

Cuba opens citizenship to foreigners: new migration laws under discussion



Cuba is planning a comprehensive reform of migration and nationality laws (Source: [Oncuba](#))

Last week, the Cuban National Assembly published the [draft of a new migration and foreigners law](#) ("Ley de Migración" and "Ley de Extranjería"). This was followed on Monday by the [provisional text of a new citizenship law](#) ("Ley de Ciudadanía"). The proposed laws are to be passed on 17 July, at the upcoming summer session of the Cuban parliament, as part of the implementation of the [new constitution](#) adopted in 2019. However, there are [discussions](#) beforehand, as not all of the planned changes are met with enthusiasm.

According to the Cuban parliament, the legislative initiative aims to "further develop the current constitutional provisions in this area" and "strengthen relations between the Cuban state and its citizens in the legal system". Last but not least, this is intended to respond to the continuing emigration. The existing laws (with some amendments) date back to the 1970s. According to Cuban media reports, both current international standards and the experiences of other countries were used for the amendment.

There are significant changes in relation to the acquisition and loss of Cuban citizenship. In a total of eight titles, 17 chapters, 11 sections, and 114 articles, the draft of the new citizenship law specifies how citizenship is acquired either by birth or by naturalisation. The second option opens the door for the first time to foreigners who wish to naturalise as Cubans, provided they fulfil the requirements and formalities set out in the law. In the **future**, **foreigners will be able to become full citizens (ciudadanos)** if they have lived in Cuba for at least five years with permanent residency (*residencia permanente*). In turn, a much **broader group of people will be able to acquire the *residencia permanente* than is currently the case.** Until now, *residencia permanente* has been open to those who are

married to a Cuban citizen or who work for the state as scientists, athletes or artists "of international renown". In future, "foreigners or young foreign families who have professional qualifications and economic solvency that enable them to settle in the country" as well as people who "work with their own capital on projects with foreign participation in both the public and private sectors" will also be able to obtain permanent residency and later citizenship. Persons with "proven recognised professional qualifications" or unspecified "significant assets" would also be eligible in future.

In contrast to the permanent right of residence, full citizenship is associated with the right to vote and stand for election. With the exception of the presidency (which is reserved for Cuban-born citizens), naturalised foreigners could run for all political offices and become members of the Communist Party and other organisations. In all other respects, they would also be on an equal footing with Cuban-born citizens. The hurdles for naturalisation are high, but it is associated with a certain protected status in terms of residence rights and property. Foreigners (including those with a permanent residence permit), on the other hand, can be expelled from the country temporarily or permanently by the Ministry of the Interior for violating the law. The law lists the use of illegal drugs, political offences, racist outbursts, domestic violence or repeated aggressive behaviour as explicit reasons - naturalised foreigners are likely to face the full force of the Cuban courts in these cases even if they would prefer to be expatriated. As in other countries, such conflicts with dual nationals could become cases for the diplomatic missions.

As stipulated in the 2019 Constitution, **"the acquisition of another nationality" still "does not mean the loss of Cuban nationality"**. It also remains unchanged that Cubans - on the basis of the principle of effective nationality - are subject to their status as citizens of the island while in the country and "cannot claim foreign nationality". However, those who have renounced their nationality (see below) will in the future "be considered foreigners and consequently subject to the provisions of this law, the Aliens Act and the corresponding regulations".

Cubans will also be able to [stay abroad for longer than 24 months at a time](#) without fear **of losing their residence permit**. The category of effective migrant residence (*residencia efectiva migratoria*) has been newly introduced, with which all rights and obligations are associated. Anyone wishing to qualify for this must generally spend "the majority" of a calendar year in Cuba. However, the status can also be achieved "through a combination of a period of residence and other material evidence of rootedness in the country". However, it is currently unclear what this could look like in practice. The issue of ownership is explicitly not covered by the legislation. More precise provisions will be provided once the migration reform has been passed, [explained](#) representatives of the Cuban Ministry of the Interior. **"Nobody loses their house, nobody loses their car, nobody loses their property because they live abroad,"** the AP news agency [quoted](#) a spokesperson from the ministry [as](#) saying. This also applies to those who do not seek *residencia efectiva migratoria*. The status of "emigrated" (*emigrado*) is to be abolished and replaced by the new status of "resident abroad" (*residente en el exterior*). The draft law also provides for a **new category of "investors and business people"** for Cubans living abroad.

The draft citizenship law introduces for the first time the possibility of **renouncing Cuban citizenship**, which was already mentioned in the draft of the new migration law. Persons

wishing to do so must be at least 18 years old, have no debts to the Cuban state and not be serving a prison sentence at the time of the application. Citizenship can also **be revoked** "for reasons established by law". These grounds include "participation in an armed organisation with the aim of attacking the territorial integrity of the Cuban state, its citizens and other persons residing in the country". It also mentions "acts contrary to the overriding political, economic and social interests of the Republic of Cuba, if the competent nationality authority so judges". The fact that in some cases the president can not only naturalise foreigners by decree, but also revoke the citizenship of Cubans, was strongly criticised by commentators in initial reactions.

The draft also introduces a "one-off" option to **regain citizenship**. To this end, the requirements and formalities set out in the law must be met. Furthermore, not only children of Cubans living abroad will be able to obtain Cuban citizenship, but also their grandchildren.

Cuba last implemented major reforms to its migration laws in 2013 and 2023. In 2013, to the delight of many Cubans, the requirement to apply for permission to leave the country was abolished as a condition for travelling abroad; since then, a passport with a visa from the destination country has been sufficient, as is customary internationally. Finally, in May 2023, the [validity period of Cuban passports was increased from six to ten years](#) and the previously mandatory and costly two-yearly renewal was abolished.

Once passed, the citizenship law is expected to come into force within 180 days. In addition to the changes to migration and citizenship policy, new laws on transparency and access to public information, on administrative procedures, and on the system of honorary titles and decorations of the Republic of Cuba, drafts of which have also recently [been published](#), are also on the agenda for the upcoming parliamentary session.

Cuba's National Assembly has called on the population to pass on opinions and suggestions on the legislative projects by email or telephone to the relevant parliamentary working group. ([Cubaheute](#))

Further information:

- [Draft of the new citizenship law \(PDF\)](#)
- [Draft of the new migration law \(PDF\)](#)
- [Draft of the new Aliens Act \(PDF\)](#)