



## Analysis of Revised Cuba Travel Regulations

November 9, 2017

On November 8<sup>th</sup>, 2017, the U.S. Department of the Treasury published FAQ's and guidelines that change the rules related to legal travel to Cuba. Those guidelines became regulatory on November 9<sup>th</sup>, 2017 when they were published in the Federal Register. This document serves to provide an analysis and overview of the updated rules, and to explain and how they affect the typical U.S. citizen seeking to travel to Cuba. The intent of this document is to help the reader understand the new guidelines, to answer questions, and to apply the new rules to common travel scenarios.

The new guidelines reviewed and referenced in this analysis can be viewed and downloaded directly from these official U.S. government websites:

- [11/8/2017 – U.S. Department of the Treasury Resource Center Regarding Cuban Assets Control Regulations](#)
- [11/8/2017 – U.S. Department of the Treasury FAQ Related to Cuba](#)
- [11/8/2017 – U.S. Department of the Treasury Fact Sheet Pertaining to the Regulatory Amendment](#)
- [11/9/2017 – 31 CFR 515 / Federal Register / Vol. 82, No. 216 / Rules and Regulations](#) (PDF 238k)

Cuba Handling founder Eric Norber was present in Havana, Cuba on June 16<sup>th</sup> for President Trump's announcement of the proposed regulatory changes. Effective November 9<sup>th</sup>, 2017, those proposed changes have now taken effect. After a careful review of the new regulations and the official guidance from the U.S. Department of the Treasury, we offer the following observations and analysis.

- U.S. citizens seeking to travel to Cuba may still do so. Anyone wishing to travel to Cuba must do so pursuant to one of 12 categories of travel that qualify for a General License for legal travel to Cuba. For most U.S. citizens, their travel will likely qualify under one of the 12 categories of General Licenses.
- People seeking to operate businesses or invest in real estate in Cuba will not be authorized under one of the 12 categories of General Licenses, and will be required to apply for a Specific License for travel to Cuba that addresses their unique purpose of travel.
- One of the categories of authorized travel that existed previously, called the Individual People to People General License, has been eliminated. Prior to its elimination, U.S. citizens could, generally speaking, organize much of their own travel to Cuba independently, and would self-certify via a signed affidavit that their activity in Cuba was compliant with the guidelines of that category. The elimination of this category means that U.S. citizens can no longer organize their own travel to Cuba.
- A new category, called the Group People to People General License, was expanded and allows U.S. Citizens to travel to Cuba under this category, so long as:
  - The travel is organized and sponsored by a U.S. sponsoring organization that is licensed to offer legal travel to Cuba
  - The passengers must have a representative of the sponsoring organization accompany them while in Cuba
  - The purpose of travel and activities in Cuba must be consistent with the guidelines related to this General License for Group People to People Educational Exchanges

Cuba Handling is a licensed organization that can sponsor and create legal Group People to People itineraries in Cuba. That said, some U.S. citizens seeking to travel to Cuba may not wish to have a representative of the sponsoring organization accompany them while in Cuba, and in that case, this may not be the best license category to consider.

- Another license category, called Support for the Cuba People General License requires that U.S. citizens traveling to Cuba be engaged in activities that will help support and foster independence for the Cuban people. Many activities will qualify for this category of license (ie: dining in privately owned restaurants, meeting Cuban people and having direct interactions and discussions, supporting Cuban artists and musicians, etc.).

Cuba Handling can also organize legally compliant itineraries in Cuba under the General License for Support for the Cuban People. Under this category, a representative of the sponsoring organization is not required to accompany the travelers while in Cuba, but the travelers are required to maintain an itinerary that is compliant with the guidelines for this category of travel.



Under the new regulations, responsibility for the legality of itineraries has shifted from the individual traveler to the sponsoring organization that creates the itinerary in Cuba. All U.S. citizens seeking to travel to Cuba should utilize the services of an authorized, sponsoring organization to create a legal and compliant itinerary in Cuba.

Pilots, flight crews, etc., are still fully able to travel to Cuba, provided they are transporting passengers who are engaging in a legally compliant itinerary in Cuba, under one of the 12 categories of General Licenses. Flight crews and aircraft operators bear no responsibility or liability related to the passengers' actual conduct in Cuba.

Commercial air travel remains unchanged. Passengers may purchase airline tickets to fly to Cuba, but must now work with an authorized U.S. sponsoring organization to obtain an itinerary for their legal activity once in Cuba.

The U.S. Department of the Treasury has issued a list, called the Cuba Restricted List, that names businesses owned by the Cuban military (or related entities). U.S. citizens may not enter into direct financial transactions with any of the businesses on the list. For example, a U.S. citizen may not enter a hotel on the restricted list to purchase a beverage in the lobby, or make a reservation directly. However, a U.S. citizen may request lodging from an authorized sponsoring organization, and the lodging may be in a hotel that is on the restricted list – as long as the U.S. citizen does not enter into a direct financial transaction with that business. U.S. citizens should obtain a copy of the list of Cuba Restricted List (available by clicking [HERE](#)), and should be careful not to patronize these businesses via direct financial transactions either during their planning or while in Cuba.

It should be stated that travel to Cuba for purely tourist activity was not permitted previously, and is still not permitted. Any U.S. citizen seeking to travel to Cuba should contact an authorized U.S. organization that sponsors legal travel to Cuba to discuss and obtain a legal itinerary.

Please review the Q&A below. If you have further questions, please contact a Cuba Travel Advisor at 1-844-JET-CUBA.



## Q&A related to the new published regulations

- Is travel to Cuba legal?
  - Yes – 100%. You must ensure that your trip is in compliance with newly revised regulations to ensure that the purpose of your trip and your activities in Cuba meet the U.S. requirements.
- Can I, my group, or my family still travel to Cuba?
  - Yes – 100%. You must now organize your itinerary using an authorized U.S. organization that offers legal travel to Cuba under one of the 12 categories of General Licenses for travel to Cuba.
- What record-keeping requirements will I have?
  - The U.S. Department of the Treasury now requires that all travelers to Cuba maintain copies of their legal itineraries, and maintain records of all of their transactions related to authorized travel to Cuba for 5 years after the date they occur. The U.S. Department of the Treasury may request to review those documents and records. If a U.S. citizen who traveled to Cuba is found to have been engaged in unauthorized activity or transactions, they could be subject to legal enforcement actions.
- Can I book my own hotels?
  - Generally speaking, no. U.S. citizens are now required to utilize the services of an authorized U.S. sponsoring organization to organize all of their itinerary content in Cuba.
- Can I stay at a hotel on the Cuba Restricted List?
  - U.S. citizens may not enter into direct financial transactions with any business on the Cuba Restricted List. However, indirect transactions (made by a third-party) are permitted.
- How much advance notice is required to plan a legal itinerary to travel to Cuba?
  - Generally speaking two- to four-weeks at a minimum, depending on the complexity of your trip.
- Can I fly on a private plane to Cuba?
  - Yes – as long as your complete itinerary in Cuba has been organized by an authorized U.S. organization that offers legal travel to Cuba under one of the 12 categories of General Licenses for travel to Cuba.
- Can I fly by commercial airline to Cuba?
  - Yes – as long as your complete itinerary in Cuba has been organized by an authorized U.S. organization that offers legal travel to Cuba under one of the 12 categories of General Licenses for travel to Cuba.
- Can the pilots and a private aircraft remain in Cuba during my visit?
  - Yes – as long as the passengers they are carrying are engaging in an itinerary in Cuba has been organized by an authorized U.S. organization that offers legal travel to Cuba under one of the 12 categories of General Licenses for travel to Cuba.
- If we travel under the newly revised Group People to People General License, how do we comply with the requirement that we are accompanied by an agent of the organization that is sponsoring our trip?
  - Cuba Handling has a full-time staff located in Cuba that can meet this requirement. Our staff can also serve as your expert guides, etc.
- Can I organize and book my own hotels, tours and itinerary as an individual who is traveling to Cuba?
  - No – the license for individual travel to Cuba has been eliminated. Under the new regulations, you must work with an authorized U.S. organization that offers legal travel to Cuba under one of the 12 categories of General Licenses for travel to Cuba.
- What are the main differences now that the new regulations have been published?
  - Your itinerary must be planned and organized by an authorized U.S. organization that offers legal travel to Cuba under one of the 12 categories of General Licenses for travel to Cuba, such as Cuba Handling.
- Can Cuba Handling organize my trip to ensure it is legal?
  - Yes – 100%. Cuba Handling is an authorized U.S. sponsoring organization that provides fully legal itineraries to Cuba. We can create trips that comply with several license categories, including Group People to People Educational Exchange, Support for the Cuban People, Professional Meetings, Sporting or Artistic Performances, or Private Foundation travel to Cuba.

**For any other questions you may have about legal travel to Cuba, please speak with one of our Cuba Travel Advisors by calling 1-844-JET-CUBA.**