

MAY 5, 2015

U.S. DEPARTMENT OF THE TREASURY

GUIDANCE REGARDING TRAVEL BETWEEN THE UNITED STATES AND CUBA

Which individuals may be transported between the United States and Cuba by a person that qualifies for the general license to provide carrier services via aircraft or that has received a specific license to provide carrier services via commercial passenger vessel?

- Persons subject to U.S. jurisdiction who are traveling to/from Cuba pursuant to a general license under one of the 12 categories of travel listed in section 515.560 of the CACR or under a specific license from OFAC may be transported via aircraft or commercial passenger vessel between the United States and Cuba.
- Cuban nationals applying for admission to the United States, as well as third-country nationals, with a valid visa or other travel authorization issued by the U.S. government may be transported via aircraft or commercial passenger vessel to the United States from Cuba; Cuban nationals present in the United States in a non-immigrant status or pursuant to other non-immigrant travel authorization issued by the U.S. government may be transported via aircraft or commercial passenger vessel from the United States to Cuba. Cuban nationals who have taken up residence in the United States and are licensed as unblocked nationals pursuant to 31 C.F.R. § 515.505(a)(1) are persons subject to U.S. jurisdiction and may be transported to Cuba if they meet the criteria set out in the first bullet above.
- An individual, including a foreign national, who is traveling on official business of the U.S. government, a foreign government, or an intergovernmental organization of which the United States is a member or in which the United States holds observer status – including an employee, contractor, or grantee of such government or intergovernmental organization and any individual traveling on a diplomatic passport – as well as any close relative accompanying the traveler may be transported via aircraft or commercial passenger vessel between the United States and Cuba.

Section 515.572 of the CACR authorizes persons subject to U.S. jurisdiction to provide carrier services by aircraft to, from, or within Cuba, in connection with travel authorized pursuant to the CACR. This authorization does not apply to carrier services by commercial passenger vessel, which would require a specific license from OFAC. Additionally, separate authorization from Commerce Department's Bureau of Industry and Security (BIS) is required for the temporary sojourn to Cuba of both aircraft and vessels. Persons engaging in these activities may require additional authorizations by other U.S. government agencies. Persons subject to U.S. jurisdiction providing travel or carrier services pursuant to an OFAC general or specific license shall be required to retain for at least five years from the date of the transaction a certification from each customer indicating the section of the CACR, or the specific license, that authorizes the person to travel to Cuba.

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What type of cargo may a person authorized to provide carrier services via aircraft or commercial passenger vessel transport from the United States to Cuba?

Section 515.533 of the CACR authorizes all transactions ordinarily incident to the export to Cuba of items licensed or otherwise authorized by BIS. Accordingly, a person providing carrier services for authorized travelers going from the United States to Cuba may transport cargo and baggage accompanying an authorized traveler provided that the export of the cargo and baggage is authorized by BIS. Additionally, a person providing carrier services for authorized travelers going from the United States to Cuba may transport other cargo or unaccompanied baggage whose export to Cuba is licensed or otherwise authorized by BIS. See § 515.533.

The exportation of information and informational materials, as defined in section 515.332 of the CACR, to Cuba from the United States is exempt from the prohibitions of the CACR.

What type of cargo may a person authorized to provide carrier services via aircraft or commercial passenger vessel transport directly from Cuba to the United States?

Under the CACR, an authorized traveler departing Cuba for the United States may carry as accompanied baggage:

- For persons subject to U.S. jurisdiction, up to \$400 of merchandise acquired in Cuba for personal use, of which up to \$100 may be alcohol or tobacco products.
- For foreign nationals, any Cuban-origin goods other than alcohol or tobacco products, provided that such goods are not in commercial quantities and are not imported for resale, as authorized by 31 CFR § 515.569, and up to \$100 in alcohol/tobacco products acquired in Cuba for personal use (see note to 31 C.F.R. § 515.569).
- All travelers may carry goods produced by Cuban entrepreneurs as authorized by 31 CFR § 515.582 and the State Department's 515.582 List (available at www.state.gov/e/eb/tfs/spi).
- For a traveler who left the United States for Cuba and is now returning to the United States, any items the traveler temporarily exported to Cuba pursuant to a BIS license or other authorization.

Additionally, persons authorized to provide carrier services via aircraft or commercial passenger vessel may transport from Cuba to the United States cargo, other than accompanied baggage, the importation of which has been authorized by general or specific license, as well as by any other relevant U.S. Government agency.

The importation of Cuban-origin information and informational materials, as defined in section 515.332 of the CACR, is exempt from the prohibitions in the CACR.