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August 18, 1986

NATIONAL SECURITY DECISION
DIRECTIVE NUMBER 235

STRENGTHENING U.S. POLICY TOWARD CUBA (S)

It is the policy of the United States to address unacceptable Cuban behavior by tightening the Cuba embargo, strengthening its enforcement, and reducing illegal Cuban migration to the United States. Cuba continues vigorously to challenge U.S. policy interests by military support of Nicaragua and aid to leftist revolutionaries in the Western Hemisphere. It is also working against a peaceful settlement in southern Africa that would involve the removal of its forces from Angola. Since the start-up of Radio Marti on May 20, 1985, Cuba has accentuated confrontation with the United States Government and its leaders. Cuba is obsessively promoting a moratorium on payment of foreign debt by Latin American countries, seeking thereby to enhance its own influence in the region and to exacerbate regional political and economic problems. Cuba refuses to take back the Mariel Excludables, despite earlier agreement to do so, and has reiterated that it will not do so as long as Radio Marti is on the air. Cuba refuses to permit immigrants or refugees to travel directly to the United States, forcing them (or their relatives in the United States) to pay substantial bribes in order to migrate to the United States through third countries. A coordinated and comprehensive set of measures, including regulatory and enforcement action, is necessary for an effective United States response to this situation. (S)

-- To address the problems created by Cuba's suspension of normal migration and to enhance efforts to obtain Cuban agreement to restore normal migration procedures:

- (a) The Secretary of State, the Attorney General and the Director of the Office of Management and Budget are instructed to expedite preparation of a proclamation invoking Section 212(f) of the Immigration and Nationality Act to restrict processing of immigrant visas for Cuban nationals who depart Cuba after the date of the presidential proclamation to be issued to carry into effect this directive. (S)

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- (b) The Secretary of State and the Commissioner of the Immigration and Naturalization Service are instructed to prepare to announce at the same time as the presidential proclamation a limited, quality-oriented refugee program at the U.S. Interests Section in Havana, permitting long-term Cuban political prisoners and ex-prisoners (i.e., those who have served at least ten years for political acts) and their families to travel initially at U.S. Government expense directly from Cuba to the United States. In the event Cuba accepts the program, Cuban refugee processing at all posts other than Havana will be limited thereafter to extraordinary cases as determined by the Secretary of State and the Attorney General. A plan of action prepared by the Department of State and the Immigration and Naturalization Service should be forwarded to the National Security Council by September 15, 1986. (S)
- (c) The Secretary of State in consultation with the Attorney General shall maintain the existing suspension of immigrant visa processing (other than of immediate relatives of U.S. citizens, i.e., parents, spouse and unmarried minor children, and returning U.S. residents) and refugee processing (except as authorized herein) in Havana, and of the prohibition on entry as nonimmigrants of Cuban Government and Communist Party officials, as provided in Presidential Proclamation No. 5377 of October 4, 1985. (S)
- (d) The Secretary of State shall continue diplomatic efforts to restore the December 14, 1984 agreement on normal migration procedures with Cuba, coordinating with the Attorney General, recognizing that the measure cited in paragraphs (a), (b) and (c) above could be modified if Cuba removed its suspension of the agreement. (S)

-- The Attorney General and the Commissioner of the Immigration and Naturalization Service, in coordination with officials of the Department of State, the Federal Bureau of Investigation and other appropriate federal

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agencies, are instructed to prepare a plan of action to apprehend and prosecute individuals involved in the illegal migration of Cubans to the United States through third countries. The plan of action should be forwarded to the National Security Council by September 29, 1986. (S)

- The Department of State will pursue ongoing efforts in COCOM to strengthen multilateral controls on exports of sensitive technology and munitions to Cuba. A plan of action should be forwarded to the National Security Council by September 15, 1986. (S)
- The Department of the Treasury and the Department of Commerce are instructed to revise, amend, clarify and update the Cuban Assets Control Regulations and the Export Administration Regulations and procedures thereunder, as appropriate, to reflect current U.S. policy toward Cuba. In order to reduce Cuba's ability to abuse humanitarian exceptions to the U.S. embargo and particularly to obtain hard currency or other items or services of value which contribute to Cuba's export of subversion, the regulations should be modified as follows: (S)
 - 1(a) The Department of the Treasury shall modify the existing general license for transactions relating to family visitation travel to and within Cuba to condition licensing of such transactions on the prior filing with the Department of the Treasury of a notice indicating that the traveler's purpose in visiting Cuba is family visitation and that the traveler has not visited Cuba within the past twelve months. The draft regulation should be forwarded to the National Security Council by September 25, 1986. (S)
 - (b) The Department of the Treasury shall modify the existing general license for family remittances to nationals of Cuba:
 - (i) To authorize remittances of no more than \$1,200 per year;
 - (ii) to condition such general license on prior filing with the Department of the Treasury of a notice specifying the amount to be remitted and total amount remitted to the payee during the past twelve months. The draft regulation should be forwarded to the National Security Council by September 25, 1986. (S)

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- 2(a) The Department of Commerce shall modify the existing general license, designated "GIFT," to authorize the export to Cuba of no more than one \$200 gift from the same donor to the same donee in any one month. Specific authorization to exceed this limit can be granted on a case by case basis to meet compelling humanitarian concerns (e.g., gifts of medicine to relatives). (C)
- (b) The Department of Commerce will increase monitoring and enforcement to ensure compliance with licensing requirements for gift shipments to Cuba. This will include improved documentation and verification of commodities shipped, including the dollar value and frequency of shipments, as well as procedures for ensuring that shipments reach the intended donees. (C)
- 3(a) The Department of the Treasury shall require a specific license for individuals or entities engaging in secondary transactions related to travel to and within Cuba. This includes all transactions which are performed by persons other than those who are, in fact, traveling to Cuba, such as transactions by travel agencies, airlines, and non-profit organizations which promote or arrange travel to Cuba. Application procedures should require the filing of sufficient information to permit U.S. Government agencies to determine that the applicant is in full compliance with U.S. laws and regulations implementing our Cuban embargo (particularly regulations regarding transactions related to travel for purposes of professional academic research). Licenses may be issued on a yearly basis, with quarterly reports, provided the applicant meets these criteria. (C)
- (b) In addition, licenses will only be granted if the applicant does not participate in discriminatory practices of the Cuban Government against certain residents and citizens of the United States, such as charging discriminatory rates for air travel or requiring payment for services not desired or utilized by certain categories of travelers, based on race, color, religion, sex or national origin. (C)
- (c) The Department of the Treasury shall require a specific license for individuals or entities engaging in secondary transactions related to the

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transfer of family remittances to Cuba. This includes transactions by forwarding services and other organizations acting on behalf of individual donors. Application procedures and licensing policies should follow those for secondary transactions related to travel to and within Cuba. (S)

- The Department of the Treasury is also instructed to update comprehensively its list of Specially Designated Nationals of Cuba to include those third-country firms which operate on behalf of or are owned or controlled by Cuba. Provision should be made for the widest distribution of the list, including to appropriate trade associations and chambers of commerce. The updated list should be forwarded to the National Security Council by September 29, 1986. (S)
- The Treasury Department, in coordination with the intelligence community, the Departments of Commerce, Justice, Defense and the Federal Aviation Administration, is instructed to prepare a plan of action to increase substantially enforcement of the embargo and prosecution of violators, especially of unauthorized airplane flights between Cuba and the United States. The plan of action should be forwarded to the National Security Council by September 29, 1986. (S)
- The Office of Management and Budget, the Department of the Treasury, and the Department of Commerce, in coordination with the Department of State, shall identify additional resources to be made available to implement this policy. (S)
- The Secretary of State, in coordination with officials of appropriate agencies, is instructed to prepare a plan of action to approach governments of third countries where Cuban front companies are located in order to secure their cooperation in restricting the illicit activities of these companies which harm our migration and embargo policies. (S)

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Ronald Reagan

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