

Legal Guideline for Academic Travel to Cuba

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This page provides legal information for UC faculty, staff and students regarding travel to Cuba for research and educational purposes. The material provided below is limited to US restrictions imposed on academic freedom regarding travel Cuba. There are other issues such as freedom to publish and engage in academic collaboration, including the right to invite Cuban nationals to come to the United States without government interference that need to be addressed. Also, we intend to include information about Cuba's policies for US nationals and residents to engage in academic activities there and for Cuban nationals to visit the United States. We will add such information at a later date. Background: United States-based academic researchers working on Cuba-related projects are permitted to travel to Cuba under certain circumstances as determined by United States and Cuban government authorities. Similarly, Cuban scholars are permitted to travel to the United States for educational purposes as dictated and authorized by those authorities. Regulations are complex and change frequently. The information provided below are the latest we could assemble from the United States official sources. However, each UC faculty, staff or student traveling to Cuba for academic purpose should consult the latest information from the appropriate authorities in the United States and Cuba. A list of useful sources appears at the end of this guideline. Academic travel to Cuba is governed by a US trade embargo enforced by the U.S. Department of Treasury's Office of Foreign Assets Control (OFAC). In recent years, OFAC has been limiting travel to Cuba and it imposed significant new restrictions in June 2004. For an up-to-date OFAC policies visit <http://www.ustreas.gov/ofac>. To learn about travel sanctions for Cuba search for "travel transactions Cuba". For general information on sanctions, click on the "Sanctions Program" link. US nationals and residents may spend money related to travel to, from, or within Cuba only as specifically permitted under the OFAC regulations. It is illegal for American to have transactions (spend money or receive gifts) in Cuba under most circumstances. However, it is legal for Americans to have transactions (spend money or receive gifts) in Cuba if they qualify under the "general license" described below or if they apply for and receive a "specific license." OFAC often requires more than 90 days to issue specific licenses and may decide not to issue a specific license for the proposed activity. General License: A general license is one in which the terms are set forth in the OFAC regulations and which will apply to travelers without a determination or further action by OFAC if they qualify under the regulations. The following travelers are authorized, under the OFAC general license, to engage in travel transactions while in Cuba: • Journalists and supporting broadcasting or technical personnel (regularly employed in that capacity by a news reporting organization and traveling for journalistic activities). • Official government travelers (traveling on official business). • Members of international organizations of which the United States is also a member (traveling on official business). • Full-time professionals whose travel transactions are directly related to professional research in their professional areas, provided that their research 1) is of a noncommercial, academic nature; 2) comprises a full work schedule in Cuba; and 3) has a substantial likelihood of public dissemination. • Full-time professionals whose travel transactions are directly related to attendance at professional meetings or conferences in Cuba organized by an international professional organization, institution, or association that regularly sponsors such meetings or conferences in other countries. The organization, institution, or association sponsoring the meeting or conference may not be headquartered in the United States unless it has been specifically licensed to sponsor the meeting. The purpose of the meeting or conference cannot be

the promotion of tourism in Cuba or other commercial activities involving Cuba, or to foster production of any bio-technological products. UC faculty and staff whose travel to Cuba fall within the activities described above (the two last bullets) should print a copy of the OFAC general license from <http://www.treas.gov/offices/enforcement/ofac/programs/cuba/cuba.pdf>, highlight the exemption under which they travel and show it together with their UC ID card US customs officials when they return. Specific License: UC students who may want to travel to Cuba for educational or research purposes require a specific license. The Office of International Academic Activities of the University of California Office of the President (UCOP) has obtained such a specific educational license that is valid until February 28, 2007. The license could be used by students and full-time employees who travel to Cuba for educational purposes. (see, <http://www.ucop.edu/acadaff/oiaa/cubalicense.html>) There are six specific areas of educational endeavors involving travel to Cuba authorized under the UC specific license. These six areas are outlined on page 3, left column, on the OFAC summary of the Cuba sanctions available on its website: <http://www.treas.gov/offices/enforcement/ofac/programs/cuba/cuba.pdf>. Applicants for coverage under the UC specific license will need to provide information pertaining to their planned activities in Cuba, dates of intended stay, and proof of UC affiliation. They are also required to sign a "Licensee Agreement" stating that they understand, and will comply with, the provisions of the license and that they absolve UC of any possible liability in connection with their travel to Cuba. Student applicants must also obtain a brief statement of support from their faculty sponsors or advisors. Please contact Andrea Delap (adelap@eap.ucop.edu) for additional information and instructions on how to apply for coverage under the UC specific license.