

THE OPEN VEINS OF CUBAN MIGRATION: ECONOMIC
AND REFUGEE POLICY EN NUESTRA AMÉRICA

by

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The Americas can be observed as an active conflict zone, both by armed violence and economic violence. Through a framework of conflict analysis between the United States and Cuba, this research aims to answer the following questions: What are the historical, geopolitical and economic factors that shape the ongoing conflict as well as the migration and refugee policies between Cuba and the United States? What are the effects of these policies in the lives of Cuban migrants? These questions allow for an exploration of the stark contradictions between economic and migration policies in the region between these key sending, transit, and receiving states. On the one hand, Cuba has experienced the longest and most severe economic sanctions by the U.S. embargo, currently lasting 56 years and continuously causing indirect violence in the form of restricted access to medications and resources. On the other hand, Cubans have been the only nationality in the world that the United States permits automatic refugee status upon arriving to the United States. The increase in Cuban migration from 2014-2017 is politically connected to, and even a result of relations “normalizing” between the United States and Cuba. I will explore how the United States migration policies function to turn refugees into migrants in what can be called a “manageable labor cycle.”

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Introduction

Cuba nos une en extranjero suelo,
Auras de Cuba nuestro amor desea:
Cuba es tu corazón, Cuba es mi cielo,
Cuba en tu libro mi palabra sea.

-José Martí.

It was a blistering and dry afternoon in the summer of 2017 in a small, conservative town north of Thessaloniki, Greece. A couple with two kids opened their current home, a one room apartment on the edge of town, to four students to join them for tea. Sitting together over tea would soon turn in to hours of tea, lunch, and dessert. This family was from Iraq, and the father, who was previously the CEO of an Iraqi company, was violently threatened to turn over all of his assets. Their house was bombed and destroyed, now only a pile of grey rubble, as he displayed on his smartphone for the students to see. At that point, they had already spent years in Greece, waiting for family reunification to Germany, where their other daughter was living with an uncle. They apologized that the apartment was so small and explained that the kitchen in their old house was the size of this current apartment all together. They repeated many times how grateful they were to have the opportunity to host guests in their home, since it was an activity they had done daily in Iraq with neighbors and family. They mentioned frequently how deeply they missed hosting and spending time with others over tea and that they wished they could have been hosting in their old home. After hours of conversation over what seemed like an endless amount of food and desserts, the father said a simple phrase on his thoughts about refugees. With his wife standing beside him, he said, “while there

is still *one* drop of oil in my country, there will be war.” He went on to explain that while there is war, he and his family would remain, either waiting or relocated, as refugees. With war comes displacement of people and refugee policies attempting to respond. Although our conversation referenced a conflict from a completely different region, his particular comment pushed me to consider the parallels of economic interests, displacement, and migration in Latin America, the topic of my ongoing research.

After studying international migration in the Americas, the work of other academic researchers as well as conversations with colleagues initially compelled me to ask and respond to necessary questions of how to ensure the protection of the rights of refugees. However, in the process, it became clear that the protection of abstract, procedural rights is continuously deficient, necessitating a critique of the structures that perpetuate the displacement of people, who in effect, become refugees. The general political ideology that shapes the United States immigration and refugee laws are restrictionist and exclusionary. In my personal context, I grew up on the West Coast, observing the criminalization of immigrants and the impacts of mass deportations. In my studies, I saw an ethical dilemma in the contradiction between the violence that Central American and Haitian migrants faced when crossing Mexico to the United States and attempting to seek asylum from persecution and violence in their home countries and the automatic refugee status given to Cubans making the same journey.

My research process revealed the necessity of historical analysis when seeking to understand and respond to *any* conflict. Such historical analysis frames the root ideologies and legal structures of both the United States as a nation-state, as well as the undeniable

design of colonialism and imperialism throughout the Americas. Without analyzing to the root causes of displacement of people from their land, the cycle of demanding that the human rights of refugees be protected struggles to create structural results. Such structures are upheld by the power of resources and property to shape policy decisions. This research aims to identify and analyze how ideological and structural defense of economic and political power behind re-creating and protecting private property relates to refugee *and* asylum policy, including how it impacts displacement of people due to structural cycles of violence.

Thus, through a framework of conflict analysis between the United States and Cuba, this research aims to answer the following questions: What are the historical, geopolitical and economic factors that shape the ongoing conflict and the migration and refugee policies between Cuba and the United States? What are the effects of these policies in the lives of Cuban migrants? These questions provide an exploration of the stark contradictions in economic and migration politics in the region between these key sending, transit, and receiving states.

The most recent increase in Cuban migration, from 2014-2017, is politically connected to diplomatic relations “normalizing” between the United States and Cuba. Although the term “normalizing” can be misleading. It can more accurately be described as the renewal of overt and public diplomacy, as covert or “back-channel” diplomacy continued throughout the previous decades. In fact, some reported that so called “normalizations” between the United States and Cuba has not changed anything of significance within the country, but has only increased emigration, or those leaving the

island. As a result of the overt diplomacy and normalization process between Raul Castro and Barack Obama, starting in December of 2015, many Cubans were rapidly leaving Cuba for the United States in order to arrive before the Cuban Adjustment Act could be eliminated.

This migration phenomenon has brought new diversification of migration routes and an amplification of social networks. The characteristics of this new migration pattern illustrate that the demographic of those most recently emigrating from Cuba have financial and social capital, as a trip in total will cost between 10-15 thousand USD. Some Cuban migrants flew to countries like Ecuador¹ with a tourist visa and then either flying to the United States or taking buses through Central American countries and Mexico to get to the United States. Others pay thousands of dollars to be smuggled between Miami Cuban American gangs and the Mexican drug gangs. The array of costs to traverse Central America and Mexico to get to the United States should not be normalized or taken for granted as a natural aspect of migration.

Despite the peculiarities of the Cuban economic and political system, it is not possible to escape the severities of the global capitalist economy, even when there is a lack of personal fulfillment, generated by the obstacles of their own system, is shown as a vital motivation of migrants... The transnational social spaces accompanying the same development of modernity associated with capitalism. The migratory movements form part of this reality more than ideological viewpoints/perspectives (Moreira Seijos, 371).

Despite their categorization as economic migrants searching for increased opportunity, the Cubans emigrating from the island from 2014-2017 are highly educated professionals of the middle, working class, and are generally not the poorest in Cuban

¹ Ecuador initially played a major role in the start of many current Cuban migrants' transition by offering many easily obtainable tourist visas.

society. While Cubans have access to high-quality and free education from elementary school to postgraduate studies and specializations, many educated and trained professionals need to have multiple jobs to support their families due to the lack of financial capital throughout the Cuban economy. It is common for highly skilled professionals to work in tourism sectors, particularly because of the dual currency with a much higher rate that foreigners must use when on the island. Due to this factor, the Cuban government has continuously called for reforms to the U.S. preferential immigration laws pertaining to Cubans because it results in a “brain drain” of their society and economy as well as a dangerous and undocumented migration journey.

It is precisely this contradiction where the central questions of this research develop: the contradiction between the United States’ violent economic policies that most severely impacts Cuban citizens, often causing displacement, and the subsequent preferential refugee policies toward Cuban migrants upon arriving to the United States. On the one hand, Cuba has experienced the longest and most severe economic sanctions than any other country by the U.S. embargo,² currently lasting 56 years, causing indirect violence in the form of restricted access to medications and resources. On the other hand, Cubans are also the only nationality in the world that the United States has provided the exceptional privilege of automatic refugee status upon arriving to the United States.

² “The economic sanctions against Cuba by the United States are applied extraterritorially and thus affect the citizens and companies of third countries. For this reason, Cubans call the state of siege imposed by Washington a ‘blockade,’ an operation designed to cut off completely all supplies and not simply an ‘embargo,’ which is an administrative measure or legal barrier aimed at preventing the movement of goods from one country to another... In 1916, Woodrow Wilson underscored the international legal standard of blockades. He said, “The United States does not recognize the right of any foreign power to impose barriers to the exercise of the commercial rights of non-interested nations, by using the blockage when there is no state of war.” “Officially, the United States to this day has never been at war with Cuba, including the military intervention in the island in 1898, because the enemy at the time was Spain” (Lamrani, 56).

While there are a wide variety of economic and commercial sanctions on Cuba, there are also a multitude of U.S. policies that enable and encourage the emigration of Cubans, specifically working, educated professionals.

The United States government's preferential refugee treatment of Cubans compared to other nationalities from Latin America is also reflected in the response of other governments and people in the region. For example, Guatemalans who are fleeing extreme cases of femicide, organized violence, and violent identity-based discrimination have had their asylum requests accepted at a rate of 1.8% since the 1980s and are labeled by United States government entities as 'merely economic migrants.' Overall, the United States rejects 50% of asylum seekers. Cubans leaving the island primarily for economic opportunities have received an automatic, federally sanctioned status of "refugee" as well as benefits such as work visas, healthcare, higher education scholarships, and eligibility to gain citizenship after residing in the United States for a year and one day.³ Following such contradictions in refugee policy for different nationalities, this research focuses on Cuban migrants as they pass *through* Central America and Mexico, encountering rejection, violence, and extortion, but also facilitation and privileges through laws and social networks. Looking at the regional relations and responses of both governments and

³ Access to Refugee Assistance: Cubans, as presumed refugees, have immediate access on arrival to federal welfare benefits, including: TANF (cash welfare), SNAP (food stamps), and Medicaid. Cubans are also issued a work permit and a Social Security number.¹⁷ Last year, the *South Florida Sun Sentinel* newspaper published an investigative series on the islanders' systematic abuse of these benefits. Access to these benefits creates a significant incentive for Cuban migration to the United States.

<http://cis.org/Growing-Numbers-of-Cuban-Migrants-in-the-United-States#18>

The original Cuban Adjustment Act of 1966 allowed Cubans to become permanent residents if they had been present in the United States for at least 2 years. The Immigration and Nationality Act Amendments of 1976 reduced this time to one year.

people reveals some of the economic and political interests behind the discrepancies in the discursive, procedural, and humanitarian response to immigrants in the Americas and specifically in the United States.

There are underlying political and economic interests on the part of the U.S. for restricting legal immigration from the island but encouraging perilous transcontinental immigration. Such political choices can mislead and manipulate Cuban individuals who decide to migrate as well as exclude migrants from other nationalities from protection. These underlying political and economic motives can begin to be questioned by asking: why does U.S. government only provide a very limited number of visas to Cubans to travel to its country, but allows any Cuban – who has first experienced dangers such as human trafficking, extortion, robbery, narco-gang based violence and political attack from other countries' governments by migrating by land – to *then* receive automatic asylum and a fast-track to citizenship?

There are three concepts that carry and structure my analysis and argument of the conflict between the United States and Cuba that need to be defined: violence, neoliberalism, and property. As a central pillar to my research, violence and economic violence must be defined. Rooting back to Middle French c1370 the word *violence* means “to inflict harm, injury, or damage on; to restrict, constrain, or alter unnaturally” (Oxford English Dictionary). Understanding the etymological use of this word, *violence*, frames the way in which we can begin to associate how economic policies such as the embargo on Cuba, or more generally historic and ongoing colonialism and neoliberalism, materialize into violence. More insidious than violence in a physical sense, is the

constraint and restraint carried out by the rule of law. Such violence, particularly economic, which encompasses war and climate related violence, in fact creates the means for displacement of people. Hence, why I research the economic and migration policies between the United States and Cuba through historical conflict analysis.

Neoliberalism, like liberalism, is “inseparable from the workings and class dynamics of the capitalist system.” It “signifies a particular regime of liberalism, capitalism, and democracy that has been globalized since the 1970s... a historical regime of capitalism...” (Phelan, Dawes). In the context of economic violence and migration or displacement, Tanya Golash-Boza’s theoretical framework of the neoliberal cycle has informed my understanding and utilization of neoliberalism:

The neoliberal cycle refers to the interconnected aspects of neoliberal reforms implemented in the United States and abroad. These elements include outsourcing; economic restructuring; cutbacks in social services; the enhancement of the police, the military, and immigration enforcement; and the privatization of public services. Neoliberal reforms generally involve cuts to government funding—with the notable exception of the military and law enforcement—and are designed to integrate countries into the global economy. These reforms constitute a cycle insofar as they lead to and reproduce one another. This cycle of restricted labor mobility and deportation is crucial to the maintenance of global apartheid—a system where mostly white and affluent citizens of the world are free to travel to where they like whereas the poor are forced to make do in places where there are less resources (Nevins and Aizeki 2008). Global apartheid would not be feasible without deportation, as deportation is the physical manifestation of policies that determine who is permitted to live where (Golash-Boza, 2-3).

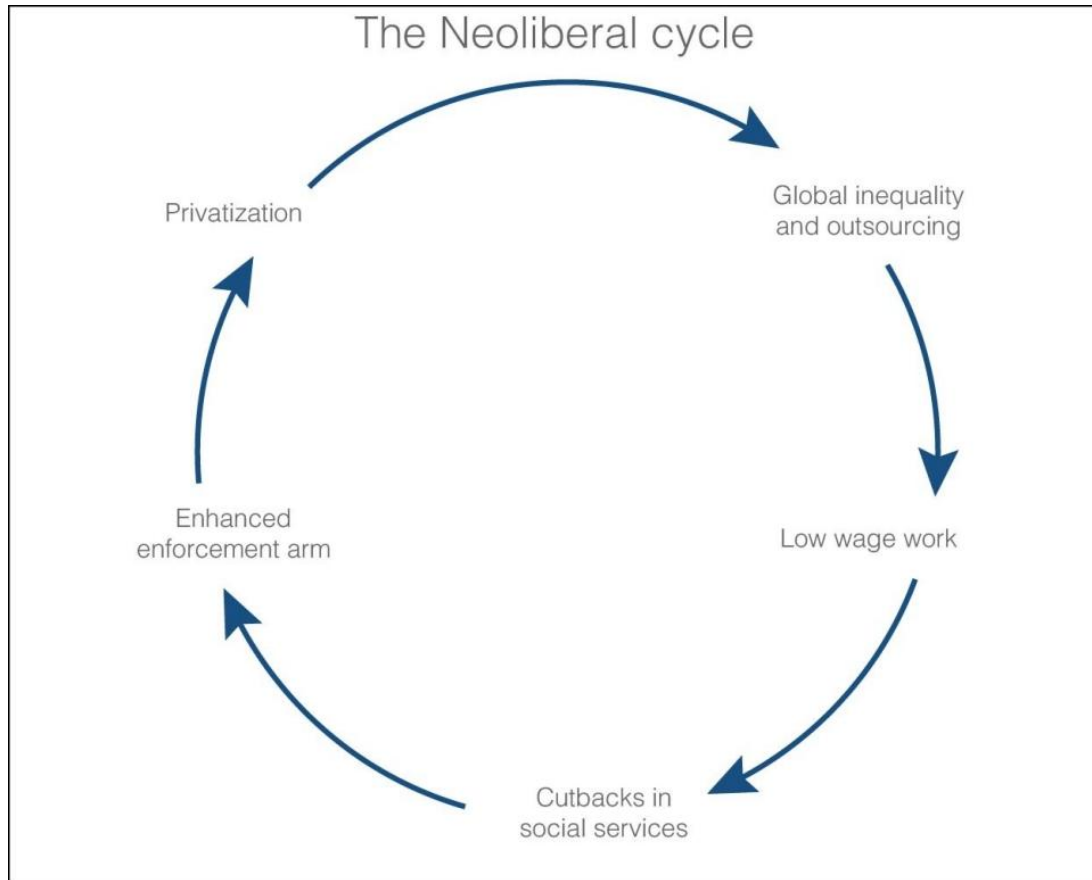


Figure 1: “The Neoliberal Cycle” from *Deported: Immigrant Policing, Disposable Labor and Global Capitalism* by Tanya Golash-Boza (Golash-Boza, 3).

Last, when I refer to property throughout the thesis, I do not mean personal private property such as one’s home or computer; by property, I mean corporate, agricultural, industrial property in the means of production and exchange.

This research is problematizing the mainstream distinction between refugees and economic migrants as though they are quite different. However, both migrants and refugees are fleeing because of violence that is displacing people. Whether it is war, climate disasters, or economic constraint, all of these forms of violence are displacing people. Focusing on the distinction between refugees and economic migrants does not

discuss displacement for both. While not all individual migrants leave their home countries to flee violence, the structures and patterns of international migration have been constructed through historical violence such as colonialism, wars, as well as resource extraction and privatization. Thus, the binary definition of migrants and refugees limits our understanding of international migration. For this reason, the displacement is an act of violence that reproduces more violence, as exemplified in historical and ongoing colonialism and policies such as the economic embargo on Cuba. This research is also based on the idea that there *is* a political distinction between refugees and political asylum. It is important to take these distinctions into account since mainstream discussions tend to treat these categories as equals; and conversely, to paternalize refugees and to criminalize economic migrants.

The first part of this thesis forms a theoretical framework around questions of rights to asylum, its necessity for existing, its relation to private property rights, and its limitations within a liberal-capitalist global economic system. The following section attends to the historical context that lays the foundation and necessitates the Cuban Revolution, the subsequent economic embargo, Cuba's nationalization of private property on the island, and thus, the ongoing conflict between the United States and Cuba. As historical analysis is fundamental to this research, the first discussion will be on the context of Cuban history. It is also critical to discuss the ideological and material foundations of the United States as a nation and society forming its contemporary policies. Next, I will illustrate and the economic and migration policies between the United States and Cuba ranging from the 1959 Cuban Revolution to the migration phenomenon of 2014. This brings us to the case study: the context and impact of Cuban

migrants passing through Mexico in order to arrive to the United States in the years 2014-2016. Finally, in the analysis section, I will unravel how the United States migration policies function to turn refugees into migrants in what can be called a “manageable labor cycle.” I end with an example comparing Cuban migrants to Haitian migrants, highlighting their eligibility to enter into the liberal structures of the United States society and economy. In conclusion, I discuss the “normalization” of relations between the United States and Cuba and the implications of such changes as well as aspirations of future research.

Theoretical Framework

Economic Violence & Displacement - The U.S. Embargo on Cuba

The regional project of the United States government to maintain economic imperialism in the Americas manifests in policies of privatization, neoliberalism, and migration. While some might argue that such policies are only the competitive market economy at play, in fact international markets were built through colonialism and expropriation, constructing economic imperialism. There can be no competition when there is not an equal ground. The Americas can be observed as an active conflict zone by its armed violence, a massive military industry producing and selling weapons, as well as by the ongoing commercial privatization of property and resources. Economic policies like the U.S. embargo on Cuba, the North American Free Trade Agreement (NAFTA) and the Central American Free Trade Agreement (CAFTA) all affect the identity of the regional conflict. So-called “normalization” of relations, as it was described between Raúl Castro and Barack Obama in 2015, is merely a way to make sense of, or to rationalize, and reconcile—asymmetrically and temporarily—such deeply rooted and multidimensional conflicts. Normalizing relations, much like peace treaties, comes with asymmetrical consequences and outcomes that often benefit the nation that holds more power. At the core of the countless policies and interventions throughout the Americas, both military and economic, the defined identity of the conflict remains the same: the dominant control of how property and resources are controlled and profited from.

Capitalist economic policies can indeed be either directly or indirectly violent, most commonly impacting citizens more than the targeted government. In cases of

economic sanctions that the United States has enforced on other countries, the very rhetoric of the U.S. government is one of wartime offensive, and the violence experienced by people in those countries is crippling and real. While understanding conflicts such as the U.S. embargo on Cuba as one of economic violence, targeted genocide as the Cuban government has described, it is important to ask what a solution or a “peace” process would look like. Because the conflict is already composed of both asymmetrical power and destruction between stakeholders, it is critical to utilize analysis through *political economy*:

[U]nder the liberal paradigm, a major reason for ending war is to realize potential gains from trade. But even when such gains are high, the costs and benefits of peace and enhanced trade are not evenly distributed. Political economy models help identify how adjustment costs are distributed among different groups and how the likely losers may violently oppose both peace and trade liberalization. Thus, it may be helpful to design compensations or transitory measures for those who stand to lose wealth and power from peace. Political economy approaches challenge the liberal peace paradigm by relaxing the unitary actor assumptions that consider each warring party or trading nation as a single homogenous group. Instead, it concentrates on conflict over distributional issues both within and between groups (Carbonnier, pg. 16).

While citizens in Cuba are not in armed conflict, internal and external economic policies have caused them to experience violence. Cubans have suffered economic violence in the form of restricted access to medications and other resources, prohibited trade with other countries, and financial stagnation, creating circumstances that more often displace Cubans for economic reasons. And while internal economic reforms have controlled and limited individual economic engagement, the the natural isolation of the island as well as the imposed isolation of the U.S. embargo and Helms-Burton Act violently impact Cubans in their daily lives. These two policies block and penalize trade

between Cuba and other countries' companies, called the "demonstration effect," which certainly increase Cuba's economic dysfunction (Hernandez). From Gilles Carbonnier's book, *Humanitarian Economics: War, Disaster and the Global Aid Market*, he illustrates multiple dimensions of conflict through capitalism:

Violence as inherent to capitalism and development: armed conflict can be a vector of progressive change and development. War has played and still can play a critical role in spurring primitive capital accumulation leading to development. Conversely, conflict is inherent to capitalism and is congenial to the profound social, political, cultural and economic transformations that characterize development processes. Civil war is thus not simply 'development in reverse.' In addition, the national mobilization that is required as countries prepare for war has been singled out as an essential ingredient of statebuilding, as demonstrated by Charles Tilly... (Carbonnier, 15-16).

Rooting back to Middle French c1370 the word *violence* means "to inflict harm, injury, or damage on; to restrict, constrain, or alter unnaturally" (Oxford English Dictionary). Understanding the etymological use of this word, *violence*, frames the way in which we can begin to associate how economic policies such as the embargo on Cuba, or more generally historic and ongoing colonialism and neoliberalism, materialize into violence. Such violence, particularly economic, which encompasses war and climate related violence, in fact creates the means for displacement of people. Hence, why I research the economic and migration policies between the United States and Cuba through historical conflict analysis.

In conflict theory, the contest model basically considers the trade-off between two options regarding wealth accumulation: production associated with voluntary exchange—often mediated by the market—and appropriation or expropriation mediated by force (or the threat of force) (Carbonnier, 17).

Accumulation of wealth, as a critical component of capitalism cannot be made in a non-violent manner; however, it can be argued that such accumulation can be either voluntarily made through contracts, or made by force, be it military or economic force. In the case of Cuba, as well as many other colonized, exploited, and privatized regions and people, economic violence began with Spanish conquest, appropriation of resources and knowledge, enslavement and displacement, and continues today under the U.S. economic embargo that violently isolates the island from autonomous trade and cooperation with other countries.

While capitalism is a mode of production based on private property and growing profit, liberalism is one of the ideologies that drives the capitalism model to function through political power and policies. Liberal capitalist notions of private property and the market are deployed to other countries and their economies through many U.S. policies. For example, the U.S. policy of maintaining an embargo is deployed against the non-capitalist Cuban economy. The embargo functions to disable a form of production and exchange that are not privatized. Even more critical, is that such production and exchange on the island used to be privately owned by United States individuals and institutions prior to 1960. A critical component of this research is to analyze U.S.-Cuban relations as a conflict consisting of asymmetrical power and violence.

Cuban authorities condemn economic sanctions as a “genocidal policy” based on the Geneva Convention and a U.S. memorandum of 1960 (three months before imposition of first economic retaliation). The Convention on the Prevention and Punishment of the Crime of Genocide of 1948, Article II states that “in the present Convention, genocide

means any of the following acts, committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group” referencing examples such as, “causing serious bodily or mental harm to members of the group” and “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part” (Lamrani, 72). In April 1960, Lester D. Mallory, Deputy Assistant of State for Inter-American Affairs, wrote about the purpose of economic sanctions on Cuba:

The only foreseeable means of alienating internal support [of Castro] is through disenchantment and disaffection based on economic dissatisfaction and hardship... every possible means should be undertaken promptly to weaken the economic life of Cuba...a line of action which...makes the greatest inroads in denying money and supplies to Cuba, to decrease monetary and real wages, to bring about hunger, desperation and overthrow of government (Lamrani, 73).

Understanding violence through the etymological definition, it is clear from this quote that the intent of economic sanctions was to *restrain* Cuban citizens from making a living and thus, from living. Cuban authorities condemn economic sanctions as a “genocidal policy” based on the Geneva Convention and a U.S. memorandum of 1960 (three months before imposition of first economic retaliation). Under the longest economic sanctions, Cubans on the island have resisted and struggled, often times quite creatively, to survive *and* thrive, be it by staying on the island or seeking opportunities elsewhere.⁴

While the intentions of the U.S. economic sanctions are clear and the intended impact has been effective, the Cubans that are leaving for the United States are often not the poorest Cubans. They are mostly wealthier, White Cubans that have some type of family or social connection to someone in the United States. Additionally, it is important

⁴ Gathered from research experience and conversations with people in Cuba.

to keep in mind that the 1960 U.S. economic embargo on Cuba has consistently impacted Afro-Cubans on the island most negatively, particularly in the “Special Period” in the 1990s, after the fall of the Soviet Union. The overall percent of Afro-Cuban or Black Cuban immigrants in the United States is 3%, meaning 97% of Cubans living in the United States self identify as White. Compare this percentage to that of the population in Cuba, in which 60-80% self-identify as Afro-Cuban or of African descent.

The economic embargo, combined with the militarization of the Mexican southern border, which works to deport specifically indigenous and poor Central American migrants, as well as the mass deportation of people of color from the United States, illustrates how the interests sought through migration and economic policy by United States government is consequentially creating a racial control or apartheid phenomenon throughout the Western Hemisphere. This can be exemplified in a critical analysis of the 1995 Wet Foot Dry Foot Law passed under the Clinton Administration. It was passed in response to an immense increase in Cubans attempting to float to the United States on precarious types of rafts and floating devices. Cubans were fleeing the economic downturn in Cuba, which was at an all time low during the 1990s in what is called the “Special Period.” The Special Period started after the fall of the Soviet Union in 1991. It was compounded by the U.S. economic embargo, which was still in place and even tightened at this time. However, most of the Cubans fleeing by sea during the Special Period were Afro-Cubans. Thus, this law would make it “illegal” or at least prohibited for this type of immigration to the United States.⁵ Those intercepted by the U.S. coast

⁵ Contrary to the logic of the Cuban Adjustment Act which accepts Cubans as refugees; this law would turn away those who needed asylum the most.

guard would be returned to the island. Thus, this U.S. immigration policy ultimately encouraged and limited asylum acceptance to those Cubans who could make it by land to the United States. This is a more costly travel, having to pass through Central America and or Mexico. The Wet Foot Dry Foot immigration policy discriminates and functions to return and keep poorer, Afro-Cubans on the island while incentivizing the immigration of White, wealthier Cubans.

These policies however, are carried out by both the United States government and the Cuban government in order to manipulate political gains and interests, once again at the expense of migrants, but particularly those of African descent. Cuban immigrants have been automatically accepted as refugees with political asylum as primarily White immigrants, while Black or Afro-Cubans living on the island are those who suffer most from both the nationalistic and top-down socialist government in Cuba, as well as the economic disparity brought on by both government reform issues as well as the U.S. government's embargo against Cuba for the past 50 years.

Struggling to leave the sphere of binary understanding of people who are displaced as either refugees or economic migrants (not a combination of the two or one in the same) is not limited to U.S. policy but also proves a difficult intellectual exercise for scholars writing on topics of displaced persons. As Hamlin points out, "by arguing over whether contemporary asylum seekers are "real refugees," academics reinforce the constructed divide between the categories of migrant and refugee, ignoring the fact that when states assign whole groups of migrants to one category or the other, there are contextual political reasons for doing so" (Hamlin, 24). As is the case of Cuban migrants

along with those displaced from Nicaragua, Guatemala, Haiti and other countries in the region, it is necessary to differentiate between state-recognized “asylees” and “refugees.” So what is the difference between refugee and asylum policy? Norman and Naomi Zucker answer this often overlooked question: “Unlike refugee determinations...” which are blanket categorizations based on nationality, “asylum decisions are made individually...” (Zucker, 54).

Global Scale of Refugee Rights: Foundations and Procedural Theory

As a response to the first World War, the League of Nations was created from the 1919 Versailles Peace Treaty, which was created to prevent future world wars. It was established in Geneva as a neutral space. A few of the articles most pertinent to current conflicts regarding displacement and refugee policy were created as Articles 8, 10, 22 and 23. Article 8 focused on arms control and the reduction of national armaments (a goal that is yet to be reached; in fact armament has increased since); Article 10 as the commitment to collective security (both defending others and defending the sovereignty of each recognized nation-state); Article 22, which marks the start to international development of other nations and societies (started in the context and logic of colonialism and imperialism); and Article 23, calling for fair and humane labor, freedom of communication, prevention and control of disease and supervision of arms. The concerns of these articles all reflect current conflicts of displacement and refugee policy either by the ways in which they perpetuate and profit from arms sales and wars, as well as dysfunctional and crippling colonial economic development, for example, which directly and indirectly violently displace people, creating refugees’ need to flee across their

national borders. If these articles had been asserted, they would have, to a certain extent, prevented violent displacement of people.

One major conflict of the early decades in the 20th century before World War II took place in 1936 with Mussolini's fascist invasion of Abyssinia, the great empire of Ethiopia. The League of Nations at the time lacked structure and could not decide on equal power representation to resolve the crisis, quite possibly because it was outside of the usual protocol to colonial power relationships and thus outside of parameters of the "global" governance, seeing as the leadership and construction of such governance was itself colonial. Later, the necessity for an improved global governance apparatus was pushed over the edge with World War II and the United States' atomic bomb attacks on Hiroshima, Japan. Thus, the creation of the United Nations was launched forward. The headquarters were positioned in New York as well as in Geneva.

Highlighting some of the key articles and principles to the United Nations Declaration of Human Rights as they pertain to migrants and refugees and the freedom of movement frame the procedural rights that all humans theoretically have. Article 13 states that "everyone has the right to freedom of movement and residence within the borders of each state," and in addition to that, "everyone has the right to leave any country, including [their] own, and to return to [their] country."⁶ That is, a right to *emigrate*, not to immigrate. Although it seems that those who wrote this article may have assumed that the right to emigrate implicitly entailed the right to immigrate, the politics and economy of the later 20th century resulted in certain groups using the article against

⁶ [Their] additions made to emphasize weakness in supposed human rights claims that already exclude half of the population, not to mention individuals whose gender identity exists outside of a binary.

its intentions by taking advantage of its lack of explicit reference to the right to immigrate upon emigrating.

Next, Article 14 of the UDHR, encodes the right to asylum by stating that “everyone has the right to seek and enjoy in other countries’ asylum from persecution.” Like most procedural human rights, we *have* them in an abstract way, and that is inarguably a nice sentiment. David Roden from Oxford University’s department of Ethics, Law and Armed Conflict, discussed the ethics of war and self-defense. First we discussed what rights are. The right *to* something and the right for someone *not* to do something (like a duty *not* to kill someone). Based on documents like the UN Declaration of Human Rights and the United States Declaration of Independence, we *ought* to have the liberty to pursue rights that don’t infringe on our pursuit of happiness. Of course, there is always authority and power dynamics on the rights of others, like the right to restrict or change the rights of others because of of normative relationship. For example, one’s liberty has changed after a judge sends a prisoner to jail. Right are always relational.

Rights have an important connection to dignity, and we live in ways that are not consistent with that dignity (living, social, political needs met) and that do not protect rights to thrive and flourish. This poses another question: can our society have universal rights without having social and economic equality? And can we act in ways that forfeit our rights. Rights are co-created through relationships with others, such as relationships of mutual compliance with an element of reciprocity. Rights are not free. They come to us because we treat and conform to rights to others. As it is today, human rights are not universal and rights are not inalienable. They are forfeited by infringing on the rights of

others when one is proven by human-constructed laws as a “true criminal.” Our ability to lose those rights is fundamental to the rights themselves. We need to find a remedy to restore that restitution. Human rights do not derive from a fictionalized idea of “state of nature,” before there were governments, laws, institutions. Human rights are historically constructed and enforced through laws as they are shaped by societies and governments. Rights are sometimes created to *control* how people live and take away others’ rights. Refugees, for example do not have access to their basic human rights (water, shelter etc.). Their rights are not being fulfilled, and their agency is not being recognized. The perimeter of rights needs to be extended and *power* needs to step in and provide access. Under the structure of dependence that currently and historically frames the protection of rights, the perimeter of rights needs to be extended and those with *power* need to step in and provide access. While this would serve urgent and immediate needs, long-term access to rights that would actually fulfill universality and inalienability would require a radical shift in power between the masses and institutions.

Last, Article 15 seeks to guarantee against “denaturalization” or “loss of citizenship” emphasizing that “everyone has a right to a nationality” and that “no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.” Following these three articles all relating to freedom of movement and citizenship is shortly followed by Article 17, which states “a) Everyone has the right to own property alone as well as in association with others. b) No one should be arbitrarily deprived of his property.” These articles in conjunction reflect and reinforce hegemonic liberal assumptions that firstly, our rights are somehow inherently tied to a nation-state, failing to remember historical contexts that preceded the nation-state model of

sovereignty; and secondly, that the progression of humanity and global society is linear and could not be conceived of neither in the past or the future through alternative forms of property and thus individuals' relation to others, including the State itself.

As it is also applicable to all other international governance documents, it is critical to recognize in all written forms of declaring rights that merely being written does not transform into material rights. Written or procedural rights do not provide that they will be enforced or materialized in any way. As I will get into more further on, such international governances remain colonial and based in relationships of dominance where people must demand, beg, or hope for a governing power to grant such rights rather than themselves defining the terms of human needs. Essentially, humanity does not need essential rights to be written and enforced for them when they are only written by certain groups. Rather global capitalism necessitates such a procedural declaration and defense of rights.

While providing useful parameters expanded understanding, UNESCO's (The United Nations Educational, Scientific, and Cultural Organization) definition of displacement of people "refers to the forced movement of people from their locality or environment and occupational activities." It specifies that displacement can be direct, removing people from their locations, and indirect, facing a loss of livelihood. The displacement of people implies a preceding expropriation of land or resources. One of the first sequence of massive displacement of people occurred in the 16th and 17th century with the dispossession of land through the Enclosure Acts first in England, and later throughout European colonies. By the 20th century, the violence of the first World War

created mass displacements, however, different from the Enclosure Acts, the mass displacement was driven by a nationalized global war economy. As members of a society are dependent on food for survival, starvation through food blockades and disease are used as an effective military strategy. Similar to mass displacements of today, thousands die from infectious but curable disease. The first World War also marks the start to international governance, particularly when American Relief responded to various crises in countries like Belgium (but in a partisan way from the beginning by not providing relief for Germans, as we see reflected consistently in the history and in current extensions of U.S. relief and refugee policy).

While theoretical concept of refugee protection through an international governance was created after World War I, such policies were significantly expanded in the wake of World War II, conceived of by a group of European diplomats who met in Geneva, Switzerland in 1951 (Zucker, 8). World War II caused mass migrations of people, and while this is a phenomenon as old as human history, in this context it was taking place across nationalized borders and thus people were leaving the protection of sovereignty from a state actor. Thus, the 1951 UN Convention Relating to the Status of Refugees was created by primarily Europeans coming from countries with politically and economically liberal democracies. The 1951 UN Geneva Convention on Refugees defined the refugee status, rights, and state obligations to them. This also marked the creation of the first key principles of non-refoulement in international governance. Accordingly, the UNHCR and international laws sets a global expectation of non-refoulement, essentially not returning a person seeking asylum to their country of origin,

the country they are fleeing, or other countries that are unsafe for that individual. As the international law states:

The principle of *nonrefoulement* is so fundamental that no reservations or derogations may be made to it. It provides that no one shall expel or return (“*refouler*”) a refugee against his or her will, in any manner whatsoever, to a territory where he or she fears threats to life or freedom.

Even the definition of refugee is not universal and depends on the adherence of States. The categories and justifications that currently define who can be considered a refugee and expectation of how States will interact with the subject in need of protection is set by the United Nations and the institutions and nations that subscribe and makeup its global governing body. “The 1948 Universal Declaration of Human Rights provided only the right to *seek* asylum. The 1951 convention went no further,” neither of which the United States signed or ratified (Zucker, pg.28). The United Nations High Commissioner on Refugees (UNHCR), as created in 1951 and updated in 1980, the same year that the United States formally accepted their adherence to the same international definition, defines a refugee as anyone with a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Just like the United Nations and the global governance community, the United States also enacted their first federal legislation on the issue of refugees in response to World War II. The Displaced Persons Act of 1948 was created by President Truman and

Congress to resettle thousands of Europeans who were displaced by the events of World War II. An estimated 7 to 11 million displaced people were still living in Germany, Italy, and Austria in 1945. The Displaced Persons Act changed directions from an era of restrictionism marked by the quota system of the Emergency Immigration Act of 1921. It relaxed such restrictions and more pertinently, it was the first time that the concept and categorization of refugee defined U.S. immigration law. As for U.S. refugee slots, “only a meager 17,000 slots are allocated for personas who meet the universal standard of persecution set forth by the UN convention and the 1967 protocol” (Zucker). The 1948 law authorized 200,000 displaced persons to immigrate to the U.S. and in 1950 that number was increased to 415,00. In contrast to the year 2015 for example, the United States had a limit of 70,000 refugees that could be admitted to the country. In even more stark contrast, the Trump Administration set a limited quota of only 45,000 possible refugee slots; however, in the fiscal year of 2018, has only allowed 22,491 refugees to enter the United States, fewer than half of the set limit.

The historical context in which these policy regimes were built is essential in understanding their logics and trajectories. In the case of international refugee law, starting with the 1951 UN Convention on Refugees was both influenced by and including powerful industrial countries like the United States, and it was born in the context of the Cold War. This context continues to influence the policies of the 21st century, and even to our present day, maybe not with the same discourse of anti-communism, but at a deeper root level on the question of property, production, and labor. As many scholars have done, Chimini (1998) observes that the 1951 definition of refugees was based on the Cold War conceptualization of refugees as political dissidents (Hamlin, 24). This conceptualization

focusing on political refugees but neglecting economic refugees was shared by the United States and has been reflected in its legislative responses.

The United States began to adhere to the same definition at the UN and international law in 1980 with the Refugee Act. Prior to 1980, the United States limited its definition of refugee to “individuals from the Middle East or those fleeing communist countries.” Specifically, the U.S. Refugee Escape Act of 1957 “defined refugee-escapees as victims of communist-occupied or communist-dominated countries or a country in the Middle East.” (Zucker, 29) And later on European refugees from communist countries soon breached the McCarran-Walter Act. Urged by presidents Truman and Eisenhower, Congress abandoned the numerical limits and quotas for refugees from communism, even allocating funds for their assistance. The President's Escape Program (PEP), begun in 1952, was followed by the Refugee Relief Act (RRA) a year later. The RRA, further relaxing immigration law, authorized more than 200,000 nonquota visas for persons escaping from Iron Curtain countries (Zucker, 28).

More examples pursued in the history of U.S. refugee policies: “For decades, foreign policy determined the status of entrants: If applicants came from communist countries, they were almost always determined to be refugees; if they came from non-communist countries, they were usually categorized as economic migrants” (Zucker, 5). Additionally, “an anti-communist foreign policy urged the admission of persons fleeing Iron Curtain countries, Indochina, Cuba, and Nicaragua. Conversely, it urged the barring of Haitians, Guatemalans, and Salvadorans” (Zucker, 26). These are various examples of how the United States’ refugee policy was based on anti-communism within the Cold

War context. However, as we will see in the refugee policies to follow after the end of the Cold War, the argument for accepting those oppressed by communism will be substituted for additional abstract causes such as “human rights abuses,” “freedom,” “democracy and fair elections,” and not only to justify accepting Cubans as automatic refugees under the Cuban Refugee Act, but more importantly to justify maintaining the U.S. full economic blockade on the Cuban island. It is in this particular crevice of contradiction – between simultaneous automatic refugee status for *some* Cubans while maintaining violent economic sanctions *on* Cuba – that we will pry open for analysis.

Although the United States Immigration and Naturalization Service (INS) (now the US Department of Homeland Security) was technically responsible for conducting individual-level assessment of onshore asylum claims, during the 1980s, the U.S. State Department submitted recommendations to each case, which the INS followed 95% of the time. These decisions followed striking group-based patterns, suggesting that the ideological commitments of the Cold War remained the single most reliable predictor for success of an asylum application. Approval rates varied from more than 70% for applicants from the USSR to around 2% for Haitians, Guatemalans, Hondurans, and Salvadorans” (Hamlin, 38-39). The comprehensive study of the asylum system by Deborah Anker concluded that the asylum system was based on “ad hoc rules and standards.” The study found that decisions were influenced by ‘ideological preferences and unreasoned and uninvestigated political judgements” (Zucker, 88). Following this logic system for the implementation of U.S. refugee policy that is revealed by Anker’s research, an ad hoc refugee policy signifies that it does not actually follow a generalized and *universal* nor *unalienable* definition of or response to refugees. Rather, the definition

and claim to protect the rights of refugees is evoked and utilized as necessary—not for the benefit of those who desperately require protection, but based on the necessity of the interests of the U.S. political economy to maneuver and destabilize declared rights.

However, in the 1980s, the United States generally denied political asylum to Central Americans fleeing El Salvador and Guatemala by categorizing them as migrants “fleeing economic conditions and generalized conditions of violence rather than targeted political persecution” while Nicaraguans applying for asylum were favored because they were fleeing the leftist, Sandinista government (Zucker, 5). Geopolitically, the United States would not grant asylum to those fleeing the extreme violence of El Salvador or Guatemala’s civil war, which heavily targeted its indigenous population, because the United States had funded, provided arms, and backed the right-wing governments causing the very violent oppression displacing people and causing them to flee to the United States for asylum. While Norman and Naomi Zucker provide a clear argument to the Cold War influence onto the U.S. refugee policy, they leave out critical contextual details: the United States instated and was backing the repressive and violent right-wing coup d’etats and dictators in Haiti, François Duvalier “Papa Doc” and Jean-Claude Duvalier “Baby Doc” until 1986, and in Guatemala, General Efraín Ríos Montt, from 1982 to 1996.

One camp of global governance scholars adheres to an *international convergence theory*, which paints overly rosy image of globalization of law. For example, “Jacobson argues that immigrants are increasingly ‘becoming the object of international law and institutions,’ suggesting that international law enables noncitizens to assert rights they would not otherwise have.” Furthermore, “this line of scholarship implies that

international human rights norms can trump the exclusionary tendencies of states, making it difficult for courts to distinguish between citizens and noncitizens when protecting rights.” This explains why, despite the fact that 147 countries agree to international refugee protection treaties, the theory and practices are weakened when strategic interests come in conflict with humanitarian norms (Hamlin, 14). On the other hand, *exclusionary convergence theory* scholars such as Kneebone and Gibney have concluded that receiving countries to asylum seekers and refugees over the last decade have developed a ‘similar legal doctrine, namely the sovereign right to exclude’ (Hamlin, 14).

Financial wealth often does not associate with progress when regarding questions of humanity. Viewing global progress on human rights by looking at the United Nations or powerful countries like the United States may imply that they are at the forefront and leadership of possibilities for humanity. Other unexpected actors have already created additions prior to and after the 1980 definitions of refugees. The Organization of African Unity in 1969 and The Cartagena Declaration on Refugees in 1984 signed by 10 Latin American nations expanded the definition to include those fleeing “generalized violence, foreign aggression, internal conflicts, massive violation of human rights...” (Zucker, 136). While this definition includes foreign aggression, it needs to explicitly connect such international policies to economic violence. With this added to our understanding of who could be recognized as a refugee, we could argue, as I will later in this section, that refugee definitions should go even further to call for protection from foreign *economic* aggression. Such a shift in expanding the understanding of who are refugees and why they require protection in the first place would require that U.S. policies get to the root of its own perpetuation in creating refugees. The U.S. should not merely protect those who

are fleeing, taking responsibility for its aggression around the world, but more importantly, needs to break the cycle and necessity for such protection by ending the aggression that itself perpetuates the cycle of refugees.

Historical Context of the U.S.-Cuba Conflict

Cuban Historical Context

In order to understand the contemporary United States-Cuba relations, the historical context and relations leading up to the Eve of the Cuban Revolution are necessary factors to consider: “a central dynamic during Cuba’s last five centuries has been the Cubans’ struggle against domination by an external power (Spain, the United States, or the Soviet Union) that prevented the island from developing full political and economic independence” (Brenner, 2). Ongoing conflicts like the one between the United States and Cuba are not sudden or accidental. They are perpetuated by an asymmetrical relationship of dominance and power, and they are kept alive by people’s resilience to resist throughout centuries of exploitation and violence.

The very first factor dates back to 1492, the year the island, which was then called Cubanacan by its indigenous inhabitants, was invaded by Christopher Columbus and claimed in the name of the Spanish empire. Having invading the Taino Arawak and Ciboney tribes native to the island, the Spaniards “outlawed the tribes’ religious practices, stole their collective property, and made them slaves for the benefit of the Crown;” however, this was not met without resistance. The tribes resisted and refused the invasion, until their leader Hatuey was burned alive, tied to a stake. Throughout the 16th century, on “Hispaniola”, as the Spanish conquistadors referred to the island, the resistance of the Taíno people was followed by revolts of African slaves, and eventually the two groups would rebel against the Spanish together. With the first cotton mills and plantations constructed in 1523, African slaves were forcefully brought to the island as early as 1527–

quickly organizing their first rebellion in 1532—with a height of slave trade activity occurring in 1763. The *encomienda* system, which legalized the Spanish Creoles ownership of free indigenous laborers for their plantations, was abandoned in 1542⁷. “Slave traders brought approximately 750,000 Africans to Cuba in the next 100 years. In 1862, Afro-Cubans accounted for more than half of the 1.4 million people on the island, and Cuba produced one-third of the world’s sugar supply” (Brenner, 2). The 1791-1804 Haitian Revolution, led and carried out by African slaves and mulattos who successfully destroyed and expelled the material and legal structure of colonial control, was truly groundbreaking. It sent shock waves through the region. The Haitian Revolution both inspired other anti-colonial revolutionary movements, particularly in Cuba, and scared the hell out of the burgeoning American government (1776) that was building its accumulation of wealth on the importation and exploitation of African slaves.

The surrounding region was now populated by a variety of Europeans, indigenous people, African slaves, their descendants. Some were Mulatos, born from African Slaves and European settlers. Cimarrones were Black slaves who had become free. Mestizo people had one parent who was indigenous and one that was European. And Criollos were the first generation that was born in the colonies, but of European descent. This defined their sense of desired autonomy and rejection of control by the Spanish crown and its legal apparatus. Criollos wanted the have the same property and rights as Europeans from

⁷ “One of the reasons that the slavery system replaced the encomienda system of free labor from indigenous people was because the majority of the native population had disappeared. “In contrast to the indigenous population of mainland Spanish America, the native people of Cuba virtually disappeared within a generation of Spain’s arrival, wiped out by overwork, disease, and mass suicides.” Referencing Eduardo Torres-Cuevas and Oscar Loyola Vega’s *Historia de Cuba 1492-1898* and Irving Rouse’s *The Tainos: Rise and decline of the People Who Greeted Columbus*. According to these works, there were an estimated 112,000 Indians on the island in 1492 and fewer than 3,000 by the mid-1550’s.

Spain had. While many Criollo-led independence movements between 1810 and 1821 developed national projects and rejected Spanish control throughout Latin America—gaining concentrated control and land ownership for few oligarchies rather than for the masses of indigenous, African and mulatto people—Cuba’s independence movement would be stifled until four decades later. The Spanish Crown and the Criollos were making immense profit from the sugar industry on the island. Fears were heightened that a slave uprising like that of Haiti would repeat itself in Cuba, and the island “became the refuge for the Spanish soldiers defeated in the wars of independence,” tending to “reinforce the authoritarianism, rigidity, and racism already prevalent in Cuba” (Brenner, 3). The volatile combination of colonial oppression, economic exploitation of Cuba’s resources and slave-labor force, as well as continued occupation of the land sparked organized resistance, starting in 1868 and still continuing to this day.

Launching centuries of struggle for independence and sovereignty, the Ten Years War started in 1868 on October 10th. Revolutionaries under the leadership of Carlos Manuel de Céspedes, a planter that freed his own slaves, called for Cuban independence with the *Grito de Yara*. Like many of the initial independence movements in Latin America, it was a relatively conservative revolutionary movement with planters wanting to rid Spanish taxes and control and gain political power for themselves. The 1878 Pact of Zanjón ended the Ten Years War and promised the freedom of slaves, however slavery would not be abolished in Cuba until 1886. When the Ten Years War ended with Spanish colonial rule still in place, officer Antonio Maceo, a prominent Mulatto revolutionary leader, created “The Protest of Baraguá” pledging to continue the struggle for independence and defiance against external dominance. Together with others like General

Máximo Gomez and intellectual journalist and activist, José Martí,⁸ the Cuban Revolutionary Party was created. After the U.S. put a tariff on sugar from the island in 1894, partially causing a severe depression, the popular movement of rebellion engulfed the island.

Only 90 miles away and already involved with the developments of Latin America, the United States government and society closely followed the changes happening in Cuba. U.S. sensationalist “yellow journalism” paternalistically advocated the freedom of Cuba from Old World Tyranny into the New World “protection.” U.S. government officials assumed that Cuba would become a state of the union within 10 years (Pérez, 37). U.S. business barons also feared that a Cuban revolution would undermine their holdings and privileged trade deals on the island. Even before the war, the U.S. had surpassed Spain as Cuba’s main trading partner. It was not by request of the Cubans that the United States government got involved with their struggle for independence against Spain.

It was, instead, in response to concerns about property owned by Americans—and perhaps about the lives of U.S. citizens that President William McKinley dispatched the USS Maine to Cuba in January, 1898. There were U.S. political leaders who convinced themselves that intervention would be a humane and selfless action because an independent Cuba could not govern itself (Brenner, 4). The USS Maine battleship exploded while anchored in Havana harbor. This conveniently providing justification for

⁸ Who famously warned all of the Americas against future U.S. imperialism as the next front to resist after the dominance of Spanish colonial rule in his writings, particularly “Nuestra América” published in 1891.

the United States to intervene in the Cuban war of Independence from Spain.

Despite over thirty years of resistance and success on behalf of the Cuban independence army forcing out Spain from the island, the United States army denied Cuban revolutionary leaders and military officials participation in the negotiations of the 1898 Treaty of Paris which ended the war.⁹ Spain indeed relinquished all political and economic control of Cuba, however, only to pass the colonial rule of Cuba, Guam, the Philippines, and Puerto Rico to the United States government. The Cuban Independence struggle was truncated, passing the Cuban government and economy to the control of the U.S. government until it approved of the island's sovereignty and democracy, making Leonard Wood the U.S. Provisional Governor of Cuba in 1899. The Platt Amendment of 1901 made the eventual sovereignty and independence of Cuba conditional to U.S. stipulations and permitted U.S. unilateral intervention on the island. The Platt Amendment was formulated by the familiar so-called protection of liberty, life, *property*,¹⁰ and stability on the island. While Cuba would nominally become a republic from 1902-1959, it was a de facto colony of the United States, and U.S. corporations and investment banks quickly gained and held control of Cuba's infrastructure and resources throughout this period. Dominating sugar mills and railroads, by the mid 1920s, U.S. companies owned twenty-two percent of Cuba's land. "Moreover, U.S.-Cuba trade agreements opened Cuba to inexpensive manufactured goods, suppressing the creation of

⁹ Even the name of the war was altered in U.S. historical discourse as the "Spanish-American War," which completely erased the presence and agency of the Cuban revolutionaries and army as if they were not actors in the struggle. It can be alternatively referred to as the War of 1898, the Cuban-Spanish-American War, or the U.S. invasion of 1898.

¹⁰ Thomas Jefferson created the addition to the U.S. constitution as "life, liberty and pursuit of happiness" from John Locke's original: "life, liberty and *property*."

an indigenous manufacturing sector” (Brenner, 5). The following excerpt provides a detailed illustration of the vertical integration of the Cuban economy into the U.S. private sector and as such, an extremely crippling dependence for the island.

By the mid-1950s, 90 percent of Cuba’s telephone and electrical services, 50 percent of public service railways, 40 percent of raw sugar production, and 23 percent of non-sugar industries were U.S. owned. The United States was Cuba’s largest export market and the main source for its imports: 59 percent of the value of Cuban exports—including 80 percent of its sugar—went to the United States. Notably, 76 percent of Cuba’s imports originated in the United States...¹¹ As important, Cuba needed to import basic foods because its dependence on sugar for hard currency reduced its ability to produce rice, wheat, and flour. One-third of U.S. rice exports were sold in Cuba in the 1950s (Brenner, 5). This brief illustration of the economic domination and exploitation of the Cuban economy reveals what could only be described as a colony to the United States.

Economic intervention was not the only arm of imperial control over the island however, as the U.S. military also occupied the island, and still does to this day with its base on Guantanamo Bay. The U.S. Marines occupied Cuba from 1906 to 1909, for a short time in 1912, and from 1917-1922. In 1933, with vast unpopularity of the dictatorial governor Gerardo Machado who was positioned by the U.S., President Franklin Delano Roosevelt feared a popular uprising and sent Ambassador Sumner Welles to persuade Machado to resign and replace him with Ramón Grau San Martín, who would comply with U.S. requests. There was indeed a popular uprising calling for democracy and a

¹¹ “This reflected, in part, U.S.-owned firms buying from their own subsidiaries” (Brenner, 5).

reconstruction of the island's economy, led by Fulgencio Batista of Cuba's bourgeois class. Welles then maneuvered both the Cuban military and Fulgencio Batista to "defect from the revolutionary coalition and to be a dependable U.S. surrogate for the next quarter of a century" (Brenner, 6). The popular movement was suppressed and weary, seeing any nationalist democratic causes being continually destroyed by the U.S. government or by Cuban elites. When the Batista dictatorship overthrew the attempted democratic elections and constitutional government in 1952, elections of which a young Fidel Castro had run in, the now 467-year-old ember of resilient impulse for revolutionary autonomy and independence, one that would truly uproot foreign control of the island, would spark again and stay aflame in the 1959 Cuban Revolution.

Looking from a wider geographical scope, the Western Hemisphere is devoid of "socialist" states—with the exception of Cuba—while Eurasia and Africa have many types of functioning "socialist" states.¹² The U.S. was effective in keeping socialism out of the Western Hemisphere, or as stated in the effectively imperialist Monroe Doctrine, the United States' "backyard." In response to the majority of Latin America fighting for national independence between 1810 and 1821, the 1823 Monroe Doctrine, followed by the 1904 Roosevelt Corollary, were created by the United States, both legitimizing legal justification for the U.S. to intervene in Latin America and control the Western Hemisphere. This political ideology remains today, thus, the relations between the United States and Cuba have yet to be "normalized". And through the analytical understanding of "normalized relations" as a heavy-handed agreement of a hegemonic form of

¹² These states that are often understood and referred to as socialist, are actually still using capitalist modes of production but just with a very high welfare programs alongside them.

economic—more than political or ideological—bilateral relations, the economic stance taken by the U.S. against Cuba illustrates how alive the Monroe Doctrine ideology is to this day.

The U.S. has always and continues to desire access to the Caribbean and the Atlantic trade, connected by the Panama canal, thus giving them access to the whole regional market. Since the seizure of Cuba from their own independence movement in the war against Spain, the U.S. claimed Cuba as a protectorate with conditional sovereignty¹³ under the Platt Amendment. For seven decades the U.S. singly controlled and profited from Cuba's resources, markets, and its government. The Platt Amendment was to be implemented for an indefinite time, until Cuba's government and democracy met the standards of the United States. Cuba has always been viewed by the U.S. as an ideal colony and property because of its geographical location, its abundant resources, and its tourism economy.

In 1959, when the Cuban Revolution took back the long overdue sovereignty and rights to Cubans' own independence, the property occupied and owned by U.S. corporations, banks, and individuals was nationalized.¹⁴ The properties and resources were never compensated or repossessed. An important detail that often goes announced however, is that the Cuban government did indeed try to compensate the United States government for the nationalized property and resources; but like many bilateral relations throughout the world, the United States wanted to define the terms. And so the issue of

¹³ “State sovereignty is expressed through the right to freely determine their internal and external affairs without infringing on other states or violating international public law. Legal equality consists of the right of any state to be considered the equal of any other in matters of sovereignty” (Lamrani, 20).

¹⁴ When Havana passed Act 861 to nationalize all properties on the island (Lamrani, 24).

compensation remains unsettled to this day. Rooting from the Monroe Doctrine and branching into hundreds of military and economic interventions throughout the Americas and the surrounding islands over the next centuries—the most recent being the U.S backed coup d'etat of Honduras' elections in November, 2017¹⁵— the U.S. interest in having imperial control over the region is evident. As we will discuss in the next section, it continues to become clearer that such imperial control of the region is in fact motivated by economic power and interests. They are exerted through a consistent rejection of non-U.S.-models of capitalism and private property, much less alternative forms of production and property.

U.S. 'Haven' for the persecuted & Transitional 'Anomalous Exception'

The early formation of the United States as a nation-state experienced political control move toward secularism and liberalism. They were based on various claims: political claims to liberty from monarchy, economic claims from inequality in serfdom, a reclaiming of access to land after the Enclosure Acts in England, as well as religious claims to freedom. This was the initial construction of private property as we know it today. Through the philosophical leadership of many, including John Locke,—not a king, but a rich individual, a slave owner and slave trader and Secretary of the Lords Proprietors of the Carolinas, who with his accumulation of wealth from owning private property and labor production, argued liberalism to be a perfectly objective and rational system—the ideology of liberalism was defined through the construction of land relations in the liberal-constitutional project of the United States. The change in the mode of production,

¹⁵ Shortly following the U.S. coup in Honduras' 2009 elections.

through Enclosure Acts and industrialization, influenced the creation of a state accompanied by legal, economic and social institutions that reflected liberal ideology. Such liberal ideology and developing capitalism went hand in hand.¹⁶

The U.S. embargo against Cuba has been maintained for 56 years as a way to destroy a form of property that not only is not private, but one that *used to be* privately owned by and profited from U.S. government, corporations and individuals. The full economic embargo against Cuba is violently upheld in defense of private property. Soon after 1898, with the U.S. intervention in the Cuban War of Independence from Spain, the Platt Amendment made Cuba a protectorate of the U.S. government. The U.S. then imposed onto the island its mode of production as well as a legal and institutional framework based on private property, which would continue until 1960 with the Cuban Revolution's law to nationalize its land.

This project of liberalism in North America existed within contradiction. The first being the creation of liberties and procedural rights for landowning, Anglo and French settlers, while at the same time, a systematic genocide of indigenous people in Native tribes. Because they could not be incorporated into the established society of colonial domination, they did not serve a purpose for the nation-building. And the second being the slave trade economy of Africans. They, unlike Native people, were absolutely essential to the growth of the economy and the flourishing of capitalism in the construction of the imagined U.S. nation-state. Such contradictions of the exceptional-inclusive liberal project of the United States—applicable to different groups over time and

¹⁶ Broadly referencing Stavrianos' *Global Rift : The Third World Comes of Age*, 1981.

in different regions of the country—extends to questions of citizenship and immigration and can be explained in the example of racial ideology as explained by Barbara Jeanne Fields, a U.S. historian:

Racial ideology in its radical American form is the ideology to be expected in a society in which enslavement stands as an exception to a radically defined liberty so commonplace that no great effort of imagination is required to take it for granted. It is the ideology proper to a 'free' society in which the enslaved descendants of Africans are an anomalous exception (Fields, 115).

The relationship of domination of White landowning planters over their White indentured servants in the United States was reconciled by dismantling the shared struggle and unified movement of political-economic rights between “White” and “Black” slaves. This was done by creating a new imagined community of the master, power-holding representation of personhood and the nation-state as “White.” This representation does not reconcile the exploitation, but it rationalizes and explains it in a way that keeps the White Yeoman farmer (who was previously a slave) invested in the rationalization of exploitation explained by racial inferiority. Thus, rather than merging into one political-economic class, the exploited White and Black slaves in the U.S., there is instead a merge into one race as citizenship.

In this time frame of colonial domination of the Americas, the Haitian Revolution, a successful revolt of African slaves, inspired other groups of slaves all over the Western Hemisphere to revolt. The governments and property owners of the Western Hemisphere still today do not let Haiti fail to pay for this revolution. The same could be said for the full blockade of Cuba being launched in response to the Cuban Revolution's appropriation of U.S. private property. A threat to the accumulation of wealth gained

through this property, that such a policy and others to follow it would not let the Cuban island fail to pay for this disruption of the momentum and necessity of constant and further growth and surplus, or profit. And so, as parallel or transferable, the citizenship ideology, as it includes and unites those who are willing to and already hold valuable attributes to contribute to the liberal and capitalist economy and society, as in the case of refugees predominantly accepted by the U.S. from countries of the Soviet Bloc. But just as in the case of Black slaves and White indentured servants in the foundational years of the thirteen colonies and the United States, the inclusion of those refugees from the Soviet Bloc was used to rationalize and explain an ongoing exploitation. In this case, an exploitation both of the resources and workers on the island pre 1959 and of the ensuing economic embargo on Cuba as a paternal relationship of dominance, in order to contribute to the imagined nation of the United States as being a community of liberty. A liberty defined by the freedom or right to maintain or become the property owner, profiting from the exploitation of the next 'anomalous exception', in this case refugees from countries like Haiti or Guatemala, countries that are subscribing to neoliberal policies, whether my force or choice, and that countries where the U.S. has backed right wing neoliberal coups.

U.S.-Cuba Economic and Migration Policies

In the history of migration policy between the United States and Cuba, the topic of migration was in fact the most accessible and urgent in many cases as it was of mutual interest to both governments. As discussed previously, the United States has consistently engaged in political, military, and economic interventions on the island of Cuba since the 19th century. One of the outcomes of such interventions has been consistent migration flows from the island of Cuba to the United States. As explained by the research of Tanya Golash-Boza, “labor recruitment, military interventions, and foreign direct investment (FDI) create and sustain migration flows... This process is known as *cumulative causation*—migration begets more migration...” (Golash-Boza, 19).¹⁷ Bilateral migration policy has had the most changes from both sides. Economic relations have been both a causing factor of the migration itself as well as the diplomatic topic that is far more contentious to negotiate, specifically the U.S. embargo on Cuba. Not only have the United States interventions in Cuba caused a variety of migrations, but policies such as the embargo have also been quite purposely utilized by Washington government to create conditions that would necessitate Cubans to leave the island. In turn, that same government then provides these Cuban migrants with a “safe haven” through their automatic asylum status. However intended to influence bilateral relations between governments, the dimensions of political and economic interests exerted by such U.S. policies function at the expense of migrants’ lives. To illustrate this, consider the explanation of the paradoxical logic behind the cycle of economic sanctions that cause migration in order to receive those very same migrants as automatic refugees in the United

¹⁷ See: Massey et al. 2002; Massey 1988.

States: “If the CIA could not rid the hemisphere of Castro by assassination, or invasion, we would strangle the island's economy with an embargo. We could also embarrass him by encouraging and welcoming defectors” (Zucker, 120). The patterns of contradictions and paradoxical logic continue to emerge throughout the history of consistent economic and wavering migration policies between the United States and Cuba.

Laid by groundwork of previous colonial extraction and dependence, the consistent policies of extraterritorial economic restriction and violence were quickly constructed. Enacting the 1960 Sugar Quota was the first economic policy actions taken by the United States after the Cuban Revolution. As one-third of U.S. sugar import came from Cuba, this policy cut a large amount of the Cuban economy, illustrating the vertical dependence on the U.S. economy. In 1959, Cuba relied upon the United States for 65 percent of its exports and 73 percent of its imports (Lamrani, 19). As early as June 24, 1959, Washington, for the first time, began to consider the imposition of sanctions against Cuba. In an internal memo, the Eisenhower administration suggested the possibility of ending the sugar quota. The State Department openly acknowledged its objective: ‘The sugar industry will suffer a rapid and abrupt decline that will entail general unemployment. Many persons will be without work and go hungry (Lamrani, 19).

Then on March 17, 1960, one month before the resumption of relations between Havana and Moscow, the Eisenhower administration made a formal decision to overthrow the Cuban government. The new U.S. foreign policy toward Cuba included the cancellation of the Cuban sugar quota, an end to the deliveries of energy resources such as oil, the continuation of the arms embargo imposed in March 1958, the establishment

of a campaign of terrorism and sabotage, and the organization of a paramilitary force designed to invade the island and overthrow Fidel Castro (Lamrani, 23). In response to the strangling economic sanctions, Castro denounced the economic aggression and responded by “nationalizing most major U.S.-owned businesses on the island, worth a total of more than \$600 million” (LeoGrande & Kornbluh, 37). Cuba’s policy choice to nationalize the island’s resources and industrial and commercial properties was not an isolated decision, but met the aggression of U.S. economic sanctions head-on and with equivalent force. As we will see, this policy exchange has shaped U.S.-Cuba relations for the past six decades and remains a less talked about, but vital key to the ongoing economic and political conflict between the two countries.

Compared to the unwavering economic stance, migration policies between the United States and Cuba have been more malleable depending on changing circumstances, while still upholding Washington’s liberal and imperial economic agenda. The Camarioca Crisis was one of the first major migration conflicts between the United States and Cuba. The suspension of sugar imports was continued by Kennedy until 1962. Also under Kennedy, the Foreign Assistance Act was passed, prohibiting foreign aid to the government of Cuba and authorized the president to impose a total embargo on trade with the island. On February 3, 1962, by means of Executive Order 3447 and through the use of the Foreign Assistance Act and the Trading with the Enemy Act of 1917, President Kennedy imposed a total embargo on Cuba. Including a ban on medicine and food products, the policy was created in violation of international humanitarian law¹⁸

¹⁸ Article 23 of the Fourth Convention for the protection of civilian persons in times of war, Geneva, August 1949, and ratified by the United States.

(Lamrani, 24).

Throughout the year of 1964, the Johnson Administration continually intensified the economic, diplomatic and military aggressions toward the Castro government. Specifically, the embargo was intensified by cutting the sale of medicine and food to Cuba. Such policies damaged the Cuban economy and the standard of living on the island, which was followed by an increase in migration. Since the Revolution, the first to flee the island were wealthy landowners, the majority U.S. citizens and companies, but also many from the the Cuban bourgeoisie. Then in the Camarioca migration, many hijacked Cuban boats and were welcomed by the U.S. Coast Guard and politicians as heroes. By choice, Johnson maintained only undocumented and unregulated ways of arriving to the U.S. “to promote the image of Cuba as a repressive regime” (LeoGrande and Kornbluh, 105). In September of 1965, Castro responded by opening the port of Camarioca, announcing that any Cuban that wanted to leave could go freely by boat, sparking the first immigration crisis between the U.S. and Cuba. Suddenly, Washington was reluctant to accept large numbers of what they had been referring to as refugees. In a diplomatic dilemma, Washington still hoped that a large exodus would harm the image of the revolution and as Johnson wrote: “preserve our image as a haven for oppressed people.” Thus, the first Cuban immigration bill was signed, with Johnson announcing an “open-ended embrace of Cuban *refugees*” (LeoGrande and Kornbluh, 105). Laying the foundation for the Cuban Adjustment Act, which would be enacted the following year in 1966, this policy would not change until the Clinton Administration in 1995 with the Wet Foot Dry Foot Law (LeoGrande and Kornbluh, 105). The Camarioca boatlift and airlifts were undertaken in the absence of a clear immigration policy for refugees from Cuba.

Both operations were perceived as emergencies and handled as such. Neither Johnson nor Nixon tried to *normalize* the immigration policy during the airlift's seven years (Zucker, pg.34) (my italics added).

By October, the sealift from Camarioca port was bringing about three-hundred Cubans to Florida by the day. The Johnson administration proposed an agreement that would provide a legal and regulated management of the large exodus of Cubans. The next day, the Cuban Interior Ministry announced that the Camarioca port would close that night to further departures. Over four-hundred people were stranded at the port. Thus, the U.S. and Cuba undertook their first diplomatic negotiations and policy agreement since the revolution. The U.S. agreed to create flights from Varadero to Miami, commonly referred to by the U.S. as Freedom Flights. During the first year of the Freedom Flights operation, the flights carried 45,000 Cubans to the United States. By the time the airlift ended in April 1973, a total of 260,737 Cubans had safely immigrated under the November 1965 immigration accord. Within a year of arriving, all of them were eligible to become permanent U.S. residents under the Cuban Adjustment Act – a special immigration law that was passed on November 2, 1966 under the Johnson Administration, ensuring that all Cubans would be granted U.S. residency and hence a path to citizenship (LeoGrande and Kornbluh, 107).

Under the Lyndon B. Johnson Administration, the power of the U.S. would be wielded through the OAS yet again. The Organization of American States (OAS) was created “to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their

independence;”¹⁹ however, it would instead be utilized to forsake its very pillars.²⁰ The OAS Charter clearly stipulates against direct or indirect intervention as well as economic or political coercive measures, despite internal or external affairs of any other State.²¹ Nonetheless, under the pressure of the U.S., in July 1964 the Organization of American States imposed a total embargo against Cuba, exempting only primary foodstuffs and medicines. “These tactics were quite effective: between 1964 and 1966 trade relations between Cuba and the West plummeted from 36.9 percent to 19.6 percent of its total trade. In May 1966, the Agriculture Committee of the House of Representatives approved a law titled “Food for Freedom Program,” which prohibited the exportation of U.S. food products to countries that maintained trade relations with Cuba” (Lamrani, 27-28).²² Johnson signed Immigration and Nationality Act in 1965 proclaiming an open-door policy for Cubans, quite ironically claiming: “I declare this afternoon to the people of Cuba that those who seek refuge here in America will find it. The dedication of America to our tradition as an asylum for the oppressed in going to be upheld” (Zucker, 32-33). It was ironic because this very same act also created for the first time the “problem” of undocumented migration, placing quotas on immigration with a ceiling of 120 thousand visas. By 1976, the quota had lowered to 20 thousand immigrants per year and was

¹⁹ Found at: https://en.wikipedia.org/wiki/Cuba%E2%80%93OAS_relations

²⁰ Ironically, Washington pushed so hard to oust Fidel Castro, despite a majority of Latin Americans being pro-Castro, and pressured enough OAS member-nations to win a majority vote, kicking Cuba out of OAS in 1962, not to enter again until 2009.

²¹ OAS Charter on international law - Article 19 and 20 of the OAS Charter stipulates:

19: No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements.

20: No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind (Lamrani, 27).

²² During the Ford Administration, the Organization of American States decided to cancel all sanctions against Cuba in July of 1975 (Lamrani, 28).

extended to all countries in the Western Hemisphere (Golash-Boza, 35). It is important to note that while Washington invited Cubans to receive refugee status, at the same time the U.S. government has consistently limited visas to Cubans to 20 thousand, and rarely have more than one-thousand been accepted through this normalized, documented process. Like the rest of the Western Hemisphere, there would be a quota limit to visas available, but very distinctly, Cubans could arrive without documents and receive automatic asylum.

Carter was the first president to establish a dialogue and policies of rapprochement and openly expressed his determination to normalize relations between the U.S. and Cuba. Starting with amendments to the the Treasury Department's Cuban Assets Control Regulations in March 1977, U.S. citizens were allowed to travel to Cuba again, the sale of food and medicines was authorized, and Cubans living in the United States were allowed to send remittances to their families on the island (Lamrani, 29). Also under the Carter Administration, U.S. diplomat Vance and Cuban diplomat Padrón met in New York for backchannel negotiations over political prisoners and family reunification. Although various CIA prisoners would remain on the island, the negotiations "turned to broader issues." As recalled by those interviewed who were at the meeting, Cuban diplomat "Padrón raised the embargo, noting that Cuba accepted the principle that compensation was due to U.S. citizens' property being expropriated and 'was willing to discuss the modalities of such compensation,'" but Cuba did expect reciprocal compensation for the costs of the embargo and acts of sabotage carried out in the 1960s, from which the negotiations came to a halt yet again (LeoGrande and Kornbluh, 188). Even under a benevolent administration that gave preference to diplomacy, the

implications of reciprocal and equal-ground negotiating that the Cuban government demanded was more than what encompassed normalizing relations for the United States government. It was also under the Carter Administration that the United States, for the first time, signed on to the United Nations and international community's definition of who is a refugee and the rights that they ought to have protected by other States. This coincided with another major migration stage between Cuba and the United States.

By 1980, in a climate of global economic recession that most intensely impacted countries of the 'developing south,'²³ the 1980 Refugee Act was passed. This phased out the ongoing 1966 Cuban Program in which federal expenditures to resettle Cubans had reached \$1.4 billion by that same year in 1980 (Zucker, 46). Like many Latin American countries, the Cuban economy went through a serious recession between 1979 and 1980. This was also the first year that Castro allowed exiles to return and visit the island.²⁴ Also, in Spring and summer of 1980, President Carter used his parole power to admit 130,000 Cubans through the Mariel Boatlift. He submitted legislation that would classify them as 'special entrants,' sidestepping the newly created individualized [Refugee Status Determination] RSD process (Zucker).

²³ "Developing" due to the historic colonial exploitation and control as well as ongoing intervention and extraction of resources in said "developing countries," who clearly have not had equal access to develop as they might have without such historic foreign intervention. The global economic recession in 1980 was intensified with the debt crisis across Latin America.

²⁴ Cuba's recession and the invidious comparison between living standards in Cuba and in Miami increased emigration pressure. Since the end of the Freedom Flights in 1973, the only Cubans who had been able to emigrate legally to the United States were those who met the same strict criteria as aspiring immigrants elsewhere. However, Cubans who made it to the United States illegally—by sailing across the Florida Strait, for example—were routinely granted permanent residence under the 1966 Cuban Adjustment Act... The perpetrators were welcome in Miami as heroes; not one was ever prosecuted [for stealing and hijacking boats from Cuba], even when they resorted to violence. Example of Cubans breaking into the Peruvian embassy violently and demanding political asylum to the U.S. - Castro calls them criminals and sees the policies encouraging violence by accepting anyone who broke into their embassy grounds by force (LeoGrande and Kornbluh, 216-217).

The Reagan Administration to follow reversed most of the reforms that were established by the Carter Administration. President Reagan then implemented the Santa Fe Program:

In 1981, the U.S. Senate approved a resolution prohibiting the allocation of federal resources to promote trade with Cuba. In 1982, Washington included Cuba on its list of terrorist nations and increased control over imports from countries that maintained trade relations with the island (Lamrani, 30).

Along with increasing violent economic sanctions, the Santa Fe program set up future justified military action by putting Cuba on the U.S. list of terrorist nations, which harmed its image and ability to interact with other nations. In 1988, the Omnibus Foreign Trade and Competitiveness Act was installed to reinforce restrictions of imports from Cuba (Lamrani, 31). The Reagan Administration would set the platform for an ongoing neoliberalization both within the United States and in its “backyard,” as the Monroe Doctrine ideology would continue to permeate U.S. foreign policy. Such neoliberalism would extend from the level of policies to the level of human impact, clearly differentiating migrants who fit the neoliberal mold, and those who did not. As the policies show, the Mariel “crisis” caused a rise of restrictionism in U.S. public and reflected in subsequent policies from Washington, entering into a heightened era of exclusion.

The U.S. embargo and extraterritorial sanctions on trade with Cuba from all other countries, isolating the island from the world. This gave Cuba little options but to turn to the Soviet Union for access to resources and materials necessary to survive.²⁵ The U.S.

²⁵ Attempting to reject, resist and build an alternative to centuries of colonialism, imperialism and capitalism imposed on Cuba and all other previous colonies, that being

itself has overthrown or attempted to overthrow over fifty-seven other sovereign governments since World War II, including ones that were democratically voted. Between 1989 and 1993, Cuban output and wages declined, even more so than during the Great Depression. Nearly 85 percent of the nation's international trade was with the Soviet Union. Imports fell from \$8.1 billion to \$1.2 billion and exports decreased by 75 percent. The GDP fell by 32 percent; total consumption decreased by 27 percent and that of households by 33 percent. Capital formation fell from 25 percent to less than 5 percent of GDP, and the fiscal deficit rose from 7 percent to 320 percent of GDP. Income from the balance of payments went from \$4.122 billion to \$356 million. Real wages fell by 25 percent. The share of international trade fell from 70.2 percent to 25.9 percent of the GDP (Lamrani, 31-32). While the economic blockade and sanctions of United States extraterritorially cut off Cuba not only from the United States but from most other countries as well, their dependence on the Soviet Union and the consequential economic recession from its fall in 1990 are evidently related.

Since the Cold War, bellicose U.S. rhetoric and policy toward Cuba had been *justified* by the relations between Cuba and the Soviet Union; however in 1992, after the fall of the Soviet Union, rather than normalizing relations with the Cuban government, the George H. W. Bush administration signed the Torricelli Act, which tightened the sanctions against Cuba and made it no longer possible to explain the conflict between two nations in terms of the Cold War (Lamrani, 31). Washington adopted violation of human rights as the new justification for its policies toward Cuba. Keep in mind that the

all of Latin America, Africa, and most of Central and South Asia (with the exception of a few examples such as Ethiopia, Iran, and Thailand).

economic, financial, a commercial restrictions of the embargo were not bilateral, but functioned to isolate Cuba from developing relations with all countries based on extraterritoriality of the U.S. blockade (Lamrani, 63). Decades of violent economic sanctions compiled to choke the Cuban economy and society were not accidental, nor were they legal under international law regarding trade or war, and they most definitely targeted harm to civilians. The Torricelli Act was particularly violent, not only restricting access to trade or hold relations between other countries, but going so far as to extend punishment to other countries:

The measure was nevertheless highly profitable because it cut off Cuba's relations with many global carriers that were more interested in working with the United States. The Torricelli Act also includes penalties for countries that grant assistance to Cuba. Thus, if Spain were to grant \$100 million to Cuba, the United States would reduce its aid to Spain by the same amount (Lamrani, 32).

Under the Clinton Administration, as U.S. policy continued on its trajectory of neoliberalism at home and abroad. Following the 1994 election of President Bill Clinton to office, the new Republican majority in Congress passed the the 1996 Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA). Rebecca Hamlin explains the development of the IIRIRA act and its consequential impact on asylum law and in her book, *Let Me Be a Refugee*:

This act cemented the new era of asylum policy in the United States by subsuming the asylum program within larger scale overhaul of illegal immigration control. In fact, the bill came very close to including a provision that would put an end to domestic asylum hearings altogether – a section that was removed during the eleventh hour as a result of extensive lobbying by refugee advocates and the support of several key members of Congress (Hamlin, 42).²⁶

²⁶ Although the IIRIRA did not end asylum for all, it shifted the focus of asylum policy to reducing incentives through stricter border control and crackdowns on exploitation of the process. The 1996 reforms

Although legal *asylum* protections for individuals fleeing violence and persecution was under threat, this did not include refugee status, which the U.S. government categorizes by nationality. Therefore, this would not have affected the automatic refugee status permitted to Cubans. The ongoing conflict between the United States and Cuba would further distinguish and stratify *which* Cubans matched U.S. refugee interests based on financial and social capital, while also increasing violent economic restrictions, further violating international law.²⁷ On March 12, 1996, under the Clinton Administration, Congress passed the Helms-Burton Act, “widely considered a legal aberration because of its retractive and extraterritorial reach” (Lamrani, 33).²⁸ From the Helms-Burton Act, Section 302 allowed U.S. courts to prosecute foreign companies that took over nationalized properties that had previously belonged to persons who, at the time of nationalization, had held Cuban nationality. These persons had in fact chosen exile in the United States and had acquired U.S. citizenship after the expropriation process. However, U.S. law is clear that prosecution in U.S. courts is possible only if a person aggrieved by the nationalization process was a U.S. citizen at the time of the

placed a one-year time limit on applying for asylum, narrowed the grounds for which asylum could be granted, removed work rights for people whose asylum applications are pending, and instituted a policy of keeping as many people as possible in detention while their claims are being investigated. In addition, it created an Expedited Removal program, which prevents many would-be asylum applicants from accessing the RSD system at all, by processing claims at the border. Under this policy, a border control officer screens asylum seekers at the point of entry and makes an initial assessment of whether asylum seekers have a “credible fear” of persecution if returned to their home country (Hamlin, 42).

²⁷ President Clinton: "Today I have ordered that *illegal refugees* from Cuba will not be allowed to enter the United States. Refugees rescued at sea will be taken to our base at Guantanamo while we explore the possibility of other safe havens within the region..." (Zucker, 125-126)... he said that he supported the embargo, the Cuban Democracy Act and that the Cuban Adjustment Act would continue to be the 'law of the land' but that Cubans would now need to be reviewed... "Cubans, for the first time, had become 'illegal refugees.' Henceforth, they could enter the United States only through an in-country program in Cuba, having first applied for admission through the US Interests Section in Havana.

²⁸ The Helms-Burton Act “deprived the U.S. president of all prerogatives that had been permitted under the Foreign Assistance Act. Since then, only Congress can change legislation on economic sanctions,” making the embargo and other hostile sanctions even more deeply integrated into the legislative process and thus more difficult to revoke or change by a president or its administration.

expropriation and that the expropriation took place in violation of public international law.²⁹ Neither of these two conditions were met. The Helms-Burton Act was not only flouting U.S. law but violated international law as well (Lamrani, 34).

Thus, even though Cuba broke ties with the Soviet Union, the Cold War had ended, *and* Cuba would host democratic elections of Raúl Castro in 2008 ³⁰ (all demands made by the U.S. in order for the embargo to be dropped and relations re-established), the embargo remains today in 2018 and is likely to continue in its place as long as U.S. foreign interests and policy maintain an imperial capitalist agenda.

One of the most unjust, but often unknown immigration laws that the United States has put in place for Cubans is the “Cuban Medical Professional Parole Program,” started in 2006. Until terminated by executive order under the Obama Administration, this law permitted Cuban medical professionals working abroad in other countries to merely report to any U.S. embassy in any country that they are of Cuban nationality, they are a medical professional, and they would like to go to the United States, and they will be given a green card and residency and even flown directly to the United States. From the perspective of a Cuban I informally interviewed in Mexico City, this is one of the most highly abused policies. Cuban medical professionals take the opportunity to enter into the United States, regardless of how the circumstances truly are in Cuba and in their

²⁹ Article 2 of the United Nations Charter states that “the Organization is founded on the principle of the sovereign equality of all members.”

According to the United Nations Charter, ‘economic self-determination’ is an “inalienable and imprescriptible right of all peoples, which stipulates that in case of nationalization, compensation will be paid in accordance with the norms in force in the country that proceeds with the nationalization” (Lamrani, 21).

³⁰ One in which a Cuban man I informally interviewed argues that Cuba already has, and even is a far more effective and true form of democracy than that of the supposedly exemplary form of democracy in the United States.

position, despite the fact that they lose all credentials and professional titles when they come to the United States. Conservative Cuban-American congressmen and women supported the continuation of this law, understanding that it not only drains the Cuban government of their professional economy, but it also encourages Cubans to migrate illegally and thus be portrayed as endangered and fleeing the problems of their country.

This migration route, paid for and facilitated from Florida by Cuban American individuals, became a diplomatic concern for safety. Although it led to bilateral dialogue and an eventual agreement between the Mexican government under Peña Nieto and the Cuban government under Raúl Castro in 2013, it was impossible not to discuss the role of the United States' migration policy toward Cuba and the rest of the region. With an increase of undocumented immigration of Cubans to the U.S. There has been a surge of organized groups in Florida dedicated to the smuggling of persons. This phenomenon deserves being contextualized based on a new understanding of smuggling projects as vectors and facilitators of migration. It represents, therefore, a critique of the lack of freedom to migrate, while also being composed by a historically conservative Cuban American project of terminating socialism on the island. As a result, it stratifies and furthers inequality of who is able to access this network of such smuggling, due to their social and financial capital (Campa, 236). Furthermore, this facilitated smuggling not only stratifies accessibility and freedom to migrate (or to access freedoms available only by reaching U.S. territory) between Cubans on the island, but it also creates a stark stratification that completely excludes Central American and other Latin American asylum seekers and migrants.

As the Mexican and Cuban ambassadors' negotiations reached a standstill, they inevitably signaled the responsibility of the U.S. migration policies in the conflict at hand. In the first meeting, both parties noted that they recognized that the bilateral migration dynamic impacts the political situation between Cuba and the United States, particularly the migration policy of the United States, whose effects stimulate the *illegal* departures and the activities of criminal activities dedicated to the traffic of Cubans (Campa, 220) (my italics added).³¹ In order to reach a solution to the trafficking phenomenon, the Cuban government insisted that Mexico put this accusation of said responsibility of the U.S. migration policy directly in the document of the "Memorandum of Understanding," but the Mexican administration thought it was inappropriate to involve a third country in a bilateral agreement.

However, it is impossible to discuss the conflict without discussing the policies of the United States. And Mexico's response is telling. It reveals to us that Mexico makes decisions that are loyal to their relationship with the United States. Precisely in those weeks, the United States capitol was debating the Merida Initiative, which had converted into a priority of the Calderón government in the fight against narco trafficking.³² Although these negotiations were done bilaterally between Mexican and Cuban governments, it became clear that it would be difficult to achieve a migration agreement that would not consider the responsibility of the United States, whose Congress was

³¹ Original quote in Spanish: "reconocieron que en la dinámica migratoria bilateral incide la situación política entre Cuba y Estados Unidos, y particularmente la política migratoria estadounidense, cuyos efectos estimulan las salidas ilegales y las actividades de redes delictivas dedicadas al tráfico de cubanos."

³² Original quote in Spanish "Los congresistas cubano-americanos tenían un arma de presión: justo en esas semanas el Capitolio discutía las asignaciones para la Iniciativa Mérida, que se había convertido en una prioridad del gobierno de Calderón en la lucha contra el narcotráfico y el crimen organizado."

debating the Merida Initiative, an opportunity for the Mexican government to receive funding toward their military. The Mexican administration did not want to “poke the ribs” of the U.S. and jeopardize their good relationship (Campa, 221). Mexico was, and remains, in the middle, a hinge between the United States and Cuba. As a result of the negotiations, the Mexican government made a public remark accusing the unilateral policies of the United States for stimulating the flow of Cubans through Mexico.

In the migration agreement with Cuba, called the “Memorandum of Understanding,” the Mexican administration under Peña Nieto declared the following: 1) rejecting the unilateral policies of the United States, including their commercial sanctions toward Cuba and the Helms-Burton Law; 2) accusing the migration policies of the United States (Wet Foot Dry Foot) of stimulating the problem that both Mexico and Cuba were now facing, complicating the efforts of resolving it. Mexican government officials insisted that a resolution already existed by the United Nations General Assembly, titled *Necesidad de Poner Fin al Bloqueo Económico, Comercial y Financiero impuesto por los Estados Unidos de América contra Cuba*, which condemns the United States’ blockade on Cuba (Campa, 224). The Memorandum de Entendimiento established that Cuba would accept the return of its nationals in the following categories: those who enter directly and ‘illegally’ into Mexican territory; those who are found in an irregular situation in México; and those who enter illegally through Central America (Campa, 226).

The Mexican ambassador, Pérez Roque gave responsibility to Washington directly. He said “the most foundational solution to this issue is to lift the economic blockade against Cuba, that obligates our people to economic restrictions that are not

necessary to suffer, because the Cuban migrants are economic migrants like the rest of Latin America” (Campa, 228). He points out how the conflict of the Cuban Adjustment Act and the Wet Foot Dry Foot laws are reflected in the media: when any other Latin American migrates to the United States the verb “migrate” is used and when it is a Cuban, the verb “flee” is used; when described after arriving to the United States, they are categorized as “migrants” and “exiles” or “refugees” respectively. Pérez Roque also highlighted that changing the policies which would require Cubans to migrate “legally” like any other migrant, is not in the hands of Mexico and Cuba, as they are merely victims of the policies (Campa, 228). Following the negotiations, by the end of 2008, the number of Cubans entering the U.S. through Mexico decreased after the Mexican National Migration Institute (INAMI) repatriated 107 Cubans based on the Memorandum. The U.S. CBP reported that from 11,487 Cubans entering the U.S. in 2007 and 10,062 in 2008, there were only 5,831 Cubans who entered in the year 2009, reducing by almost 50% (Campa, 232-233). The Memorandum’s repatriation law between Mexico and Cuba aligns with stock exchange crash and international financial crisis in 2008. The policy to repatriate Cubans was pushed by Washington to slow Cuban immigration; those now Cuban-Americans in Florida were already facing financial vulnerability with loss of jobs and estates (Moreira Seijos, 370). The migration Memorandum was functioning as planned – or the global financial crisis of 2008 caused by the economy crash in the U.S. made it more difficult for Cubans to migrate in its wake – and would maintain the lower number of Cubans entering the U.S. through Mexico for the next few years until yet again in 2015, leading to the migration conflict of 2014.

The Obama Administration has made a distinctive symbolic mark on the history

of relations between the United States and Cuba. Barack Obama and Raúl Castro shook hands at Nelson Mandela's funeral in 2013 and the following year in November 2014, the two presidents met to negotiate in a form of open-diplomacy, even though there had been numerous occasions of back-channel diplomacy for the past five decades. President Obama stated, "I think we can move the relations between the U.S. and Cuba in a new direction and open a new chapter of engagement that will continue during my tenure" (Lamrani, 43). In April 2009, he announced the lifting of restrictions that had been imposed in 2004 by the Bush Administration: "Now Cuban-Americans could visit the country as many times as they liked an unlimited period³³... and make uncapped remittances to their families (against the \$100 a month they were allowed before) (Lamrani, 44). In September of 2009, "President Obama decided to extend by one year the Trading with the Enemy Act of 1917, legislation that established the economic sanctions against Cuba. In so doing, he has followed the lead of all U.S. presidents since 1962. However, according to U.S. legislation, these economic emergency measures may only be applied in case of war or an imminent threat to the national security. Neither of these two parameters could reasonably be evoked in 2009 in order to perpetuate the state of siege against the Caribbean island" (Lamrani, 44). There were high hopes for the "normalization" of relations. In fact, when talking to many people, it seems as though the media led many to believe that from a few simple public meetings, that the embargo remained an event of the past. How little it is known that despite the most open invitation to better relations, the United States continues to hold war-like sanctions on the island in

³³ Which was limited to fourteen days in the previous three years under the Bush Administration (Lamrani, 44).

non-war time.³⁴ Since 1996 and the adoption of the Helms-Burton Act, annual renewal has not been required to maintain the economic sanctions in force. Only Congress has the power to bring them to term. Thus Obama has not taken the opportunity, highly symbolic, to act differently from his predecessors (Lamrani, 44).

After five decades of immigration privileges offered by the Cuban Adjustment Act, the deterrent and isolationist immigration climate in the U.S. in the years 2014-2016 would have its effect on Cubans as well. On January 12, 2017, President Obama enacted an executive order to eliminate the Cuban Adjustment Act and the Cuban Medical Professional Parole Program. The policy changes transformed Cubans from refugees, serving geopolitical purposes between the U.S. and Cuban governments, into migrants. Like other migrants without legal status, they suddenly have less or no rights and less access to resources. However, different than other migrants, Cubans are not needed as a labor force in the U.S. in the way that groups such as Mexican migrant workers are. Cuban migrants rather, fuel large political discussions on issues such as the economic failure of the Cuban socialist model or of human rights abuses, that the U.S. government can then utilize as political justification to uphold the embargo on Cuba. While a Washington policy change no longer recognizes Cubans as refugees who need protection, the subsequent question to follow such logic goes publically unasked: why then, does the U.S. embargo on Cuba remain in place?

Of course policies like these and their contradictions are not accidental, and the

³⁴ "Since the London Naval Conference of 1908-1909, international law stipulates that a blockade can be used only in 'wartime,' that is to say, between belligerents. Since then, international legal norms do not recognize the 'blockade in peacetime,' which had often been applied by colonial powers in the nineteenth century" (Lamrani, 55).

interests that they fulfill are not merely to have political power—as my initial analysis of the U.S.-Cuba conflict shortsightedly observed the preferential refugee status for Cubans as the sole purpose of ousting a communist government project that challenged U.S. imperialism. But where does that struggle and conflict challenging imperialism unfold? As always, there are far more dimensions to the conflict. In a narrowed example of a larger global struggle between colonialism and decolonization over centuries, the conflict is in some way already present long before the 1959 Revolution, before the 1960 nationalization of U.S. property and the consequent embargo, the Bay of Pigs invasion—or as Cubans refers to it as the invasion of Playa Giron—and long before the 1962 missile crisis. Those inhabiting the island of Cuba have been resisting and defending against colonialism and its commodifying and profiteering gaze and subsequent material exploitations since 1492. And what are the stakes of such a conflict? Of course it is not mere political power and control, be it the Spanish crown or Washington D.C. What is at stake is gold, sugar, tobacco, fertile land, tourism, trade rights, importing and exporting, railways, and cheap or slave labor. What is at stake is the vast opportunity for profit making, and the Spanish saw it just as the U.S. government saw it. While the colonial and imperial projects also function by their ideological conviction of being the chosen ones, the saviors, the civilizers, this same ideology stems from the very roots of capitalism, itself an ideological system that has been both imposed on lands around to world to make them “productive,” approvable by God, but also an ideology that justifies for the colonizers and corporations to materialize land into none other than private property.

Case Study: Cuban Migration 2014-2017

Historical Context in the Years Leading up to 2015

Since 2002, Cubans have arrived to Mexico in high numbers. Often leaving from the west coast of Cuba from the province of Pinar del Río, floating rafts and high speed boats arrive on the east coast of Mexico in the Yucatán and Quintana Roo states. Neither the Mexican marines nor the state and federal authorities have the capacity to attend to thousands of arriving Cubans. After arriving to the shores of the Mexican Caribbean, most Cubans cross the Mexican territory in order to reach the United States. Washington is then faced with the dilemma of either blocking Cubans at the border with Mexico or accepting them in virtue of the Cuban Adjustment Act (Campa, 196).

Since 2003, the United States Customs and Border Protection (CBP) started to register Cuban immigrants entering the U.S. by way of Mexico. Registration increased significantly from 2005 to 2008 (Campa, 199).³⁵ Even at the highest amount of 12,938 Cubans registered in 2007, this does not include those Cubans who were intercepted at sea by the U.S. Coast Guard and returned to Cuba through Guantanamo³⁶ in accordance with the the migration policy of Wet Foot Dry Foot. When combined however, a total number of twenty thousand *undocumented* Cuban migrants were counted during 2007, the highest amount since the economic-migration Balsero crisis of 1994 (Campa, 199-200). The total amount of Cubans that successfully entered the United States without

³⁵ According to the CBP, the number of Cubans entering the U.S. and the percent coming by way of Mexico were recorded annually: during the fiscal year of 2005, 8,994 Cuban immigrants were intercepted, 81% of them at the border points with Mexico; in 2006, this increased to 10,353 Cubans, 84% from Mexico; in 2007, 12,938, 89%; in 2008, 11,000 Cuban immigrants, 90% from Mexico (Campa, 199).

³⁶ Guantanamo is currently U.S. militarily occupied land on the island of Cuba.

documentation is estimated to be at least twelve thousand annually between 2005 and 2008. This is to say that forty-eight thousand *undocumented* Cubans migrated to the U.S. in just four years, 85% of them passing through Mexico. This is 40% more than the thirty thousand Cubans that entered the United States during the Balsero Crisis of 1994 (Campa, 200). Of the total Cubans that entered the United States through the Mexican border, 80% entered both Mexico and the U.S. without documentation – be it by sea to the Yucatán Peninsula, or by land from Central America – and only 20% entered with documentation (Campa, 202).

While the route and process through Mexico has been solidified by Cubans who have migrated since 2007, this particular migration remains accessible only to some. It is mostly accessible to those whose contacts can pay to be taken by boat from the island to Eastern Mexico. [In the fiscal year of 2007, for example, the speed boats were used in 75% of the incidents, according to statistics from the US Coast Guard (Campa, 205).³⁷ This has provoked a secondary phenomena of Cuban migration: the blossoming of organized crime networks. This route includes a necessary but dangerous component of Mexican drug cartels, such as Los Zetas, who primarily control the Eastern region of Mexico. This alliance is costly, often with high smuggling fees between \$10,000 and \$15,000 per person, and sometimes even costing one's life. Miami groups organized around smuggling Cubans started to collaborate with Los Zetas and would pay to them the “right of transit” for their Cuban relatives (Campa, 206).³⁸ Lázaro Barredo, delegate

³⁷ To better understand the differentiation between smuggling and trafficking, see Tinti and Reitano's *Migrant, Refugee, Smuggler, Saviour* from 2016.

³⁸ In effect, the organized crime groups were established in Florida and utilized yachts, racing boats and speed boats – the majority with satellite system, with two or three motors of 200 horsepower, capable of reaching more than 150 kilometers per hour – in order to pick up Cubans on the coasts of

of the Asamblea Nacional del Poder Popular (ANPP) of Cuba, estimated that the “negocio” or “business” of smuggling of citizens from the island to Florida as reaching more than 800 million dollars annually (Campa, 209-210). When agreements between the Mexican narco-cartels and the Cuban American smugglers could not be found, there was violence. Between 2007 and 2008, there were more than 30 related executions (Campa, 207). Other fees might arise for example, unanticipated extortion fees to Mexican officials. Extortion fees are usually \$2,000-\$2,500 USD. In 2015 alone, there have been 2,867 extortionist and false “exit permits” processed by the Mexican government for Cubans to enter into the U.S. In all, there have been roughly 800 documented cases of extortion abuse of Cuban migrants since 2012.³⁹ If a migrant is detained by the Mexican National Migration Institute (INAMI) agents, and if they are not accepted for repatriation by the Cuban government, the Mexican officials then release them with a five thousand peso (around 300 USD) fine and an order to leave the country within 30 days. In order to show an effort to respond to the concerns of Washington about the increase of incoming Cuban migrants in 2008, the Mexican administration under Felipe Calderón changed its policy to detain all Cuban migrants for 15 days. In some cases, the INAMI would even give a Cuban migrant an “official document of departure” that would allow them to not be detained again on their way to the Northern border with the United States.⁴⁰ Other

Pinar del Río, Matanzas y Provincia Habana whose friends or family have previously paid between 10 and 15 thousand dollars per person. They take them to coasts of Puerto Progreso, El Cuyo, Río Lagartos, in Yucatán, or to Isla Mujeres and Holbox, in Quintana Roo, Mexico. One or two people are already there to pick them up and take them to safe houses in these towns, and even in housing located in the suburbs of Cancún, from there they were transported by land to cities like Matamoros and Reynosa, bordered with the United States (Campa, 205-206).

³⁹ One Cuban woman reported that she was incarcerated for 26 days and her family was forced to pay \$2,500 USD in order for her to be released.

⁴⁰ In 2008, 30 undocumented Cubans were taken by INAMI in a migration center in Tapachula, Chiapas – 18 of them showed up a few weeks later in the United States (Campa, 210).

times, a Cuban migrant's Miami-based family members would pay a lawyer for protection and to speed up the process of their release. Many do not have such facilitations or privileges and instead rely on networking and collaborating with other Cuban migrants and Cubans living in Mexico. A Cuban would succeed in immigrating to the U.S. as a refugee if they could navigate crossing Mexico, present themselves to the U.S. border officials, and ask for political asylum, which has been automatically granted under the Cuban Adjustment Act (Campa, 203-204).⁴¹ Ultimately, the migration route through Mexico can vary in accessibility and facilitation depending on the social and economic means that one has.

According to leading scholars on the issue, “very few Cuban migrants are able to accumulate enough money to traverse to US from within island, but rather the immense majority have always depended on the contribution of family and friends who are established in the US” (Moreira Seijos, 370). While researching in Mexico, it was apparent that Cubans' migration experience was very different than that of most Central Americans who often stay in shelters. From all of the migration and refugee shelters that I contacted, few of them ever had Cubans coming to stay with them and if they did, it was only about three or four per year. This is because Cubans are migrating through Mexico by staying with family or friends. This practice may not reveal one's individual economic situation, however it does reveal a certain level of social capital compared to other migrants.

For a Cuban considering migrating to the United States, there is a common

⁴¹ In 2013, Cuba under President Raúl Castro, lifted the Travel Restrictions or “exit permit” set in the early 1960s by Fidel Castro, which required Cuban citizens to obtain permission to leave the country.

understanding that passing through Mexico is the best route to do so. Indeed, obtaining the passport and the Foreign Travel Permission (commonly called the “tarjeta blanca”) from the then US Interest Section⁴² in Havana, means a long and tortuous treatment, without guaranteeing any success. Currently, the United States allots only 20,000 annual visas⁴³ for Cubans to apply to come from Havana to the United States in a “documented” and “legal” form.⁴⁴ The possibility of receiving legal permission through the U.S. Interest Section in Havana becomes practically impossible if one has previous penalties. However, this migration reality is complicated further when understood through the very contradiction of U.S. migration policy toward Cuba: if this *same* migrant (with legal penalties and without migratory-administrative permission) succeeds in arriving to the U.S. by way of a third country like Mexico, they would be accepted as “refugees” under accordance with the Cuban Adjustment Act. Then, without complications or question, they would be able to initiate their process toward becoming a legal resident of the U.S., eligible after one year. This is to say, those who were denied approval in the U.S. Interest Section in Havana will be accepted upon arrival to U.S. territory.⁴⁵ This policy

⁴² After 54 years, the U.S. reopened its embassy in Havana in July, 2015.

⁴³ Most countries throughout the past three decades are offered about 50,000 available visas to apply to go to the United States; however, Cuba, the *only* country that its citizens receive automatic asylum and refugee status in the United States, only have 20,000 available visas, and in fact much fewer are usually approved and processed.

⁴⁴ I put the words documented and legal in quotations because these words hold very distinct nominal power when applied to migrants from countries like Mexico and Guatemala (or most “Third World” or “underdeveloped” country.) They imply a racist, dehumanizing equation to those migrants. Also, Cubans migrating through Central America do not have documents, thus are also undocumented, however they ironically *become* documented when they *pass* the border – an experience completely dissimilar to that of other migrants coming through the U.S. southern border – because they are immediately given refugee status and thus a green card, along with a social security card and a work visa, among other things.

⁴⁵ “The Cuban government denounced the 20,000 annual visas and the US government manifested the existence of obstacles to develop its job and government obstacles to permit the leaving of those accepted. The consequence of this climate translated in a new increase in the requested illegal departures... While there was a decrease in the quantity of Cubans that arrived legally to the US airports...” (Moreira Seijos, 357).

contradiction then encourages precisely what the 1994 and 1995 Wet Foot Dry Foot migration agreements between the U.S. and Cuba set out to avoid for both countries: the undocumented, massive and uncontrolled migration of Cubans (Campa, 202-203). I highlight this contradiction not to condemn the act of such migrant themselves, but rather to critique Washington's migration policies toward Cuba. Despite providing automatic refugee status for protection from the Cuban socialist government, Washington's migration policies in fact harm those Cuban migrants. It becomes clear that their well-being is indeed not the central concern behind such a unique refugee policy; rather, the stakes of transitioning economic power back into Washington's hands remains central, if not always obvious.

Informed by the history of economic and migration policies, the case study of this research specifically focuses on the year 2015, when the amount of Cuban migrants coming to the United States largely increased; twice as many as in previous years. In 2015, there were about 43,000 Cubans that came to the United States and in 2016 the number increased again to 56,000. One of the main causes of this increase in this migration was the fear that the Cuban Adjustment Act – which has given Cubans automatic refugee status since 1966 – would be disbanded due to the beginning of normalization of relations between the United States and Cuba when Raul Castro and Barack Obama met in November of 2014. It is also important to note that Cubans are *passing* through Central American countries, which have thousands of people leaving extremely violent circumstances and seeking political asylum in the United States. According to the Office of Refugee Resettlement in the U.S. Department of Health and

Human Services, the United States admitted a total of 140,093 refugees (from all countries) in 2015 and 56,684 of them were Cubans.⁴⁶

Comparing the experience of migrants as well as the stark policy responses toward Central Americans and Cubans illustrates not only the adhoc use of refugee law by Washington, but also the ever present concern with economic control, including that control over the labor and bodies of migrants. While the Mexican government facilitated the passing of tens of thousands of Cubans to the U.S. northern border with visas and other documents, the Mexican government deported more than 100,000 Central American migrants in 2014, far more than the United States did in the same year, cutting numbers in half from year before. This exhibits how the U.S. is “contracting out” immigration deportation to the Mexican government. Since 2015, after the “crisis” of thousands of Central American children arriving in Southern U.S. states, Central Americans—adults and children alike—are deported by the Mexican government before they even reach the United States. And unlike the hotels, safe houses, tourist buses, escorts by gangs (paid by the Cuban American family and friends and organized smuggling groups from Florida), Central Americans often ride atop “The Beast,” a cargo train that runs from Southern to Northern Mexico along the Eastern coast, which was sped up and had metal bars constructed above the roof to discourage people from transporting on them. More than 60% of children experience rape and sexual assault while in transit to the United States. More than 80% of women will experience rape and sexual

⁴⁶ It is important to note this statistic when compared to countries like Mexico and Guatemala, countries that Cubans pass through to get to the United States, which only received 120 and 104 admittances respectively as refugees in the year 2015. While many Cubans are transiting through countries like Mexico in passenger trains or buses, it is very common for Central American migrants/refugees to ride atop cargo trains like “La Bestia” that go through eastern Mexico, a very dangerous form of transportation.

assault, causing them to plan and “pack for it” with contraceptives. The particular social group experiencing persecution, is women, in this case, both before they are displaced from their home and in route to the U.S. Remember that the majority of Cuban migrants are male. U.S. asylum law is restrained to Cold War categories, lacking the category of gender based persecution for example. Next, the legal basis for Central Americans to request asylum depends on international law by the UNHRC, which Washington subscribes to in an ad hoc fashion, while Cubans’ legal claim to asylum is upheld by the U.S. Cuban Adjustment Act. Additionally, most Central American asylum seekers will wait three or more years for their case to be reviewed, which is very expensive as they pay legal and application fees as well as support themselves and family without legal rights to work and earn money in the U.S. This is a cost that Cuban migrants to the United States do not pay, aside from the extra privileges and resources such as loans, scholarships, housing, health insurance, etc., that they are eligible for under the Cuban Adjustment Act. Central Americans, for the sake of continued comparison, must *re-apply* for asylum after granted a year of residency, whereas Cubans can apply to be granted citizenship after one year of residency in the United States. Looking at the contradictions from a racialized analysis, many Central American migrants face anti-indigenous racism in all countries (the country they flee, Mexico when they pass through, and the United States where they apply for asylum). Even liberal racism takes place by judges that romanticize their experience and oppression as indigenous people. While having light-

skin privilege would likely benefit them in front of a judge, Cubans do not actually go through the application or trial process to prove their need for asylum.⁴⁷

Impact on Migrants

The combination of economic and migration policies illustrates that the United States is encouraging not only a type of immigration that is undocumented and far more dangerous (going through Central America and Mexico), but also the impact of such policies target the working, professional class in Cuba. Causing many to leave, the economic violence of the embargo combined with the migration policies toward Cubans create what is called a “Brain Drain.” Additionally, this greatly impacts the Cuban economy for those who remain on the island. It is important to remember that the island’s population is 60-80% Afro-Cuban or of African descent, increasingly so as more white Cubans leave the island. Apart from facilitating the draining of the Cuban economy of its working professionals, these policies also reveal the political maneuvering by the United States government. For example, the Medical Professional Parole Program debilitates one of Cuba’s primary international diplomacy projects, medical service carried out in other countries as a form of solidarity with their struggle against imperialism or even as a form

⁴⁷ As a response, the Integration System of Central America, or SICA was formed to respond to the regional conflict. SICA and other critics of this particular migration emphasize that the Wet Foot Dry Foot law of 1994 and the Cuban Adjustment Act of 1966 not only created a system that is discriminating against other migrants from Latin America who are permanently deported, separated from families, and whose human rights are violated, but that “promotes illegal, unsafe and disorderly emigration from Cuba for political purposes” (Ramos). The Guatemalan government, a member of SICA, took a stance against the preferential treatment of Cuban migrants, who are “not political refugees, victims of war or natural disaster.” Alongside this statement, the Guatemala Foreign Affairs Ministry reiterated that over 120,000 Guatemalans have been deported back home from the U.S. since the beginning of 2015 (Ramos).

of trade, providing many resources such as oil in return that the island cannot produce itself. Very aware of its functions and success, particularly as Cuba's main export, this U.S. policy directly aims to weaken the socialist Cuban government at large; however, they consistently harm and impact the lives of Cuban citizens, those on the island, and those who migrate.

Analysis

The logic and motives behind such corrupt refugee law for the United States is in fact not *only* based on Cold War and ideological differentiation, although that is clearly a critical factor. A comparison of those same countries that either have right-winged, U.S.-backed dictatorships, or the countries that had armed, organized left-wing and participation of the masses can be extended past ideology and political hegemony in the region, and drawn from the cyclical colonial-capitalist history to the ongoing question of potential extraction, privatization and thus, profit that those countries represent. Therefore, those individual migrants coming from countries whose governments bend to the economic interests of the United States, by economic reform or by military force through intervention, are not accepted as refugees or asylees. The economic and military violence they are fleeing is sanctioned by the U.S., in the name of development, democracy and freedom, and by the means of immense profit for the concentrated private property owners both in the country and from the United States. In the context of the Cold War, the powerful stakeholders would engage violently, both economically and militarily, and a struggle of defensive resistance of people and governments alike for the conflict of which ideology and which mode of production would finally have monopoly and control. Under the name of fighting communism at home and abroad, the United States' full blockade (or embargo) on Cuba and other violent policies and military actions were upheld in reaction to Cuba's ties with the Soviet Union and because of Cuba's support of socialist people's liberation struggles in other countries like Nicaragua. In the end, the Cold War rhetoric and justification proved not to be the only thing at stake when it came to lifting the full blockade on Cuba.

As pointed out previously, there is an unattended connection in current literature that, while very effectively proving that Cold War geopolitics and ideologies have indeed influenced U.S. refugee policy, the argument needs to be taken two steps further. First, the variety of violent impacts from U.S. interventions directly causing the very displacement of people that the U.S. denies protection of. Thus, this leads us to subsequently question the ideological and material neoliberal motives of such interventions in terms of property, resources, and labor. Despite the procedural human rights obligations Washington commits to, the trajectory of ‘anomalous exception’ logic continues. While not always explicitly monetary, this logic consistently remains committed to valuing short and long-term profitable decisions for those included in the imagined nation-state. The question of inclusion is limited to those who are willing to fit into the liberal imaginations of the nation either as profitters or as laborers creating such profit. Norman and Naomi Zucker’s focus on “mass escape” that calls for refugee policy to examine human rights abuses and not ideologies (Zucker, 7). However, until the U.S. government can imagine and implement alternative forms of property and relationships of power and dominance, human rights in our own neighborhoods as well as in every region of the world will not only continue to be violated, but those displaced by such violations will not be welcome on the basis of their humanity, but rather on their functionality in reproducing a cycle of labor for neoliberalism.

In the case of the U.S.-Cuba conflict, the liberal paradigm has already influenced the initial “normalization” of relations talks that Barack Obama and Raúl Castro held in 2014 and 2015. During the Obama administration, Cuba agreed to open a few avenues of trading with American communication companies, to import very few agricultural crops

to the island, and to even make a limited amount properties private for Cuban citizens to sell and buy homes. Particularly in a conflict that has been defined and carried out through violent economic actions, not to mention the ongoing covert attacks through the CIA, it is critical to assess how the “normalization” process is distributing power and resources, and who the liberalization of trade is benefiting.

Obama changed the direction of U.S. policy toward Cuba, if only to normalize immigration relations. However, economic relations regarding the embargo on the island remained strongly in place. Obama’s executive order in the last days of his presidency changed the preferential status of Cuban migrants from automatic refugees to that of the rest of Latin Americans by ending the Wet Foot Dry Foot Act and by ending the Cuban Medical Professional Parole Program. And while this may have normalized *immigration* relations between the two countries, no changes were made to the asymmetrical economic blockade on Cuba. In effect, Washington still holds asymmetrical, extraterritorial and violent sanctions and laws over Cuba, maintaining the bilateral conflict and the restrictive struggle for those who live on the island. Moreover, such changes to the preferential immigration relation between the countries without any change to the economic blockade has implications within a larger system of migration restrictionism and economic neoliberalism. Relegating refugees to any other immigrant status signifies less obligations of protections by the state and more precarious and vulnerable living and working conditions for those migrants. When automatic refugee status was a symbolic gesture to prove the supposed failure of a socialist state augmented to over 50,000 Cubans entering the United States southern border in 2016, suddenly such a generous refugee policy became concerning for internal interests. Such policy changes function to further

neoliberalization throughout the region, particularly changing those who were once considered refugees to be categorized as migrants, making them a group that is more manageable (accepted or rejected as migrants based on internal interests) and precarious.

Merida Initiative: Another Arm of U.S. Economic & Military Violence through the Americas

As previously illustrated, the United States historically holds high stakes in maintaining control in the Americas. The project of the United States government has different strategies of extending its interests. One is the embargo on Cuba. Another extension is through the Merida Initiative in Mexico. In the regional conflicts and displacement in the Americas, Mexico plays a crucial role as a “transit state” through which the majority of migrants and refugees pass to get to the United States. There are an estimated 1.5 million people entering Mexico’s southern border and about 400 million territorial crossings per year (González-Murphy). However, the definition and role of a transit state is much more complex than merely having transit migrants pass through its territory. Mexico has transformed into a transit state because of its geopolitical position between nations of varying levels of economic development and sharing a border with a major and restrictive destination country (the United States), and for its own government’s response of restrictive migration policy for external, not internal, concerns. Additionally, its government directly replicates the U.S. laws and restrictions toward Central American migrants, apathetically permitting brutal human rights violations to continue. This is implemented by the 2008 Merida Initiative, in which the United States government and taxpayers have funded over 2.5 billion dollars to the Mexican

government for the militarization and increased resources of their immigration systems.

In 2014, there was a significant increase of “non-Mexican” immigration across the U.S. southern border. Seen as a crisis, President Obama met with President Peña Nieto to create an urgent response. The Mexican government under Peña Nieto agreed to install “The Southern Border Program,” which originally called for the increased security of both migrants and Mexican citizens within Mexico as well as increased deportations from the southern border. After pressure from Washington, the first aims at increasing security were cut, leaving the bill with the single goal of deporting migrants. This program increased the militarization and many levels of enforcement for surveillance, arresting, detention, tracking etc. and caused increased vulnerability through accessible extortion by Mexican migration officials. During the fiscal year of 2015, the United States externalized its restriction of Central American immigrants by funding the Mexican government with tens of millions of dollars militarizing their immigration system in order to intercept and deport Central Americans before they can reach the United States to claim asylum. This is very different from the experience of Cuban migrants who are provided a two month visa when they enter southern Mexico in order to pass through to the United States. Funded to be a filter or buffer for the United States, the Mexican National Migration Institute apprehended more Central Americans than the United States in 2015, increasing by 70% over the previous year while those of the United States were cut in half. By the United States “outsourcing a refugee crisis” onto the Mexican government, the migrants are not only subjected to violence and human rights violations caused by corruption and complacency of the Mexican government, but the United States eludes political responsibility for funding these violent policies.

Mexican, Cuban, US Triangular Relations

Throughout decades of conflict, the Mexican government has played a unique and critical role as an intermediary, facilitating diplomacy and negotiations between the United States and Cuba. While the Mexican government maintained communication and, to a certain degree, trust with the Cuban government, it was often taking steps that contributed to the motives and interests of the United States. One reason that Mexico was able to play the most important role in the U.S.-Cuba conflict is because Mexico is the only country in Latin America that was not in a war or a dictatorship (technically speaking)⁴⁸ since the 1960s, during the timeframe of the conflict. During the late 1950s and through the 1960s, the Mexican government under President Mateos was creating centralized and powerful state institutions. The Mexican government under the López Mateos and Díaz Ordaz administrations was creating public institutions and social welfare such as public health systems for state workers along with nationalization of Mexican resources such as electricity. However, amongst these reforms, there was *not* sufficient economic height or distribution of funds throughout the economy. Thus, the goals of the Mexican government were conservative, working to centralize the political and economic power.

Mexico often kept positive relations with Cuba on the public platform, while also serving interests that strengthened their ties, dependency, and trust with the United States

⁴⁸ Actually, need to acknowledge that Mexico was under a type of dictatorship, but it was not publicly recognized neither nationally or internationally. Under President Ordaz from 1964-1970, was arguably a dictatorship because of its military highways, it killed thousands, and carried out the Tlatelolco Plaza Massacre (1968) by a combination of Ordaz, U.S. CIA, and Figueroa (Governor of Guerrero). The Communist Party was strong in Guerrero.

government. This triangular relationship laid its foundation with the 1964 decision of the OAS by a vote of 15 to 4 that agreed to terminate diplomatic and commercial relations with Cuba. Chile, Uruguay, Bolivia and Mexico were the four countries that voted against the resolution. The Mexican government seemed to stand up to the U.S., choosing not to cut diplomatic ties with Cuba or enforce full sanctions on Cuba for their support to other revolutions. But behind the scenes in 1961 under President López Mateos, the Mexican government agreed “to maintain economic and political ties to Cuba and not take any overt effort to undermine or overthrow the regime,” assuring the U.S. government that Mexico was willing to work with the U.S. “beneath the table” (LeoGrande and Kornbluh, 99). Mexico remained the *only* country with relations with Cuba and to keep the Mexican embassy in Cuba in order to keep a connection and thus information about what was going on in the island and Havana. This information specifically served the U.S., which has not had a proper embassy in Havana from 1961 to 2016 (LeoGrande and Kornbluh, 100). Such a move is self-serving to the Mexican government because it means that the relationships with the U.S. can strengthen, while the public stance supporting Cuba will work to appease and quiet the Mexican Left movement of the 1960s;⁴⁹ both function toward a long term conservative plan of liberalization alongside the United States. The products of such diplomatic decisions are visible today with the NAFTA agreement, the ongoing privatization of Mexico’s land and resources, as well as the expanding military repression toward Mexican citizens – partially funded by the U.S. Merida Initiative. The

⁴⁹ At the time, the Mexican Left and the Communist Party of Mexico were strong and gaining strength after the Cuban Revolution. The Mexican government did not cut ties with Cuba when the U.S. did so as “not to upset the Mexican Left” (LeoGrande and Kornbluh, 99). Cutting ties with Cuba could mean more morale and unification of the Left in Mexico toward the government on other internal issues. Already, the Mexican government was battling massive protests of doctors, landowners, and students throughout the country.

regional project of the United States to maintain and further its imperial control of the Americas and the profit it represents manifests in policies of privatization, neoliberalism, and control of migration, all of which are violent.

Manageable Labor Cycle: Turning Refugees into Migrants

“The United States never acceded to the 1951 convention but became a signatory to the 1967 protocol, accepting in theory the universalist principles of the refugee regime” (Zucker, 28) but in practice, the US never became universalist. And this is the protocol that governs international refugee law today. As is evident in the history of U.S. refugee policy, refugees were not admitted on the basis of the 1980 Refugee Act. A shift repeated again in January of 2016 during Obama’s last days of office, Cubans who had been without question considered refugees for almost five decades, were made like most other migrants for the United States: *manageable*.⁵⁰

Whether policies changes functioned to invite or restrict certain refugees, they have consistently reflected neoliberal reform. Clinton’s Wet Foot Dry Foot Act differentiated between those Cubans traveling by sea, predominantly black, but more importantly, without social or financial capital to organize more than a raft to float to Florida, and the Cubans traveling by land who did have social and financial capital to pay and coordinate thousands of dollars worth of travel and smuggling through Mexico. The latter Cubans were deemed acceptable to enter into the U.S. as active participants in the

⁵⁰ Refugee admissions, unlike grants of asylum, can be managed. Reagan's attorney general William French Smith explained how this was done: Before the person may be granted refugee status... there must be two determinations made: First, whether refugee numbers have been allocated to persons in the region of the person's nationality; and second, whether the person falls into a group or category of persons "of special humanitarian concern" as determined by Congress and the President. If these factors are not present, the person will not qualify for a grant of refugee status even if he meets the refugee definition in [the Refugee Act] (Zucker, 84-85).

liberal economy and society. Finally, even equalizing Cubans to migrants from other countries, a much needed policy change, in fact still contributes to a long spanning neoliberal project. Now, Cubans like most other migrants, can also be managed and controlled by the state. Through the historical and reflective analysis of Norman and Naomi Zucker, they emphasize that “refugee policy in the United States has become an exercise in alchemy; how to transform refugees in to immigrants, immigrants who can be controlled, regulated, and above all, chosen” (Zucker, 7). This transformation runs alongside neoliberal foreign and domestic policies as well as the increased view of immigrants as a disposable labor force. This final stage represents how U.S. policy is functioning to transform refugees into migrants; they do not need to be protected, they are more vulnerable, their civil and labor status more precarious, and therefore, more exploitable. Now, whether they receive refugee status or not, the transforming of refugees into migrants in the 21st century resembles acceptance based on one’s purpose in the labor cycle that the United States is dependent and desperate to keep functioning and reproducing itself.

In the context of the United States, it is apparent that migration and refugee policy reflect exclusionary policies, not only converging with other wealthy industrial countries, but also going so far as to influence and control the migration and refugee policies of countries like Mexico that are in the “backyard” and thus successfully attempt to integrate the U.S. neoliberal economic interests as well as extend the militarized exclusion, detention and deterrence of Central American migrants (Golash-Boza). Cecilia Menjivar

calls this “outsourcing of US border.”⁵¹ This is where such policies are utilized to fulfill interests more pertinent to the leadership and reproduction of the U.S. nation-state as a wealthy and powerful actor in relation to the rest of the world.

Neoliberal Eligibility: Comparing Cubans and Haitians

In this time frame of colonial domination of the Americas, the Haitian Revolution, a successful revolt of African slaves, inspired other groups of slaves all over the Western Hemisphere to revolt. The governments and property owners of the Western Hemisphere still today do not let Haiti fail to pay for this revolution. The same could be said for the full blockade of Cuba being launched in response to the Cuban Revolution’s appropriation of U.S. private property. A threat to the accumulation of wealth gained through this property, that such a policy and others to follow it would not let the Cuban island fail to pay for this disruption of the momentum and necessity of constant and further growth and surplus, or profit. And so, as parallel or transferable, the citizenship ideology, as it includes and unites those who are willing to and already hold valuable attributes to contribute to the liberal and capitalist economy and society. Just as in the case of Black slaves and White indentured servants in the foundational years of the thirteen colonies and the United States. In the case of Cuba, in order to contribute to an imagined nation as being a community of liberty, the United States first upheld an exploitation of the resources and workers on the island pre-1959, and later exerted the ensuing economic embargo on Cuba as a paternal relationship of dominance. Even so, it is at its root a liberty defined by the freedom or right to maintain or become the property

⁵¹ From: Menjivar, Cecilia. "Immigration Law Beyond Borders: Externalizing and Internalizing Border Controls in an Era of Securitization." *Annual Review of Law and Social Science* 10: 353-69. Web.

owner, profiting from the exploitation of the next ‘anomalous exception,’ in this case refugees from countries like Haiti or Guatemala, countries that are subscribing to neoliberal policies, whether my force or choice, and not coincidentally countries where the U.S. has backed right wing neoliberal coups.

Asking who is included and who is excluded from the “American Dream,” or even being welcomed to join in to lawfully live within the country, leads us to return to question the benefit of either excluding or including refugees depending on the momentary needs for the cycle of labor force. This is critical as this provisional and disposable labor cycle is what the U.S. political-economic dominion relies on to continue its role in the global economic system. If one can join the U.S. as a participant in the neoliberal society and economy, it is worth considering their inclusion, despite the costs of relocation or damaged foreign policy relations. Strategically, domestic opinion is easily manipulated by ideological justifications, and a refugee’s willing participation in the society economy will uphold the value of private property, of the “American Dream,” and of the U.S. as a savior and haven of liberty. But again, this liberty within liberalism is designed to extend to a select few.

After endless mainstream discussions of the urgent and obvious need to accept refugees, I pose the question: accepting refugees and then what? So that they can work at companies like Starbucks and to have their labor rights exploited? What comes after refugees are indeed accepted? Are we publicly discussing how to prevent people from being displaced? While the premise and values written in the tenants of refugee policy seem benevolent and generous, in fact refugees, like migrants, function within a larger

labor cycle driven by state capitalism. This labor regime and cycle functions on a vast, global level. For example, U.S. foreign policy funds and participates in destroying local and national economies of countries such as Syria, or Cuba in the case of this research. Urban centers are bombed. Regional and international economic sanctions go up. People flee their homes not only in search of jobs to support their family, but in many cases, from the violence taking place around them.

Another phenomena that occurs for many Cuban migrants, whether they arrive to the United States or other industrialized and capitalist countries, is the issue of “Brain Waste.” I want to emphasize that Cubans who migrate to the U.S. are well informed and make the decision with intelligence and autonomy. Many of them know the risks. They might even think the American Dream is a farce, but they still might want to try their luck regardless. Others want to reunify with their family members. The choice to migrate is a very reasonable and well-thought out one. This is another reason why it is harmful for Cubans to come to the U.S. based on the constructed project of the American Dream and neoliberalism. This is a migration phenomenon where one has a professional, often intellectual job position and career, and when they arrive to the other country, particularly in the United States, they find that none of their professional and academic credentials are accepted and they have to start their career over, often leaving them options to work in low, wage labor positions. One of the most unfortunate aspects of the preferential and unjust U.S. migration laws for Cubans is the manipulation of the hopes of Cubans to achieve the “American Dream,” when they are often instead faced with a substantial lowering of their professional and social status, unable to earn equivalency certification for the professions they had in Cuba, and the fear of admitting to their family back in

Cuba that they were manipulated, that the American Dream was a lie, or that they have failed at becoming financially wealthy. According to an interviewee, Cubans like Esteban Lombillo, who was very famously the director of the Cuban national baseball team, and is now in Mexico City waiting tables at the Condesa Mama Rumba salsa bar. He also spoke of a highly respected Cuban University director who migrated to Canada to find better opportunities, and now works an elementary school crosswalk, stopping traffic and guiding young students across the street everyday. This is extremely disappointing of course; however, it is very common that those who experience this will blame themselves for an individual failure at the “American Dream,” rather than viewing the larger imagined construction as a systemic and deceptive farce. Or, they tell their family members that the “American Dream” is a lie, one well sold by the advertising and consumer industries, and their families do not believe them and think they are keeping the money for themselves and that is why they are not sending back remissions to their family.

Common scenarios in the lives of refugees and immigrants illustrate how the neoliberal labor cycle functions. Although many of those people fleeing were professional, highly educated participants in their communities before, they find themselves begging the U.S. or the EU for legal acceptance. However, if accepted, they might get a wage labor jobs for eight dollars an hour. Commonly one’s education and professional skills are not recognized in the new country where they have received asylum. Unable to continue their past career, many migrants and refugees are subject to “Brain Waste.” In countries like the United States, it is unlikely that they will have unions or a platform to demand rights as workers. If that migrant or refugee chooses to challenge

such exploitation and lack of labor rights, they can get deported for organizing, according to the current clause on asylum visas that they sign saying they will not participate in political action. If they do in fact get deported, most likely the only jobs they will find work in will be those that benefit the U.S. economy through outsourced companies.

It is important to discuss the financial expenditures that the United States engages in (and a lack thereof) the following categories: acclimation and assimilation into hegemonic U.S. economic and citizen participation; the overthrowing of democratic states and their economies; the democratization and neoliberalization of other nations. The United States spends more on assimilation into economic and civic order towards refugees than it does for other immigrants with a range of documentation (H1B, etc.) To what extent is that training economic, forming refugees to subscribe to the neoliberal hegemony in the United States that is so intricately tied with U.S. cultural identity? Has the United States preselected refugee groups that already fit or are malleable toward the neoliberal model? That they are already professionals, have financial and social capital as well as education? An example of this is with refugees accepted from South Asia in the 60s and 70s who became the “ideal immigrants” as they were already rejecting socialist governments and subscribed to the neoliberal society. Zucker points out an example that occurred in 1980 when 1000 released political prisoners remained in Cuba. The United States did not really want political refugees who were persecuted, but particularly those who would enter into American society.

A stark example in the case for refugees being selected not based on highest need for protection of persecution but for their ease in which they enter into the neoliberal

imagination is that of Haitians and Cubans. In 1960 Eisenhower established the Cuban Refugee Center in Miami, which provided federal aid for resettlement and other benefits for Cubans to advantageously enter into U.S. society, a price the government was willing to pay in order to take out Castro and revolution, as they planned for such policies to do (Zucker, 30). The Cuban-American historian, Félix R. Masud-Piloto concluded: “The United States’ main concern in Cuba, however, was less the legality of the government than the ideology of its leaders. Communism, communist influence, and American economic interests were the real issues” (Zucker, 29). For example, the money spent on interdicting Haitians under Reagan goes to show the financial sacrifice worth excluding a particularly undesirable addition to the American economy: “The task force estimated a cost of between \$10 and \$15 million a year. (In fact, by 1984, the cost for the Coast Guard alone had reached \$25 million a year; 1,900 Haitians had been interdicted at a cost of \$36,000 per Haitian sent back to Haiti)” (Zucker, 76). Haitians resemble so closely the ever-so-hated “welfare queen” within the society of the United States. They are Black. They are poor. And they too exist in a state of struggle against a repressive police state, oddly enough, backed by the very United States itself. Is it a coincidence that the United States does not accept those seeking asylum from the nations that the United States has overthrown and maintained conservative and violent dictatorships? No, it is not.

Cubans, on the other hand, prove to be a group whose migration was illustrated as tragically fleeing from repression of their liberties, at least those valued by the United States, because they promised to be productive and faithful participants in the liberal U.S. society. As opposed to the thousands of Haitians fleeing repression and violence on rafts, clearly, there was a greater propaganda value in small groups of sunburned, half-starved

refugees escaping in flimsy boats than there was in immigrants regularly arriving by plane. Possibly for that reason, while the United States prosecuted Cuban plane hijackers, we did not prosecute boat hijackers. (Zucker, 47).

The image of Cubans going through a normalized and regulated migration process with documentation and by airplane did not *sell* the urgency of overthrowing the Cuban Communist Party and the Castro regime. The very exclusion of Haitians fleeing in nearly equal conditions, however fleeing from a U.S. backed, right-wing dictatorship, clearly displays the contradiction and thus the interest at hand for the United States. Cubans arriving in a precarious and desperate way would fuel the fight for liberalism in the United States and in the region of its “backyard,” Latin America. Once again, the migrants as complex individuals were maneuvered and described as pawns, fulfilling the interests of the United States:

Whatever their individual reasons for emigrating might have been, Cubans arriving in this country were heralded as freedom fighters, were proclaimed as having “voted with their feet” for democracy and freedom. The Cuban-American community regarded refugee status for their compatriots as an *entitlement*, a view that was shared by many in the government (Zucker, 49).

However, the inclusion and exclusion of migrants and refugees, categorized and referred to as either one or the other is based on the interests at hand of the U.S. government. While in the decades since the revolution, the United States government “welcomed those who arrived by boat, but offered very few immigrant visas” (Zucker, 47) reveals the gain in accepting Cubans as refugees in this era, which would change in 1994 to then exclude those who would come by raft, and welcome those who crossed the Mexican-U.S. border. And it would change yet again, in 2016 to exclude Cuban migrants

with the rest of Mexicans and Central Americans, who don't serve the U.S. as fully included citizens, but rather *do* serve the United States as precarious, non-citizen, racialized, criminalized, deportable and disposable, laborers.

In their book "Migrant Refugee Smuggler Savior," Peter Tinti and Tuesday Reitano arrive at one of many conclusions. They challenge that having a neoliberal and free market conflicts with simultaneously having no free movement of people. Companies can move wherever in the world, but employees cannot, thus migrants and refugees alike must leave their whole lives to opportunities to work for themselves and their families. However, their education, their skills, their experiences and knowledge mean nothing once they are in countries like the United States. In the neoliberal global order, the seemingly benevolent acceptance of refugees relegates them as disposable workers.

In recent academic and mediatic discussions, we are trying to find what seems to be a hidden and uncovered reason behind all of the conflicts displacing people, behind mass migrations of people, and rarely, but occasionally, behind the maintenance of the U.S. embargo against Cuba and the Helms-Burton Law that made the embargo revocable only by Congress, a law that has been repeatedly and logically denounced by many countries and international agencies like the United Nations for its gross violation of international laws. The enigmatic and perplexing search for understanding and justifications continues, be it human rights or freedom and democracy, while the deep reason, the core of all of these phenomena, has been there in our faces; exactly in the history of the creation of the United States nation. It is not a secret. In fact, practically all

of the institutions around us and ourselves within these very institutions replicate and reproduce it everyday. It is the ideological structure of liberalism, and its defense and maintenance of private property.

Relationships of domination and asymmetrical power rely on constantly shiftable conflict and antagonism. Under capitalism, without relationships of domination and exploitation, there would be no profit. And the imagination of profit has been limited to surplus value and perpetual growth of capital through private property. Therefore, I argue that it is impossible for us to foresee in any near future that U.S. laws such as the Helms-Burton Act to uphold the embargo on Cuba would be changed and dropped. It would require the U.S. government and political discourse to relinquish immense power, implying structural, material change, in order to allow an alternative form of property and profit to exist. And until such material shifts can take place territories and communities like Cuba with the embargo,⁵² will continue to see millions of people violently displaced, from a variety of forces.⁵³ As academics, as politicians, as citizens, we can continue criticizing the U.S. or other past-colonial and wealthy countries for being isolationist, or we can celebrate them when they are benevolent and open their doors to refugees, but in the end the conflict goes unresolved until the United States government can first, take responsibility for causing displacement, and secondly, critically analyze the liberal

⁵² ...like the U.S. backing of conservative governments in countries like Iran and Turkey, like invading and bombing countries such as Syria with its ideal access to transporting petroleum from the region; like Honduras that in the past year 2017, had its democratic election process interfered with a coup d'état president established by the United States government...

⁵³ From the IDMC (internal displacement monitoring center) 2017 report on internal displacement book (tomorrow's refugees) it shows the countries with highest number of those displaced, are those countries intervened by the US and or other colonial powers like UK, France.

ideology of private property and consequent policies that reproduce and maintain ‘well-oiled machines’ of global, imperial capitalism.

In order to frame the larger conflict between the U.S. and Cuba, spanning from their initial contact in 1898 and remaining today, it is critical to highlight that the conflict does not rest in anti-communism (nor in human rights abuses, for that matter), but is in fact rooted in the fundamental resistance to the loss of private property in Cuba and Latin America and the consequential threat to U.S. lines of profit. Let’s consider why the U.S. has normalized relations with certain so-called “communist” states, like China for example, but not with Cuba. And even more essential, as to not take it for granted, what does it really mean to normalize relations? The U.S. is able to have economic relation with China, for example,⁵⁴ but not with Cuba. In the case of China, regardless of the ideology of the government, there is space for participating and thus profiting from China’s financial and production models. On the other hand, Cuba would not allow this “normalized” relation with the United States because it would mean underpaying Cuban workers (or other forms of exploitation of people and resources through private rights) in order for U.S. companies to profit. Another reason is that the United States would have to settle on a symmetrical compensation agreement, and on top of that, Cuba has also made a claim for compensation for the economic harm to the island’s economy through the embargo. As of May, 2018, the United Nations has estimated that the unjust financial and trade embargo that the United States has had on Cuba for over six decades has cost

⁵⁴ US able to have relations and benefit because China functions as communist state but basically the state power protects the monopolies of corporations and the means of production, allowing a vast stratification between rich and poor people.

the Cuban economy \$130 billion.⁵⁵ But what exactly does “normalization of relations” entail for both countries?

After all, Cuba is not the first and only country to appropriate or nationalize property of U.S. companies, government and individuals. Mexico, for example, nationalized its land and resources from 1934-1940 under the Cardenas Administration, expropriating property from the United States.⁵⁶ However, while the Mexican government never compensated the U.S. for the property expropriated, the geopolitical context was such that the the Cárdenas administration instead had a different point of interest to offer: labor force. At the time, leading up to World War II, Germany under Hitler’s administration was asking the Mexico’s President Cárdenas to become allies, so of course the U.S. would not choose to go to war with its neighboring state, Mexico. More critical for U.S. interests though, was the need for Mexican labor to replace those who had gone to war and to fuel the building and production of the massive industrial military complex, profiting from selling weapons to other countries long before the U.S. would send its own soldiers to war. And so, the 1942 Bracero Program, a bilateral migration and labor agreement between the U.S. and Mexico, paid to U.S. interests with workers what monetary compensation could not pay.

Cuba on the other hand, had no counter power to negotiate with when the U.S. put the embargo in place in 1962, a direct response to Cuba’s nationalization of U.S.

⁵⁵ Taken from: <https://www.reuters.com/article/us-cuba-economy-un/u-s-trade-embargo-has-cost-cuba-130-billion-u-n-says-idUSKBN1IA00T>

⁵⁶ And then of course that was only for 40 years, later the U.S. and Mexico put forward neoliberal policies and U.S. was again legally allowed to own Mexican land later – especially in 80s (1982-1994).

private property in 1960.⁵⁷ If we look to the example of countries like Chile that nationalized their land and property—expropriating it from the U.S.—in 1970 under the democratically elected socialist president, Salvador Allende, the U.S. did what it has attempted to do to the Cuban Communist Party over 163 times: invaded with a military coup d'état on September 11th, 1973 and instilled a repressive, fascist dictatorship lasting through 1990. Especially following the U.S. backed Batista dictatorship in Cuba from 1940-1958, this could easily be imagined as Cuba's reality.

So why is it that U.S. discourses of democracy, freedom, and anti-communism have been employed to overshadow decades of policies of economic violence? While the embargo remains in place, the Cuban economy and particularly the people of Cuba continue to struggle, and mass migration from the island pursues. While the impact of the economic and migration policies alike reach the level of individuals and families on the island as well as those who choose to migrate, the conflict between the two countries remains one over ownership of production and its profit. Therefore, the conflict between the United States and Cuba, causing a recent increase in migration in 2015, following many preceding migration movements before it, actually represents a threat the current world order: imperial capitalism.

After the nationalization of Cuban land in 1960, many countries that owned private property and production in the country were able come to agreements under

⁵⁷ “Viewed from Washington, the nationalization of U.S. property in 1960 was the proximate cause for imposing the embargo, so it could not be lifted until the compensation issue was addressed. In practice, of course, the Cubans had been willing to discuss a range of bilateral issues including migration, hijacking, fishing, and maritime boundaries. But the Cuban precondition loomed as an obstacle to negotiations on normalizing relations.” (LeoGrande and Kornbluh, 164).

international law for compensation plans for the land appropriated. Contemporarily, many of those same countries have continued relations and have even invested in Cuba, co-owning resorts on the island. Using what Cubans call “propiedad mixta” for hotels and resorts in places like Varadero, neither France nor Spain or whomever it may be, are the owners of the land. Their shared ownership cannot exceed 49%. The agreements allow such countries to profit from the island’s tourism, while agreeing to the long-term plan under the Cuban model and its understanding of property, making it so that each year another additional percent of the profits moves from the foreign country to Cuba. This is an example of a model that centers Cuban autonomy and its choice of land use and its profit. Both of these are paths that the United States *could* have taken in the wake of the Cuban Revolution and the nationalization of previously U.S. owned land. However, the liberal and imperial ideology strongholds of the Platt Amendment, Roosevelt Corollary, Monroe Doctrine continue to justify U.S. government intervention in the region and in the island of Cuba. This is the same combined ideology logic that will maintain the embargo until alternative imaginations of property along with the relinquishing imperial control in the region are attempted and carried through.

Conclusion

Throughout decades of policy negotiations, *immigration* was often the *only* issue of mutual and narrow interest that could be reached between the United States and Cuba. The issue of immigration policy was (and still is today) an issue that was consequential enough to impact both countries' interests. Thus, it was the topic most frequently discussed and changed through diplomacy (both overt and covert, and both mutual and exploitative). The full economic embargo on Cuba has been in place since 1962 and is still in place today in 2018.

United States domestic politics and elections have consistently been subject to the pressure of the Cuban American exile community as an economically and politically powerful group that—up until very recently when younger generations started participating in voting—has consistently pushed for conservative foreign policies. Particularly toward taking Fidel Castro and the revolutionary Cuban Communist Party out of power, holding “free” elections in Cuba, and receiving compensation⁵⁸ for the land that was appropriated by the Cuban Revolution in 1960 are the issues that maintain their hold on United States government interest in regards to Cuba. Compensation remains contentious and motivates much of the political participation of older generations of Cuban Americans as an exile community.

Without idea of hell, heaven is pointless. As with any dichotomy, the U.S.-Cuba conflict is no exception. If the United States doesn't have the Cuban state of socialism

⁵⁸ The process of expropriation was recognized as legitimate by the majority of all nations with assets in Cuba and the compensations offered were accepted. Agreements of compensation payment with France, the Helvetic Confederation, the United Kingdom, Canada and Spain were all accepted. Only the U.S. government rejected the compensation process (Lamrani, 22).

that is failing, primarily because of the embargo, then there would be no example of what the United States *doesn't* want to be. It is critical for the United States project as a nation-state to keep this exact cycle of comparative conflict alive. The U.S. does not need Cuban migrants as workers, as it already has that from other countries like Mexico, and especially now as welfare policies continue to dissolve, the United States does not want to provide services to Cubans. Instead, the relationship through migration policy is looking how to control Cuban migrants, as it does with all other nations' migrants that seek opportunities in the United States.

After going through the process of deep historical analysis of the political, migration and economic relations that inform the migration of Cubans in 2014-2016, it is evident that new epistemologies of conflict resolution in regard to refugee policy need to be considered. As contradictory as it sounds, it is necessary to stop *only* thinking of solutions of how to protect those who are fleeing their countries, but to instead propose a progression of options beginning before one is forced to flee their country. Of course, those who are currently displaced and seeking asylum do need to be accepted and protected. But this reactionary solution will only continue unless a prevention approach is taken. Such prevention requires us to critically reflect on historical relations of power and violence, to question hegemonic and imperial structures of sovereignty and private property, and thus, to challenge the continued policies of neoliberalization by the United States in regions such as Latin America.

The United States has tried to make the point that Cuban migrants are leaving the island because of the failure of socialism, but actually, most are leaving because of the

violent effects of the embargo that systematically destroy *people* on the island, not the government. The embargo is not in place to merely show a failure of socialism, but to destroy socialism on the island.

This research started because of a variety of learning and conversations surrounding the violence that displaces millions of people throughout Latin America, particularly in Central America, and the violence that they face when crossing Mexico, when entering the United States and being detained, and when they are deported back to the violence in their home countries. I was concerned by the contradiction that Cuban migrants also passing through Mexico were welcomed with automatic refugee status along with many other benefits. Throughout the process of research it became clear that economic violence cannot be taken for granted in the context of Latin America and Cuba. Cuban and other Latin American migrants face various extensions of the United States immigration and neoliberalization project: they are displaced by economic circumstances largely created by interventions such as the U.S. embargo, there is a continuation of neoliberal policies and agreements in the region and on the island, the United States has outsourced and militarized Mexico's southern border, and there are additional threats of gang and mafia violence and extortion.

In future research, using a decolonizing methodology, I would like to look into how Cubans have reacted to all parts of the United States' extension of policies. From the conversations I have had with Cuban migrants and Cubans living on the island, I am continually reminded of their creative resilience in many aspects of their society. Since 1994, the Cuban government has made traveling from and even emigrating from the

island legal; however, if one wishes to maintain their Cuban citizenship, they must return to the island within 24 months of being abroad. However, in order to avoid the shame one might face by migrating to the United States (or even to Mexico) and finding the American Dream or the promised wealth of capitalism to be deceiving and in some cases non-existent or completely opposite, there are other tactics of taking advantage of the intentionally manipulative U.S.-Cuban migration laws. Once one has resided in the United States for more than one year and a day, they can start applying for U.S. citizenship; but they must return to Cuba before 24 months have passed in order to eventually have citizenship from both countries.

One example is Cubans that work around the migration policies of both of the governments, staying in the United States long enough to start their residency and citizenship process, but returning to the island before losing their Cuban citizenship and access to their national benefits such as free healthcare and education. Rather than blaming the individual for not contributing to their national taxes or for abandoning the revolutionary project on the island, I see this type of action as one of creative resilience, seeking economic opportunities that the island lacks and continuing to access things like education and healthcare that should be protected human rights and that the United States lacks.

The conflict over control of property and profit remains in deadlock, but individual Cuban migrants are rejecting the limitations of both nation-states. Cuban migrants are also maneuvering through countries like Mexico through their tight social networks. I would like to research potential projects such as radio programs, online blogs

and other systems of communication that use collective organizing and alternative epistemologies of creative resistance to navigate the various extensions of U.S. policies throughout Latin America. There are many Cuban and Mexican academics in a variety of fields and institutions that I plan to collaborate with in this future research.

Appendix

Transferable Anomalous Exceptions

The logic driving U.S. refugee law is rooted in both the benevolent ideal that refugees are indeed the most necessitous and desperate strangers. Such that in the imagined nationhood of the United States, starting with discourse of the founding fathers that (genocide and displacement of indigenous nations aside) they themselves, as White, Anglo settlers and colonizers, were refugees fleeing political and religious persecution. Alongside the logic and imagined nationhood, the geopolitical reality is such that power and domination of global capitalism and genocide across the Americas is the context in which descendants of white, Protestant, European “immigrants” starting in the 15th century are today making policies about which groups of people will be extended rights to enter this imagined nation, the United States.⁵⁹ I argue that these structures and patterns of inclusion and exclusion have been historically constructed not simply for reasons of identity, but rather with reproduction of economic power at stake. Behind historical migration policies and patterns stand economic policies that have exploited resources and people for asymmetrical gain; this historical violence is internalized by *people* who decide to migrate, whether by choice or by force. The act of migrating and migration policies throughout the Americas needs to be understood through the lens of economic conflict analysis. Both compose a conflict where a migrant experiences tangible – physical, emotional, sexual, economic – violence. Anti-immigrant laws and massive

⁵⁹ Nations as imagined communities from Benedict Anderson’s research.

deportation are on the one hand an economic project, but also keep White U.S. citizens compliant (Golash-Boza). This shows how violence is also internalized by U.S. citizens.

Using the term ‘transferable’ represents the shiftability in the ‘anomalous exception’ to those included and excluded as U.S. citizens. The racialized logic that once explained exploitation and reconciliation of a rupture between White landowners and White indentured servants, to instead *all* become landowners, and thus included citizens, can be seen again today in contemporary politics with explanations of dehumanized inferiority regarding racialized and criminalized undocumented migrants. These migrants, unlike White ones, are excluded from being imagined or integrated as citizens, much less property-owning, politically active citizens. The same way that Black Cuban migrants have historically *not* been accepted as Cuban refugees, as White Cuban migrants have been. The rationalized reconciliation of common exploitation for division by race in the American 16th century is repeated today through the rationalized reconciliation of accepting *certain* refugees and including them into the “American Dream.” However, this inclusion is done under a disgustingly paternalistic guise. As if all of said refugees were poor farmers and not highly educated and valued professionals – or if they are in fact poor farmers, that it is happenstance that there are no longer conditions for them to survive as a farmer rather than historical economic violence that has created the very circumstances in which they are displaced – that without getting to the root of why they were displaced in the first place, does not equate, value or employ refugees as the CEO, doctor, lawyer, scientist *or* knowledgeable, self-sufficient farmer that they were in their home country, but rather conveniently for the reproduction of the U.S. liberal-capitalist model, they are relegated as a working body, as precarious and exploitable laborers.

This analysis illustrates a historical basis for the logic of a “transferable exception” under liberalism. Exceptions to the freedoms of the liberal project were black slaves or women or indigenous people in the 16th century. The exceptions are transferable today to those who are “non-citizen,”⁶⁰ reproducing the U.S. capitalist-liberal project in refugee law.

⁶⁰ While Black and Native indigenous people are still not accepted as “belonging” in the U.S. imagined community and the liberalism still does not include them fully, the immigrant and refugee population, especially from racialized and criminalized identities such as Spanish-speaking or Muslim people, are seen as non-citizens, non-American.

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