



Summary of H.R. 4847

Correcting Unfair Benefits for Aliens Act of 2016 (CUBA Act)

March 2016

Congressmen Henry Cuellar (D-TX) and Blake Farenthold (R-TX) introduced the CUBA Act to ensure that Cuban nationals are treated under the same immigration policies as nationals of other countries with which the United States has diplomatic relations.

Repealing the Cuban Adjustment Act

Section 3 of the bill repeals the Cuban Adjustment Act of 1966 (P.L. 89-732) and subsequent “wet foot/dry foot” policy. The Cold War-era Cuban Adjustment Act allows Cuban citizens or nationals who reach the United States, regardless of whether they have done so legally or illegally, to remain and adjust to permanent resident status after one year. According to the “wet foot/dry foot” policy, all Cubans intercepted at sea en route to the U.S. are repatriated (“wet feet”), while those who step on American soil (“dry feet”) are eligible for preferential treatment under the Cuban Adjustment Act. This section also repeals the Cuban Liberty and Democratic Solidarity Act of 1996 (P.L. 104-114), which forbids repeal of the Cuban Adjustment Act until a democratically elected government in Cuba is in power.

Defunding the Cuban Family Reunification Parole Program

Section 4 of the bill prevents the Department of Homeland Security, the Department of State, or any other federal agency from using funds to implement or administer the Cuban Family Reunification Parole Program (CFRP). Created by a policy memorandum in 2007, the CFRP allows eligible U.S. citizens and lawful permanent residents to apply for parole for their family members in Cuba. Once in the United States, CFRP beneficiaries may apply for work authorization while they wait to apply for lawful permanent resident status.

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Ending Abuse of Refugee Resettlement Benefits by Cubans

To address rampant abuse of taxpayer dollars, Section 5 of the bill amends Title V of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), Title IV of the Personal Responsibility and Work Opportunity Act of 1996 (8 U.S.C 1501 et seq.), and Section 245A(h)(2)(A) of the Immigration and Nationality Act (8 U.S.C 1255a(h)(2)(A)) to terminate the automatic eligibility for federal benefits for Cuban nationals under the Refugee Resettlement Program.

Social Security Administration OIG Report

Since many people are living in Cuba and still collecting federal benefits such as Supplemental Security Income (SSI), Section 6 of the bill would require the Social Security Administration Officer of the Inspector General to submit a report to Congress on how it is enforcing the regulatory provision (20 CFR 416.215) that prevents anyone from collecting SSI benefits while living abroad.

Why This Bill is Necessary

For more than half a century, the U.S. has maintained immigration policies that treat Cubans differently than citizens of every other nation on earth. With the reestablishment of full diplomatic relations with Cuba, Cold War era immigration policies that afford special privileges to Cubans must end. Specifically, FAIR has called for the repeal of the Cuban Adjustment Act and the subsequent “wet foot/dry foot” policy, elimination of the minimum annual allocation of the 20,000 immigration visas for Cubans, termination of the Cuban Family Reunification Parole Program, and a commitment by Cuba to accept repatriation of criminal aliens.

While this legislation does not address repatriation of criminal aliens or the annual allocation of visas, it repeals the Cuban Adjustment Act, defunds the Cuban Family Reunification Parole Program, and terminates automatic federal benefits for Cubans under the Refugee Resettlement Program, effectively addressing the key policies that provide immediate amnesty to Cubans and rob American taxpayers of billions. Enactment of this legislation would stop the influx of Cubans at the southern border by eliminating outdated policies that incentivize migration, save billions of dollars, and restore a level playing field for those who seek to enter the country.

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