from prior years, a U.S. commitment to grant 20 000 legal visas (as in the 1984 agreements) to Cuban immigrants, and other measures (Brismat, 2011, p. 164). Both sides also agreed to collaborate in combating human trafficking and to have regular meetings on agreement implementation (LeoGrande & Kornbluh, 2015, p. 332).

Despite these events, the domestic landscape for President Clinton did not seem to improve. In November 1994, the Republican Party gained control of both the House and Senate, while 20 000 Cuban rafters intercepted during the crisis remained in detention at the Guantanamo Bay Naval Base. This problem led the two governments to attempt again to resolve the detainee situation and to prevent such incidents from happening again. Thus, the Joint Statement with the Republic of Cuba on Migration Normalization (LeoGrande & Kornbluh, 2015) was issued in May 1995.

Cuban refugees could still obtain permanent residency under the 1966 Cuban Adjustment Act but only if they made it to the United States. Refugees intercepted at sea would be returned to Cuba. For that distinction, the new policy became known as “wet foot-dry foot” (LeoGrande & Kornbluh, 2015, p. 336).

To comply with the agreements of the mid-1990s, by mid-2000, the U.S. government had returned more than 2 700 people captured at sea to Cuba, as well as nearly 390 people who attempted to enter U.S. territory through the Guantanamo Bay Naval Base (Aja, 2009, p. 172).

There was also irregular Cuban migration during these years to the Cayman Islands, Jamaica, the Bahamas, and the Dominican Republic. From 1985 up to the 1995 agreements, 82 500 people migrated in this manner (Aja, 2009). “The route through Central America is used as an alternative route [...] Illegal departures have increased to Honduras via the Cayman Islands; the migrants then cross the border between Mexico and the United States” (Martín, cited in Aja, 2009, p. 11).

U.S. Census data indicate that from 1960-2005, there were 946 716 Cuban-born U.S. residents; by 2010, this number was over one million (Reed, 2015). Moreover, the Center for International Migration Studies (Centro de Estudios de Migraciones Internacionales) at the University of Havana and the census conducted by the Cuban Foreign Ministry Office for Services to Cubans Abroad (Dirección de Atención a Cubanos en el Exterior) reported that as of 2002, approximately 130 000 Cubans lived in Latin America, 37 000 in Europe, and over 1 000 in the rest of the world. Table 1 shows the number of Cubans residing abroad from 2008-2012 and from 2013-2016 when the new Cuban Law of Migration took effect.

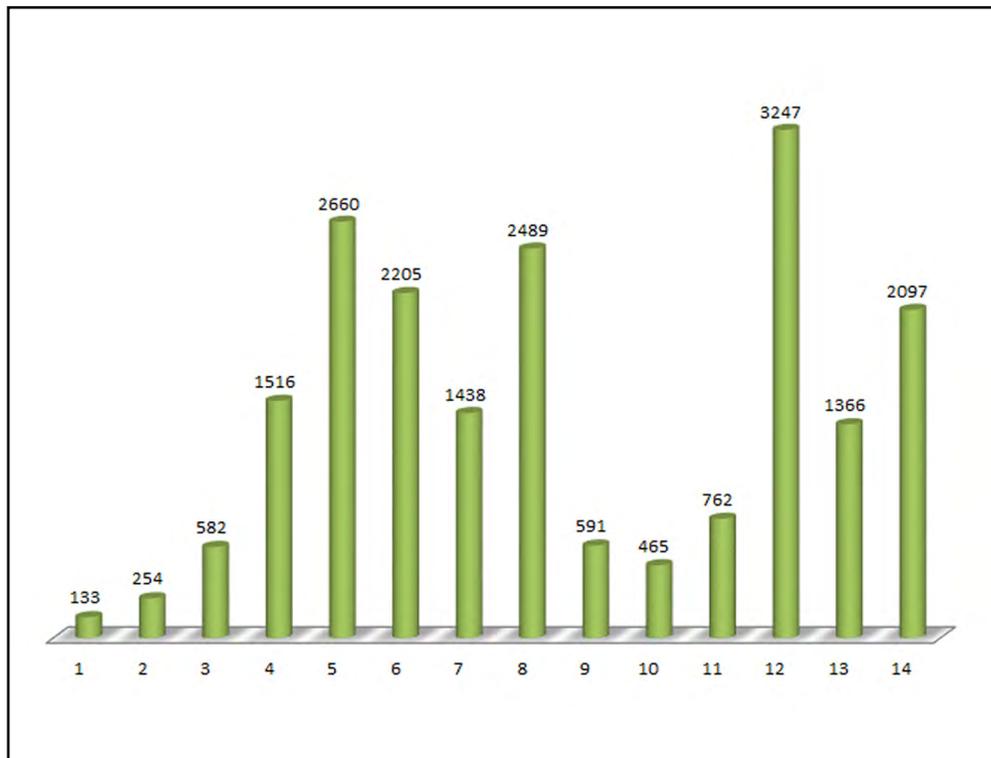
**Table 1: Number of Cubans residing abroad from 2008-2016**

Column 1	Total	2008-2012	2013-2016
Total	238 524	97 811	140 713
Temporary residency	55 424	8 619	46 805
Permanent residency	183 100	89 192	93 908

*Note.* There were 1 518 (0.6%) unknown or rejected answers.  
 Source: ENMIG database, 2016-2017 (ONEI-CEPDE, 2016).

Aja (2002, pp. 16-17) also notes that the diverse destinations are examples of traditional migration flows to these places (mainly Venezuela, Mexico and Spain), along with the existence of kinship networks. “All of this is closely related to the use of bridge countries and the actual opportunities that migrants have for moving to the United States” (Moreno, 2018, p. 57). In this respect, Figure 1 shows the number of Cubans detained in Mexican immigration centers from 2001-2014.

**Figure 1: Number of Cubans detained in Mexican immigration centers, 2001-2014**



Source: Created by the author based on data from the “Statistical Bulletins” (*Boletines Estadísticos*) published by Mexico’s Ministry of the Interior (Secretaría de Gobernación, 2018).

When George W. Bush became president, two programs were implemented that continued to encourage the flow of immigrants from Cuba. One was the CMPP program (in effect since 2006), and the other (still in effect) is the Cuban Family Reunification Parole (CFRP) program<sup>6</sup>. Regarding this, Aja comments (Aja, 2010, pp. 116-117) that from 1995-2008, less than 190 000 visas were granted by the U.S. Interests Section in Havana.

Cuban emigration was boosted in the 21<sup>st</sup> century when Decree-Law No. 302 was enacted in 2013, amending the September 1976 Law of Migration (Decreto-Ley Número 302, 2012). The provisions of this legislation relaxed requirements for Cubans leaving the country and their length of stay abroad.

According to Brismat (2011, pp. 155-156), the existing laws to protect Cuban migrants along with the lack of consistent procedures for entering the United States in a legal and orderly manner has caused immigration bottlenecks and led to irregular immigration as a way to reach the United States. This escape valve has become a mechanism for the Cuban government to control emigration because although it loses a certain degree of control, it serves to regulate the emigration that is motivated by the benefits granted by the United States.

While they are attractive to many Cubans wanting to emigrate, these U.S. laws cause damage to the Cuban demographic bonus and its capacity to multiply because most of the people who leave the country are of reproductive age.

Every year, we lose around 38 000 people. It is a very young and highly feminized group, that is, women with full reproductive capacity [...] In Cuba's demographic context, this is a dysfunctional element that does not help the country's development because it loses a young population that is, demographically speaking, highly reproductive, productive and necessary (Aja quoted in Céspedes & Fariñas, 2015).

Data from Cuba's Health Statistics Yearbook (*Anuario Estadístico de Salud de Cuba*) (Ministerio de Salud Pública, 2018, p. 23) report that the island's total fertility rate<sup>7</sup> is currently 0.77, while the average percentage of older adults in the population has risen from 12.9% in 2000 to 20.1% in 2017. The aging of the population due to emigration is also a problem for the government's medium- and long-term policies, as in a few years there will be many more senior citizens in Cuba than people of working age.

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<sup>6</sup> This program allows U.S. citizens and legal residents to apply for permission for family members living in Cuba to enter the United States. Beneficiaries may apply for work permits while they apply for legal permanent residency (Departamento de Seguridad Nacional de Estados Unidos, n. d.).

<sup>7</sup> The total fertility rate is understood as the average number of children that each member of a hypothetical cohort of women of childbearing age would have if they bore children according to the age-specific fertility rates of the study population and who lived to the end of their childbearing years (ONEI, 2017).

## Cubans in Transit through Central America: The 2015 Migration Crisis

Cuban migrants traveling by land through a country of transit<sup>8</sup> is not new, nor did it begin after 17-D. However, the data reviewed indicate a significant upsurge in this type of migration after reestablished relations between Cuba and the United States were announced. In the latter half of the 20<sup>th</sup> century, under 15 000 irregular migrants arrived in the U.S. In 2014, this rose to approximately 25 000, and in 2015, 43 159 irregular Cuban migrants arrived in U.S. territory by land and by sea (Miroff, 2015).

The *Martí Noticias* website reports that from October 2014-September 2015, 43 159 Cubans entered the United States, while only 24 278 entered the U.S. during the previous period (De Armas, 2015). According to Aja (2017), the number of Cubans arriving in the U.S. in the first quarter of 2015 was also twice the number for the previous period, although the highest peak occurred in the fourth quarter of 2015, when more than 16 000 people reached U.S. borders.

One of the routes used by those migrating to the U.S. through a third country (although not the only one) begins with a flight to Ecuador<sup>9</sup>, due to the lenient entry requirements that it began to offer in 2008<sup>10</sup>. Once in Ecuador, the migrants cross the border into Colombia where they pay a \$300 transit visa or bribe the police with the help of “coyotes” that they find along the way, according to the testimonies of those who undertook that journey. From there, migrants pay \$600 to travel by boat to Puerto Obaldía in Panama’s Guna Yala region and then hike over a mountain. There are two options for getting from that point to Panama City—boat or small plane (for \$300)<sup>11</sup>. The journey through Panama and Costa Rica is usually by bus (Luis Yoel Lamorú, 2017).

Kathya Rodríguez, Costa Rica’s Immigration Administration Director (quoted in Bravo, 2015a), indicated that Cubans arriving at its immigration stations are “deported” to Nicaragua, per the agreement with that country, in the absence of any immigration-related agreements with Cuba. “The only thing Nicaragua asks is for a legal entry process and that it be treated as a deportation” (Rodríguez, quoted in Bravo, 2015a). Once in Nicaragua, Cubans pay an \$80 transit visa and are sent to Honduras under the same legal “deportation” instrument used by Costa Rica. They then journey through Guatemala until they enter Mexico at its southern border.

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<sup>8</sup> According to the International Organization for Migration (OIM, 2006, p. 50), a country of transit is one through which a person or group of migrants pass on the journey to the country of destination.

<sup>9</sup> Due to the flight cost and duration, travel through Ecuador was one of the many migration strategies used to reach the United States. Cubans also chose to move to countries that are geographically close and that are part of the historical migration flows.

<sup>10</sup> In 2008, Ecuadorian government established the principle of universal citizenship through its open-door entry policy (Flor, 2015), which allowed nationals from various countries, including Cuba, to enter without a visa. Later, in 2014, Ecuador eliminated the requirement of a letter of invitation.

<sup>11</sup> According to Cuba’s National Statistics Office (*Oficina Nacional de Estadísticas*), average monthly wages in Cuba in 2015 were 687 Cuban pesos (CUP), or approximately \$27 dollars (ONEI, 2016). To cover travel costs, Cubans sell their property on the island or receive remittances from abroad, mainly from the United States.

According to Mexico's 2011 Law of Migration, once a Cuban citizen arrives or is detained in the country, the National Institute of Migration (Instituto Nacional de Migración-INM) has a set period of time to resolve the situation. The INM first informs the Cuban embassy in Mexico about the individual, which then forwards the information to Cuba's National Migration Office (Dirección Nacional de Migración). This office in Havana then sends an order for repatriation of the migrant (Ernesto Rodríguez, 2017). Although Cuba's vice-consul in Mexico, Abel Cubillas (vicecónsul Cubano Abel Cubillas, 2017), says that this consultation with Havana occurs after they receive the information from Mexican immigration, the fact is that the Cuban consulate often takes a long time to respond to the request or does not respond at all. Then, Mexico's INM orders these Cuban citizens to exit the country by any border within 20 days, regardless of the point of entry to Mexico<sup>12</sup> (Ernesto Rodríguez, 2017).

Cubans use this time to get to the United States, where they identify themselves as Cuban citizens and enter under the wet foot-dry foot policy; one year and a day after entry to the U.S., they are covered under the Cuban Adjustment Act. This migration path is known among experts as the "southern route".

These migration dynamics changed on November 10, 2015<sup>13</sup>, when Costa Rican authorities dismantled a human trafficking network, stranding 1 917 Cubans who were trying to reach Nicaragua. Although the Sandinista authorities had allowed a few hundred Cubans to enter a few hours earlier, they decided to return these new arrivals to Costa Rica. To block further entry, Daniel Ortega (who has had a close relationship with the Cuban government since the late 1970s) ordered the militarization of its borders and the use of tear gas and rubber bullets against those attempting to cross illegally (Villareal & Silva, 2015).

Given the growing number of Cubans arriving in Costa Rica from the south (8 000 in Costa Rica and 1 000 in Panama), the issue was taken to the Central American Integration System (*Sistema de Integración Centroamericana-SICA*)<sup>14</sup> for a solution. When reaching an agreement during the first meetings on the issue became impossible, Costa Rica's president at the time, Luis Guillermo Solís, partially suspended relations with the regional entity. After several months, more meetings, and initial rejections by Guatemala and Belize, in February 2016, the group decided to create a humanitarian bridge that put the Cubans on flights to Guatemala and then to Mexico's northern border, where the Cubans took advantage of the wet foot-dry foot policy.

Barely a year after that crisis, U.S. President Barack Obama repealed the wet foot-dry foot policy and the CMPP program in January 2017. Cuba had repeatedly requested the elimination of both policies over the years, as they believed those policies and the

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<sup>12</sup> Before 2008, according to Ernesto Rodríguez (2017), very few Cubans had been repatriated, and in most cases only due to specific requests from the Cuban government. With the signing of the 2008 Memorandum of Understanding, deportations were allowed, although with some requirements (Memorandum de entendimiento, 2008). The enactment of Mexico's 2011 Law of Migration cut short the length of time that people could be detained in the immigration centers (Ley de Migración, 2011). However, the 2015 Memorandum did not change much of what was stipulated in the previous one.

<sup>13</sup> Despite the closure and militarization of the Nicaraguan border, some Cuban migrants resorted to using "coyotes" to enter the country through unguarded mountain regions (Luis Yoel Lamorú, 2017).

<sup>14</sup> SICA was established on December 13, 1991, and is composed of Belize, Costa Rica, Nicaragua, Panama, Honduras, El Salvador, Guatemala, and the Dominican Republic. Its main objective is to turn Central America into a region of peace, freedom, democracy, and development. For more information, see [https://www.sica.int/sica/sica\\_breve.aspx](https://www.sica.int/sica/sica_breve.aspx)

Cuban Adjustment Act encouraged undocumented immigration. “We cannot forget that we are the only country on Earth whose citizens are allowed to settle and work in the United States without any type of visa” (Castro, quoted in “Por la voluntad común de la nación”, 2012).

To understand the characteristics of this situation, the differences between this migration flow and previous migration exoduses (Camarioca, Mariel, and the rafter crisis) must be determined. According to Ernesto Rodríguez (2017), while the first two migration exoduses occurred due to a bilateral conflict, the third migration exodus (the rafter crisis) occurred after reestablished relations between the two countries were announced. Unlike the previous migration crises, the 2015 migration crisis did not occur directly between the countries of origin and destination. Rather, it developed in a different regional space that involved Central America and some South American countries.

While much of the Cuban migration flow consisted of irregular travel through most of the countries along the way, it began as a regular flow because most people left Cuba in compliance with its Law of Migration and entered the host countries (Ecuador, Venezuela or Guyana) in compliance with their respective immigration requirements (MINREX, 2015). Last, the situation in Central America involves people who used these countries as a means of getting to the U.S., as well as Cubans who had been living in these countries (e.g., Mexico) and had prospects for continuing to live there. However, fearing that the benefits offered by the United States would be eliminated, they also decided to travel north in pursuit of the “American dream” (Ernesto Rodríguez, 2017).

## Nicaragua and the Origins of the Cuban Crisis

To analyze the origins of the 2015 Cuban migration crisis, one must understand why Nicaragua, alleging sovereignty issues, decided to close its border at that time, even though Cuban migrants had been entering by land routes for some time.

In 2012, the countries of the region began to better understand the new migration route through Central America. That year, Costa Rica found 50 migrants entering from Panama. The next year, there were 2,500 migrants, and then 5,600 in 2014. So far this year, right up to the conflict (November 2015), there were 13,000 migrants (Bravo, 2015b).

Cuban migration through third countries is not a recent phenomenon, nor did it start on 17-D. However, that was when the Central American region began to notice an increase in Cuban migrants traveling through. These migrants included people who had been living in countries such as Ecuador or Venezuela and those who used other countries in the region to get to North America. After the 17-D announcement, the Cuban and U.S. governments took significant diplomatic steps, including the opening of embassies,

President Barack Obama's visit to Cuba, and the signing of several communication agreements. This led many to think that these changes would continue<sup>15</sup>.

Likewise, Cuba's long-standing demand for the elimination of unilateral policies that encouraged irregular Cuban migration to the U.S. had become an important issue for achieving normalized relations by that time. Articles published in Cuba, Nicaragua and Costa Rica contended that Cubans migrated out of fear that the Cuban Adjustment Act (Bravo, 2015a) would be repealed. "It may be that people with definite migration plans rushed to make a final decision to leave after reestablished diplomatic relations were announced" (Anguiano & Machado, 2015, p. 266).

Along these same lines, *Granma* (the official newspaper of the Communist Party of Cuba) reported an increase in the number of citizens who migrated to the United States after 17-D. To inform the public about the double standards of U.S. immigration policy, the newspaper cites official data from U.S. Customs and Border Protection regarding the approximately 27 000 Cubans that crossed the Mexican border into the U.S. during the first nine months of 2015. This represented a 78% increase over the same period in 2014 (Ávila, 2015).

In this regard, Ernesto Rodríguez (2017) contends that it can only be called an immigration crisis when there is a massive increase in the number of people in a relatively short period of time. Commenting on the November 2015 situation with the undocumented Cubans after the Nicaraguan borders were closed, Rodríguez notes that:

Crises can have several origins that produce impacts related to intensity, numbers by time period, and political issues. The impacts of the 2015 crisis were an increases migration flow and massive numbers. A migration flow that had been a steady drip for years turned into a stream and then a torrent (Ernesto Rodríguez, 2017).

The combination of all these factors created the perfect scenario to trigger a crisis in Central America that would provoke an unsustainable immigration situation for all the countries involved and would lead the United States to take an important role in its resolution. Thus, as before, both governments would be forced to sit down and look for solutions, this time because of the regional implications of the crisis.

How can the scenario that the Cuban government wanted be created? The answer was Nicaragua. Why? The relationship between the two governments dates back to the late 1970s. On July 25, 1979, just days after the Sandinista Revolution triumphed, Cuba sent a plane to Managua with 90 tons of food and 60 doctors and nurses. By the end of the year, 1 000 Cuban teachers, fishing technicians, and military advisors had arrived in the country. In 1980, Cuba formalized its aid to Nicaragua through various economic, scientific, and technical assistance agreements. By 1983, there were 4 000 Cubans in Nicaragua; half were teachers, 750 were medical personnel, 1 000 were construction workers, and 200 were military advisors. In addition, Cuba donated the equivalent of \$286 million from 1979-1982, which represented 16.1% of all the foreign aid received by Nicaragua during that period. In all, Cuba sent \$64.9 million to Nicaragua from

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<sup>15</sup> In December 2015, Congressman Carlos Curbelo announced an initiative that sought to suspend the federal benefits granted to Cubans who had recently entered the U.S. (Curbelo, 2015). Similar initiatives were also presented by Representatives Paul Gosar, Henri Cuellar, and Blake Farenthold. In 2011, Congressman David Rivera also attempted to modify the laws protecting Cuban immigration (González, 2018).

1979-1987, (Domínguez, 1990, pp. 102-103). When Daniel Ortega took power in 1985 and the counterrevolutionary forces seeking to overthrow him strengthened, Fidel Castro sent military advisors to support and train his regime.

During Ortega's second presidential term that began in 2007, multiple agreements were signed in the areas of education and health. For example, the "Operation Miracle" (*Operación Milagro*) and "Yes, I Can" (*Yo, sí puedo*)<sup>16</sup> initiatives have allowed many Nicaraguans to be treated by Cuban doctors or to travel to Cuba to study or undergo medical treatment. Rosario Murillo, vice president of Nicaragua, reported that between 2007 and October 2018, 260,000 Nicaraguans had undergone eye surgery as part of "Operation Miracle" ("Compañera Rosario Murillo en Multinoticias", 2018). As of August 2018, 180 000 Nicaraguans residing in the most remote areas of the country had been taught to read and write using the Cuban "Yes, I Can" method ("Homenaje del gobierno de Nicaragua", 2018).

Currently, the Sandinista government is Cuba's main ally in the region and is also a member of the Bolivarian Alliance for the Peoples of Our America (*Alianza Bolivariana para los Pueblos de Nuestra América-ALBA*). Over the years, it has aligned with Cuba on the important issues affecting the island nation, including the elimination of the economic, commercial, and financial embargo imposed by the United States, the release of the five Cuban spies imprisoned in the U.S., and the rejection of the Cuban Adjustment Act and the wet foot-dry foot policy. According to immigration lawyer Eduardo Matías (cited in Brandoli, 2015), Cuba asked the Sandinista government for help after the United States pressured it to stop the flow of Cuban immigrants.

Thus, Nicaragua became the trigger for a prolonged migration crisis (because the Sandinistas refused to find a solution) that created an unsustainable situation for the region's governments, in terms of their economic and institutional capabilities. This led these governments to advocate for the repeal of the various benefits that Cuban immigrants enjoyed. This situation was exacerbated by the long-standing border conflict between Costa Rica and Nicaragua regarding the dredging of the San Juan River and the sovereignty of Isla Portillos, an island at the mouth of that river. The latter case was presented to the International Court of Justice in The Hague, which ruled in favor of the Costa Rican government on December 15, 2015, one month after the Cuban crisis had begun. This further raised awareness of the migrant issue among international media outlets.

As the crisis unfolded, SICA meetings were held in which the region's governments advocated for the elimination of U.S. policies that encourage Cuban immigration or, failing that, their extension to the rest of Central America. They even sent formal correspondence to U.S. Secretary of State John Kerry with this request. However, it was clear that the second option was not going to happen. The United States was not going to extend their Cuban immigration policies to immigrants from other nations, as this would undermine its own national security policy. An announcement of this magnitude would incite thousands of citizens from different countries to flood U.S. border crossings within hours to take advantage of those laws.

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<sup>16</sup> "Operation Miracle" is a joint Cuba-Venezuela health initiative for low-income people needing vision-related operations. "Yes, I Can" is a literacy program initiated by Fidel Castro Ruz when he was President of the Council of State and the Council of Ministers.

Thus, when they made this request, these countries did not expect all Latin Americans to be granted the same immigration advantages as the Cubans. Rather, they aimed for the Cubans to be stripped of these advantages, which is what effectively happened on January 12, 2017. It is important to note that Nicaragua was the first country to demand the repeal of these measures, following orders from Havana. This is evidenced by Daniel Ortega's communiqué presented by his representatives at one of the SICA meetings, in which he demanded the suspension of laws favoring Cubans that reach U.S. soil:

The Government of Nicaragua therefore demands that the Government of the United States suspend the Cuban Adjustment Act and the wet foot-dry foot policy, which have produced and continue to produce this anomalous and dangerous migration flow. This law and policy causes thousands of people to risk their lives and imposes unsustainable conditions and demands on the governments and countries through which irregular Cuban migrants travel ("Nicaragua demanda a Estados Unidos suspender la Ley", 2015).

The Nicaraguan president's communiqué stated that the Government of Reconciliation and National Unity of Nicaragua would also support "the fair and fitting demand by Cuba's government to initiate negotiations to establish a legal, safe and orderly migration mechanism that ensures the safety and rights of the Cuban citizens who travel these risky routes" ("Nicaragua demanda a Estados Unidos suspender la Ley", 2015).

It is noteworthy that on November 19 and 20, 2015, a few days after the crisis began, the Cuban Minister of Foreign Affairs, Bruno Rodríguez Parrilla, traveled to Ecuador and Nicaragua to meet with the heads of state of both nations and exchanged views on issues of bilateral and regional interest, including immigration ("Realizó canciller Cubano visita", 2015). The press release did not provide details of what was discussed at the meetings. Cuban vice-consul, Abel Cubillas (Vicecónsul Cubano Abel Cubillas, 2017), indicated that he was not authorized to provide information on the 2015 migration crisis, beyond what was officially released to the Cuban media at that time. Meanwhile, Juan Carlos Gutiérrez Madrigal, Nicaragua's Minister Counselor in its Mexico City embassy, agreed to receive the questionnaire but never answered the questions.

The crisis in Central America did not go unnoticed in the international community due to the historical Cuba-U.S. bilateral relationship and the importance of immigration for both countries. Several media outlets, governments in the region, and public figures, such as Pope Francis, spoke out in favor of a prompt solution to the situation.

All this pressure led the two countries to sit down and talk. Almost a year later, Barack Obama eliminated the wet foot-dry foot policy and the CMPP program in January 2017, just days before his term ended. Unlike the Cuban Adjustment Act of 1966 that can only be abolished by the U.S. Congress, this policy and program were both subject to presidential discretion.

The Department of Homeland Security is ending the so-called “wet-foot-dry foot” policy, which was put in place more than twenty years ago and was designed for a different era. Effective immediately, Cuban nationals who attempt to enter the United States illegally and do not qualify for humanitarian relief will be subject to removal [...] the Department of Homeland Security is also ending the Cuban Medical Professional Parole program (Obama, 2017).

This decision was welcomed by Raúl Castro’s administration, who saw their demands answered after several decades. On the same date, both countries signed an agreement in which they expressed their commitment to implement various measures for safe, legal, and orderly migration between the two countries.

Today’s Joint Statement eliminates a trigger for immigration crises. [...] it ends a policy of discriminatory double standards towards emigrants from other countries and promotes mutually beneficial regional cooperation beyond the issue of immigration (Vidal quoted in Concepción & Doimeadios, 2017).

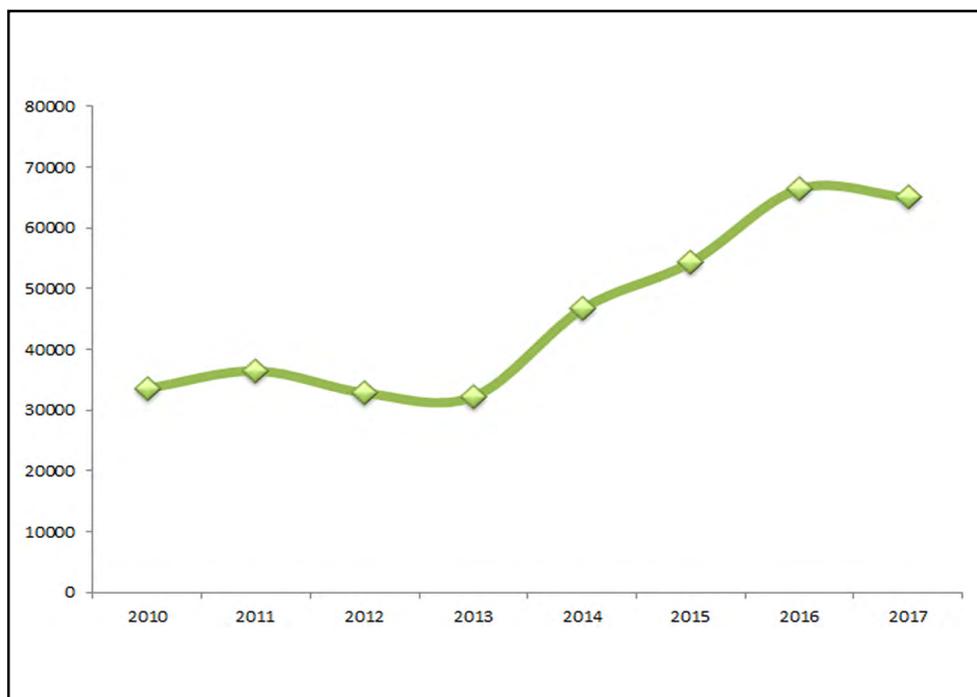
Thus, Washington pledged to grant 20 000 visas annually to Cubans (as it did in the 1984 and 1994 agreements) and to prevent and prosecute human trafficking and smuggling. Meanwhile, Havana accepted the return of 2 746 citizens who had left the country through Mariel in the 1980s and were considered ineligible to remain in the U.S. (Vidal quoted in Concepción & Doimeadios, 2017). Both countries agreed to meet periodically, as they had been doing since the mid-1990s, to evaluate the progress of the agreements.

Figure 2 shows the number of Cubans who obtained permanent residency in the United States from 2010-2017. The Cuban Adjustment Act (which allows Cubans to apply for permanent residency one year and a day after entering the U.S.) appears to be the driver for the numbers of Cubans obtaining permanent residency in 2016 and 2017, after the 2015 migration crisis when Nicaraguan border was closed.

The U.S. State Department (cited in Arias, 2018) reported that as of September 2017, only 2 057 Cubans had arrived without a visa, most of them arriving through Mexico. It also added that since the Joint Statement was issued, the number of undocumented migrants from Cuba had dropped by 64% from the prior fiscal year, while the number of migrants intercepted at sea had dropped by 71%.

After the accord took effect, the U.S. Border Patrol recorded only 60 enforcement actions with 666 participants, representing a 94% drop in enforcement actions and a 92% drop in the number of participants, compared to 2016 [...] This included only 24 departures from Cuba to the U.S. by sea, with 190 participants who were intercepted by the U.S. Coast Guard and returned to Cuba (Arias, 2018).

**Figure 2: Cubans who obtained permanent residency in the United States (Fiscal Year 2010-2017)**



Source: Created by the autor on data from “Yearbooks of Immigration Statistics” (Homeland Security, n.d.).

The data also indicate that since the accord was signed, 600 irregular migrants have been repatriated from the United States and 1 930 from other countries, including Mexico and the Bahamas. Meanwhile, as of January 12, 2018, Cuba has accepted the return of 78 citizens who the U.S. deemed ineligible for residency. This is comparable to the number of repatriated *marielitos* (Arias, 2018) who emigrated in the 1980s from Mariel Harbor, most of whom had criminal records<sup>17</sup>.

In this sense, we see how in early 2015, the Cuban migrant crisis in Central America made it possible to justify, a few months later, the adoption of important immigration changes aimed at curbing the flow from Cuba to the United States. This crisis was one of the reasons why on January 12, 2017, President Barack Obama eliminated the wet foot-dry foot policy and the CMPP program.

The past was repeated in this ongoing process of confrontation-rapprochement between the two countries: after each major Cuban exodus, important steps were taken to restrict undocumented migration to the United States. However, this time around, a third country —Nicaragua— played a decisive role in this process.

<sup>17</sup> Duany (cited in Barbero, 2015) notes that those who left Cuba from Mariel Harbor had a negative image and were viewed as the scum of Cuban society. According to Aja, Arboleya, Gómez, Quijano y Hernández (2011, p. 93), 60% of those who left the country were students, retirees or housewives, and 23% were of working age and unemployed. Moreover, 40% had criminal records for theft, robbery, and property crimes; 10% for sex crimes; and only 5% for national security crimes.

## New Trends in Cuban Migration

What has been happening with Cuban migration since Donald Trump came to power? Is the United States still the main host country for Cuban migrants? These are questions for future analysis. For now, one can say that the current U.S. president has not shown any interest in reintroducing any measures similar to the wet foot-dry foot policy or the CMPP program.

The anti-immigrant and xenophobic rhetoric that the current president has voiced since his campaign for the presidency, the several laws that he has enacted to restrict immigration to the U.S. (including the elimination of the Deferred Action for Childhood Arrivals-DACA), as well as the closer links with part of the Miami-based Cuban-American community (an important lobby for U.S. domestic policy) show that more progress in the area of Cuban immigration is not a main objective for Donald Trump in the near future.

The meetings (dating from the late 1990s) between the two governments held every six months to discuss migration issues, including human trafficking and smuggling, are likely to continue, as they have produced positive results over the years. This was again demonstrated by the meeting held in early December 2017.

However, the official process for traveling legally to the United States suffered a setback when Trump assumed the presidency and the U.S. withdrew most of its diplomats due to accusations of sonic attacks against its embassy in Havana. Now, Cubans intending to immigrate to the U.S. have to go to Guyana to apply for a U.S. visa<sup>18</sup>; other immigration procedures can be done at any consulate outside of Cuba. In addition, a March 2019 decision by the U.S. changed the B-2 multiple-entry visa (valid for five years) to a single-entry visa that allows a maximum stay of three months.

Meanwhile, following the repeal of both policies on January 12, 2017, the number of undocumented Cuban migrants in transit through Central America noticeably declined. Many Cubans were stranded in the countries they were passing through when Barack Obama made the announcement. Other migrants were returned to Cuba, as seen in the data from Mexico (Figure 3).

Thus, it is noteworthy that Daniel Ortega's administration decided to reinstitute (in late 2018 and early 2019) \$150 visas to transit the country and to increase the number of tourist entry visas issued to Cubans (according to statements by recent migrants currently in Mexico who traveled there from Panama or Nicaragua without papers) (Jorge Lahera, 2019; Laura Valdés, 2019).

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<sup>18</sup> From the initial application of this measure up to March 31, 2018, Cubans who wanted to migrate to the United States had to travel to Colombia to apply for a visa to the United States.

**Table 2: Number of undocumented Cubans arriving at U.S.-Mexico border crossings (by fiscal year)**

U.S. border crossings	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (February)
El Paso	415	685	5 018	340	394	2 673
Laredo	15 333	26 181	34 658	14 275	6 533	3 445
San Diego	1 229	1 555	1 589	600	131	77
Tucson	132	221	258	168	21	94
Total-southern border	17 109	28 642	41 523	15 383	7 079	6 289

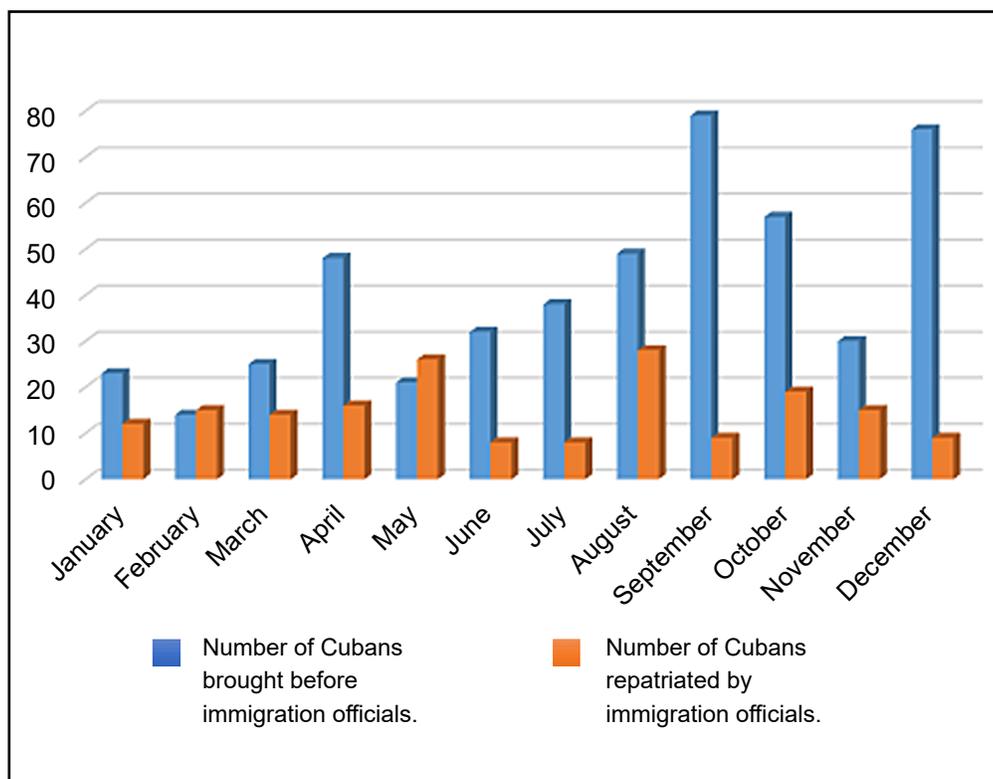
Source: U.S. Customs and Border Protection (CBP, 2019).

Regarding the migration routes to the U.S., other routes through areas other than Central America and Mexico are becoming more popular, such as Guyana, Brazil and Bolivia; Chile and Uruguay are also becoming more popular as final destinations.

## Conclusions

The irregular migration of Cubans to the United States has been historically used by the two countries as an instrument to change migration policy. After each major Cuban exodus, the two countries have sat down to dialog and have reached agreements that contributed (during their effective periods) to reducing the flow of undocumented migrants and to increasing legal migration. The 2015 migrant crisis in Central America was no exception. Nearly a year after it happened, the U.S. repealed, on January 12, 2017, some of the laws that benefited Cubans (the wet foot-dry foot policy and the CMPP program). That same day, the U.S. and Cuba issued a Joint Statement on the subject.

Figure 3: Number of irregular Cubans in Mexico in 2018



Source: Created by the author based on data from the “Statistical Bulletins” (*Boletines Estadísticos*) (Secretaría de Gobernación, 2018).

In this context, this article proposed the following hypothesis: the 2015 Cuban migrant crisis was the result of a coordinated policy by Havana and Managua to pressure the United States to take action in this area. The decades-long friendship between the Cuban and Sandinista governments was used by Cuba to trigger the migration crisis, as both countries were cognizant of the increasing number of Cubans transiting through the region (MINREX, 2015).

Nicaragua’s border closure for an indefinite period caused a gradual increase in the number of Cubans arriving in Costa Rica on their way to the United States. In the short term, this overwhelmed Costa Rica’s institutional capabilities for servicing these migrants. The Nicaragua-Costa Rica border conflicts (also within SICA) raised the international profile of the migrant crisis and increased its impact.

What followed was a domino effect. The nations involved (starting with Nicaragua) began to demand a resolution to the crisis, one that required the United States to eliminate one of the causes of the problem: the long-standing laws that benefited Cubans arriving in U.S. territory, regardless of how they got there. Due to the regional implications of the migrant crisis, the addition of several new actors not only helped resolve the conflict but also created the ideal climate for future measures.

The Central American countries, along with Ecuador and Colombia, did indeed participate in the political discussion and in changing certain measures. The Andean countries, Central America and Mexico all entered into a discussion on the subject and on what to do about it (Ernesto Rodríguez, 2017).

Just a few days before the end of his final term and less than a year after the crisis of undocumented Cubans in Central America was resolved, President Barack Obama announced the repeal of the wet foot-dry foot policy and the CMPP program. Thus, these measures announced on January 12, 2017, became another step in the process of re-establishing Cuba-U.S. relations that began on 17-D. Since then, undocumented Cuban migration traveling through the continent to the U.S. began to decrease because Cubans attempting to enter the U.S. without the required documentation were now treated like all the other irregular migrants from Latin America.

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