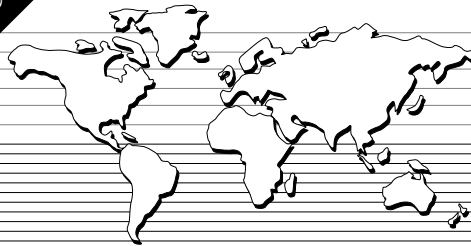




U.S. Department of the Treasury  
Office of Foreign Assets Control



# CUBA

## What You Need To Know About The U.S. Embargo

### An overview of the Cuban Assets Control Regulations Title 31 Part 515 of the U.S. Code of Federal Regulations

■ **INTRODUCTION** - The Cuban Assets Control Regulations, 31 CFR Part 515 (the "Regulations") were issued by the U.S. Government on 8 July 1963 under the Trading With the Enemy Act in response to certain hostile actions by the Cuban government. They are still in force today and affect all U.S. citizens and permanent residents wherever they are located, all people and organizations physically in the United States, and all branches and subsidiaries of U.S. organizations throughout the world. The Regulations are administered by the U.S. Treasury Department's Office of Foreign Assets Control. The basic goal of the sanctions is to isolate the Cuban government economically and deprive it of U.S. dollars. Criminal penalties for violating the sanctions range up to 10 years in prison, \$1,000,000 in corporate fines, and \$250,000 in individual fines. Civil penalties up to \$55,000 per violation may also be imposed. Please note that the Regulations require those dealing with Cuba to maintain records and, upon request from the U.S. Treasury Department, to furnish information regarding such dealings.

■ **EXPORTING TO CUBA** - Except for publications, other informational materials (such as CDs and works of art), certain donated food, and certain goods licensed for export or re-export by the U.S. Department of Commerce (such as medicine and medical supplies, food, and agricultural commodities), no products, technology, or services may be exported from the United States to Cuba, either directly or through third countries, such as Canada or Mexico. This prohibition includes dealing in or assisting the sale of goods or commodities to or from Cuba, even if done entirely offshore. Such brokering is considered to be dealing in property in which Cuba has an interest. Provision of consulting services is also prohibited. Thus, no U.S. citizen or permanent resident alien, wherever located, and no foreign subsidiary or branch of a U.S. organization may export products, technology, or services to Cuba or to any Cuban national, wherever they may be located, or broker the sale of goods or commodities to or from Cuba or any Cuban national.

Pursuant to provisions of the Cuban Democracy Act of 1992 (the "CDA") and the Trade Sanctions and Export Enhancement Act of 2000 (the "TSRA"), the Commerce Department authorizes the sale and export or re-export of medicine and medical supplies, food and agricultural commodities to Cuba. Those interested in engaging in such exports or re-exports must first obtain authorization from the Commerce Department's Bureau of Export Administration. All licensed sales may be financed by cash in advance or by third-country banks that are not Specially Designated Nationals. Foreign subsidiaries of U.S. banks are authorized to directly finance licensed sales of agricultural products. All U.S. banks may advise or confirm any of the above.

Section 1705(b) of the CDA provides for donations of food to independent non-governmental organizations or individuals in Cuba. Shipments of food can be donated to non-governmental organizations from the U.S.

or from third countries without the need for a license from the U.S. government. The CDA specifically provides that payments to Cuba involving telecommunications may be made pursuant to specific license. In the mid-1970s, Section 515.559 was added to the Regulations to allow OFAC to license foreign subsidiaries of U.S. firms to conduct trade in commodities with Cuba so long as several specific criteria were met. Section 1706(a) of the CDA, however, prohibits the issuance of a license that would have been issued pursuant to § 515.559, except where a contract was entered into prior to enactment of the CDA or where the exports at issue are medicines or medical supplies.

Unless otherwise authorized, no vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has any interest may enter a U.S. port. The prohibition also applies to vessels which enter only to take on fuel and supplies (bunker), whether from U.S. fuel providers within the port limits or at offshore points, as well as vessels discharging or loading merchandise offshore, by lighter or otherwise. In addition, vessels which enter a port or place in Cuba to engage in the trade of goods or services are prohibited from loading or unloading any freight at any place in the U.S. for 180 days. Prohibited entry does not apply to vessels engaging solely in trade with Cuba authorized by license or exempt from the Regulations (e.g., vessels carrying authorized exports of agricultural products or donations of food to nongovernmental organizations or individuals).

■ **IMPORTING CUBAN-ORIGIN GOODS OR SERVICES** - Goods or services of Cuban origin may not be imported into the United States either directly or through third countries, such as Canada or Mexico. The only exceptions are: \$100 worth of Cuban merchandise which may be brought into the United States as accompanied baggage by authorized travelers arriving from Cuba; publications, artwork, or other informational materials; merchandise other than tobacco or alcohol and not in commercial quantities carried as accompanied baggage by foreign persons legally entering the United States; and merchandise for which a specific license has been received.

■ **TRANSACTIONS INVOLVING PROPERTY IN WHICH CUBA OR A CUBAN NATIONAL HAS AN INTEREST** - In addition to the prohibitions on exports to and imports from Cuba, the Regulations prohibit any person subject to U.S. jurisdiction from dealing in any property in which Cuba or a Cuban national has an interest. Under the Regulations, "property" includes but is not limited to contracts and services. For example, unless otherwise authorized, persons subject to U.S. jurisdiction (including U.S. overseas subsidiaries) may not purchase Cuban cigars in Mexico; may not sign a contract with a U.K. firm if the contract terms include Cuba-related provisions (even if those provisions are contingent upon the lifting of the embargo); and may not provide accounting, marketing, sales, or insurance services to a Cuban

company or to a foreign company with respect to the foreign company's Cuba-related business.

■ **SPECIALLY DESIGNATED NATIONALS** - The Regulations prohibit buying from or selling to Cuban nationals whether they are physically located on the island of Cuba or doing business elsewhere on behalf of Cuba. Individuals or organizations who act on behalf of Cuba anywhere in the world are considered by the U.S. Treasury Department to be "Specially Designated Nationals" of Cuba. A non-exhaustive list of their names is published in the Federal Register, an official publication of the U.S. Government. This list may be obtained by calling the Office of Foreign Assets Control at 202/622-2490. The listing, however, is a partial one and any individual or organization subject to U.S. jurisdiction engaging in transactions with foreign nationals must take reasonable care to make certain that such foreign nationals are not acting on behalf of Cuba. Individuals and organizations subject to U.S. jurisdiction who violate the Regulations by transacting business with Specially Designated Nationals of Cuba are subject to criminal prosecution or civil monetary penalties.

■ **ACCOUNTS AND ASSETS** - There is a total freeze on Cuban assets, both governmental and private, and on financial dealings with Cuba; all property of Cuba, of Cuban nationals, and of Specially Designated Nationals of Cuba in the possession or control of persons subject to U.S. jurisdiction is "blocked." Any property in which Cuba has an interest which comes into the United States or into the possession or control of persons subject to U.S. jurisdiction is automatically blocked by operation of law. Banks receiving unlicensed wire transfer instructions in which there is a Cuban interest, or any instrument in which there is a Cuban interest, must freeze the funds on their own books or block the instrument, regardless of origin or destination. "Suspense accounts" are not permitted. Blocking imposes a complete prohibition against transfers or transactions of any kind. No payments, transfers, withdrawals, or other dealings may take place with regard to blocked property unless authorized by the Treasury Department. Banks are permitted to take normal service charges. Blocked deposits of funds must be interest-bearing. "Set-offs" are not allowed.

Persons subject to U.S. jurisdiction are required to exercise extreme caution in order not to knowingly involve themselves in unlicensed transactions in which Cuba has an interest. Except as authorized, no bank in the U.S. or overseas branch or subsidiary of a U.S. bank may advise a letter of credit involving Cuba nor may it process documents referencing Cuba. All such "property" must be blocked as soon as it comes within the bank's possession or control. All persons in possession of blocked property are required to register with the Office of Foreign Assets Control. Persons subject to U.S. jurisdiction who engage in any commercial dealings that involve unauthorized trade with Cuba, either directly or indirectly, risk substantial monetary penalties and criminal prosecution.

■ **SENDING GIFTS** - Gift parcels may be sent or carried by an authorized traveler to an individual or to a religious, charitable, or educational organization in Cuba for the use of the recipient or of the recipient's immediate family (and not for resale), subject to the following limitations: the combined total domestic retail value of all items in the parcel must not exceed \$200 (with the exception of donations of food, which are not so restricted); not more than one parcel may be sent or given by the same person in the U.S. to the same recipient in Cuba in any one calendar month; and the content must be limited to food, vitamins, seeds, medicines, medical supplies and devices, hospital supplies and equipment, equipment for the handicapped, clothing, personal hygiene items, veterinary medicines and supplies, fishing equipment and supplies, soap-making equipment, or certain radio equipment and batteries for such equipment. Organizations that consolidate and send multiple gift parcels in single shipments must obtain a validated license from the U.S. Department of Commerce. Each gift parcel in the single shipment must meet commodity, dollar-value, and frequency limitations. If a parcel being shipped or carried to Cuba fails to meet these standards, it is subject to seizure by the U.S. Government.

■ **CUBA-RELATED TRAVEL TRANSACTIONS** - Only persons

whose travel falls into the categories discussed below may be authorized to spend money related to travel to, from, or within Cuba. Persons licensed to engage in travel-related transactions in Cuba may spend up to the State Department Travel *Per Diem* Allowance for Havana, Cuba for purchases directly related to travel in Cuba, such as hotel accommodations, meals, local transportation, and goods personally used by the traveler in Cuba (travelers can check the current *per diem* rate on the Internet at <<<http://www.state.gov/www/perdiems/index.html>>>). Most licensed travelers may also spend additional money for transactions directly related to the activities for which they received their license. For example, journalists traveling in Cuba under the journalism general license (described below) may spend money over and above the current *per diem* for extensive local transportation, the hiring of cable layers, and other costs that are directly related to covering a story in Cuba. Licensed travelers may also spend an additional \$100 on the purchase of Cuban merchandise to be brought back with them to the United States as accompanied baggage, but this \$100 authorization may be used only once in any 6-month period. Purchases of services unrelated to travel or a licensed activity, such as non-emergency medical services, are prohibited. The purchase of publications and other informational materials is not restricted.

■ **WHO CAN GO** : The following travelers are authorized, under OFAC general license, to engage in travel transactions while in Cuba:

- Journalists and supporting broadcasting or technical personnel (regularly employed in that capacity by a news reporting organization and traveling for journalistic activities).
- Official government travelers (traveling on official business).
- Members of international organizations of which the United States is also a member (traveling on official business).
- Persons traveling once a year to visit Cuban nationals who are close relatives (additional trips within one year will need an OFAC specific license).
- Travelers who have received specific licenses from OFAC prior to going.
- Full-time professionals whose travel transactions are directly related to professional research in their professional areas, provided that their research: (1) is of a noncommercial academic nature, (2) comprises a full work schedule in Cuba, and (3) has a substantial likelihood of public dissemination.
- Full-time professionals whose travel transactions are directly related to attendance at professional meetings or conferences in Cuba organized by an international professional organization, institution, or association that regularly sponsors such meetings or conferences in other countries. The organization, institution, or association sponsoring the meeting or conference may not be headquartered in the United States unless it has been specifically licensed to sponsor the meeting. The purpose of the meeting or conference cannot be the promotion of tourism in Cuba or other commercial activities involving Cuba, or to foster production of any biotechnological products.
- Amateur or semi-professional athletes or teams traveling to participate in Cuba in an athletic competition held under the auspices of the relevant international sports federation. The athletes must have been selected for the competition by the relevant U.S. sports federation, and the competition must be one that is open for attendance, and in relevant situations participation, by the Cuban public.

**Specific licenses for educational institutions:** Specific licenses may be issued by OFAC to authorize travel transactions related to certain educational activities by students or employees affiliated with a licensed academic institution. Such licenses are only available to U.S. academic institutions accredited by an appropriate national or regional accrediting association, and such licenses must be renewed after a period of two years. Once an academic institution has applied for and received such a specific license, the following categories of travelers affiliated with that academic institution are authorized to engage in travel-related transactions incident to the following activities without seeking further authorization from the Office of Foreign Assets Control:

- Undergraduate or graduate students participating in a structured

educational program as part of a course offered at a licensed college or university. Students planning to engage in such transactions must carry a letter from the licensed institution stating: 1) the institution's license number, 2) that the student is enrolled in an undergraduate or graduate degree program at the institution, and 3) that the travel is part of an educational program of the institution.

- Persons doing noncommercial Cuba-related academic research in Cuba for the purpose of qualifying academically as a professional (e.g., research toward a graduate degree). Students planning to engage in such transactions must carry a letter from the licensed institution stating: 1) the institution's license number, 2) that the student is enrolled in a graduate degree program at the institution, and 3) that the Cuba research will be accepted for credit toward that graduate degree.
- Undergraduate or graduate students participating in a formal course of study at a Cuban academic institution, provided the Cuban study will be accepted for credit toward a degree at the licensed U.S. institution. A student planning to engage in such transactions must carry a letter from the licensed U.S. institution stating: 1) the institution's license number, 2) that the student is currently enrolled in an undergraduate or graduate degree program at the institution, and 3) that the Cuban study will be accepted for credit toward that degree.
- Persons regularly employed in a teaching capacity at a licensed college or university who plan to teach part or all of an academic program at a Cuban academic institution. An individual planning to engage in such transactions must carry a letter from the licensed institution stating: 1) the institution's license number, and 2) that the individual is regularly employed by the licensed institution in a teaching capacity.
- Cuban scholars teaching or engaging in other scholarly activities at a licensed college or university in the United States. Licensed institutions may sponsor such Cuban scholars, including payment of a stipend or salary. The Cuban scholar may remit all such stipends or salary payments back to Cuba.
- Secondary school students participating in educational exchanges sponsored by Cuban or U.S. secondary schools and involving the students' participation in a formal course of study or in a structured educational program offered by a secondary school or other academic institution and led by a teacher or other secondary school official. A reasonable number of adult chaperones may accompany the students to Cuba. A secondary school group planning to engage in such transactions in Cuba must carry a letter from the licensed secondary school sponsoring the trip stating: 1) the school's license number, and 2) the list of names of all persons traveling with the group.
- Full-time employees of a licensed institution organizing or preparing for the educational activities described above. An individual engaging in such transactions must carry a letter from the licensed institution stating: 1) the institution's license number, and 2) that the individual is regularly employed by the institution.

**Specific licenses for religious organizations:** Specific licenses may be issued by OFAC to religious organizations to authorize individuals affiliated with the organization to engage in travel transactions under the auspices of the religious organization. Applications by religious organizations for such licenses should include examples of the religious activities to be undertaken in Cuba. All individuals traveling pursuant to a religious organization's license must carry with them a letter from the licensed organization confirming that they are affiliated with the organization and that they are traveling to Cuba to engage in religious activities under the auspices of the organization.

**Other specific licenses:** Specific licenses may be issued by the Office of Foreign Assets Control on a case-by-case basis authorizing travel transactions by the following categories of persons in connection with the following activities:

- Humanitarian Projects and Support for the Cuban people - (1) Persons traveling in connection with activities that are intended to provide support for the Cuban people, such as activities of recognized human rights organizations; (2) Persons whose travel transactions are directly related to certain humanitarian projects in or related to Cuba that are designed to directly benefit the Cuban people. Licenses authorizing transactions for multiple trips over an extended period of time are available.
- Free-Lance Journalism - Persons with a suitable record of publication who are traveling to Cuba to do research for a free-lance article. Licenses

authorizing transactions for multiple trips over an extended period of time are available for applicants demonstrating a significant record of free-lance journalism.

- Professional Research and Professional Meetings - Persons traveling to Cuba to do professional research or to attend a professional meeting that does not meet the requirements of the relevant general license (described above). Licenses authorizing transactions for multiple trips over an extended period of time are available.
- Religious Activities - Persons traveling to Cuba to engage in religious activities that are not authorized pursuant to a religious organization's specific license. Licenses authorizing transactions for multiple trips over an extended period of time are available.
- Public Performances, Clinics, Workshops, Athletic and Other Competitions, and Exhibitions - Persons traveling to participate in a public performance, clinic, workshop, athletic or other competition (that does not meet the requirements of the general license described above), or exhibition. The event must be open for attendance, and in relevant situations participation, by the Cuban public, and all profits from the event after costs must be donated to an independent nongovernmental organization in Cuba or a U.S.-based charity, with the objective, to the extent possible, of promoting people-to-people contacts or otherwise benefitting the Cuban people. In addition, any clinics or workshops in Cuba must be organized and run, at least in part, by the licensee.
- Activities of Private Foundations or Research or Educational Institutions - Persons traveling to Cuba on behalf of private foundations or research or educational institutes that have an established interest in international relations to collect information related to Cuba for noncommercial purposes. Licenses authorizing transactions for multiple trips over an extended period of time are available.
- Exportation, Importation, or Transmission of Information or Informational Materials - Persons traveling to engage in activities directly related to the exportation, importation, or transmission of information or informational materials.
- Licensed Exportation - Persons traveling to Cuba to engage in activities directly related to marketing, sales negotiation, accompanied delivery, or servicing of exports of food and agricultural commodities, medical products or other exports that are consistent with existing Department of Commerce regulations and guidelines with respect to Cuba, including certain exports engaged in by U.S. -owned or -controlled foreign firms.

**Applying for a specific license:** Persons wishing to travel to Cuba under a specific license should send a letter specifying the details of the proposed travel, including any accompanying documentation, to David Mills, Chief of Licensing, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220. Academic institutions wishing to obtain one of the two-year specific licenses described above should send a letter to the same address requesting such a license and establishing that the institution is accredited by an appropriate national or regional accrediting association. Religious organizations wishing to obtain one of the two-year specific licenses described above should send a letter to the same address requesting such a license and setting forth examples or religious activities to be undertaken in Cuba.

**Provision of travel services:** U.S. travel service providers, such as travel agents and tour operators, who handle travel arrangements to, from, or within Cuba must hold special authorizations from the Office of Foreign Assets Control to engage in such activities. These authorizations are issued based on written applications from the service providers, subject to appropriate checks by the Treasury Department. A traveler should not use any travel service provider that does not hold valid Treasury authorization. An up-to-date list of the authorized service providers is maintained on OFAC's website. If in doubt about the status of a service provider's authorization, travelers should call the Office of Foreign Assets Control at 305/810-5140. Only carrier service providers that have been authorized by OFAC may operate direct passenger charter flights between Miami and Havana.

**Unauthorized travel-related transactions:** Unless otherwise authorized, any person subject to U.S. jurisdiction who engages in any travel-related transaction in Cuba violates the Regulations.

■ **WHAT CAN BE BROUGHT BACK** - The above listed travelers may reenter the United States with up to \$100 of Cuban origin goods for personal use, such as cigars and rum. [Section 515.560(c) (3) of the Regulations]. If unauthorized U.S. travelers return from Cuba with Cuban origin goods, such goods, with the exception of informational materials, may be seized at Customs' discretion. [Section 515.204 of the Regulations]. There are no limits on the import or export of informational materials. [Section 515.206 of the Regulations]. Such materials are statutorily exempt from regulation under the embargo and such items as books, films, tapes and CDs may be transported freely. However, blank tapes and CDs are not considered informational materials and may be seized.

■ **VESSELS** - All persons on board vessels, including the owner, must be authorized travelers, as listed above, to engage in travel-related transactions in Cuba. If you are not an authorized traveler, you may not purchase meals, pay for transportation, lodging, dockage or mooring fees, cruising fees, visas, entry or exit fees and you may not bring any Cuban origin goods back to the United States. Any payment to the Marina Hemingway International Yacht Club is considered a prohibited payment to a Cuban national and therefore in violation of the Regulations. Vessel owners are prohibited from carrying travelers to Cuba who pay them for passage if the owner does not have a specific license from OFAC authorizing him or her to be a Service Provider to Cuba.

■ **FULLY HOSTED TRAVELERS** - Fully-hosted travelers may travel to Cuba without contacting OFAC if the traveler's Cuba related expenses are covered by a person not subject to U.S. jurisdiction. Travel to Cuba is not fully hosted if a person subject to U.S. jurisdiction pays--before, during, or after the travel--any expenses related to the travel, including the cost of traveling to Cuba on a Cuban carrier, even if the payment is made to a third-country person or entity that is not subject to U.S. jurisdiction. Examples of costs commonly incurred by travelers to and in Cuba are for meals, lodging, transportation, bunkering of vessels or aircraft, visa, entry or exit fees, and gratuities. In addition, fully-hosted travel to and from Cuba cannot be aboard a direct flight between the United States and Cuba. Fully-hosted travelers may not bring back any Cuban origin goods, except for informational materials. [See Note to Section 515.420(c) of the Regulations.]

Any person subject to U.S. jurisdiction determined to have traveled to Cuba without an OFAC general or specific license is presumed to have engaged in prohibited travel-related transactions. In order to overcome this presumption, any traveler who claims to have been fully hosted or not to have engaged in any travel-related transactions must be able to provide a signed explanatory statement, accompanied by relevant supporting documentation, showing that no transactions were engaged in by the traveler or on the traveler's behalf by any person subject to U.S. jurisdiction, stating that payments made by any non-U.S. host were not in exchange for services provided, and providing a day-to-day account of financial transactions waived or entered into on behalf of the traveler. A fully-hosted traveler must also provide an original signed statement from the sponsor or host, specific to the traveler, confirming that the travel was fully-hosted and the reasons for the travel. For a complete list of all evidence necessary to rebut the presumption of travel-related transactions, see Section 515.420 of the Regulations. Fully-hosted travelers are also prohibited from providing any unauthorized Services to Cuba or to Cuban nationals or within Cuba.

■ **EMERGENCIES** - In case of emergencies requiring financial transactions such as emergency repair of vessels or medical treatment, travelers are urged to contact OFAC at (202)622-2480, to discuss necessary authorizations.

■ **HUMANITARIAN DONATIONS** - There is a joint OFAC and Commerce Department ("USDOC") administration over export of gift parcels and humanitarian goods to Cuba to meet basic human needs. If an export is licensed by USDOC, OFAC authorizes certain financial and other transactions related to that export. [See part 746 of the USDOC's Export Administration Regulations (15 C.F.R. Chapter 7), which are available on-line at [http://w3.access.gpo.gov/bis/ear/ear\\_date.html](http://w3.access.gpo.gov/bis/ear/ear_date.html), for

the relevant USDOC regulations.] Please note that travel-related transactions incident to humanitarian donations must be separately licensed by OFAC.

■ **SENDING OR CARRYING MONEY TO CUBA** - U.S. persons aged 18 or older may send to the household of any individual in Cuba or to a Cuban national in a third country "individual-to-household" cash remittances of up to \$300 per household in any consecutive three-month period, provided that no member of the household is a senior-level Cuban government or senior-level Cuban communist party official. No more than a combined total of \$300 of individual-to-household remittances may be sent by a remitter to any one household in any consecutive three-month period, regardless of the number of persons residing in that household. A licensed traveler may carry up to ten of his or her own \$300 household remittances to Cuba.

U.S. persons also may send up to \$1,000 per payee on a one-time basis as an "emigration-related" remittance to a Cuban national to enable the payee to emigrate from Cuba to the United States. Specifically, up to \$500 may be remitted to a Cuban national prior to the payee's receipt of a valid U.S. visa or other U.S. immigration document, and up to \$500 may be remitted to the Cuban national after the payee receives a valid U.S. visa or other U.S. immigration document. A licensed traveler may only carry immigration remittances to Cuba if the visa has already been issued.

Remittances may be transferred through a financial institution or through an OFAC-licensed remittance forwarder. Service providers, including financial institutions originating transfers on behalf of non-aggregating customers, must obtain an affidavit from the remitter certifying that each individual-to-household does not exceed \$300 in any consecutive three month period and that each emigration-related remittance meets the requirements of the Regulations. Remitters can expect to have their identity, date of birth, address, and telephone number verified.

Specific licenses may be issued on a case-by-case basis authorizing remittances:

- to independent nongovernmental organizations in Cuba;
- to households of Cuban nationals living outside of Cuba in excess of \$300 per quarter from blocked accounts; or
- to individuals in Cuba to facilitate their non-immigrant travel to the United States under circumstances where humanitarian need is demonstrated, including illness or medical emergency.

■ **FAIR BUSINESS PRACTICES** - Anyone authorized by the U.S. Department of the Treasury to provide Cuban travel services or services in connection with sending money to Cuba is prohibited from participating in discriminatory practices of the Cuban government against individuals or particular classes of travelers. The assessment of consular fees by the Cuban government, which are applicable worldwide, is not considered to be a discriminatory practice. However, requiring the purchase of services not desired by the traveler is not permitted. Persons wishing to provide information on such activities should call 305/810-5170. All information regarding arbitrary fees, payments for unauthorized purposes, or other possible violations furnished to the U.S. Treasury Department will be handled confidentially.

■ **ESTATES AND SAFE DEPOSIT BOXES** - An estate becomes blocked whenever a Cuban national is an heir or is the deceased; money from a life insurance policy is blocked whenever the deceased is a Cuban resident. The heir of a person who died in Cuba, or the beneficiary of a life insurance policy of a person who died in Cuba, may apply for a license from the Office of Foreign Assets Control to unblock the estate or insurance proceeds. Persons administering or interested in a blocked estate should contact the Office of Foreign Assets Control at 202/622-2480 for more information. A safe-deposit box is blocked whenever a Cuban has an interest in the property contained in the box. Access to a blocked safe deposit box for inventory purposes may be granted under certain conditions, but the contents of the box remain blocked and may not be removed without the permission of the Office of Foreign Assets

Control. Authorized remittances may be made from blocked estates.

must be in a currency other than U.S. dollars.

■ **PAYMENTS FOR OVERFLIGHTS** - Private and commercial aviators must obtain a specific license authorizing payments for overflight charges to Cuba. Banks will ask to see the originals of such licenses before executing transfers and keep a copy for their files. Such transfers

If you have information regarding possible violations of the Cuban Assets Control Regulations, please call the Office of Foreign Assets Control at 305/810-5170. Your call will be handled confidentially.

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This document is explanatory only and does not have the force of law. The statutes, Executive Orders, and implementing regulations relating to Cuba contain the legally binding provisions governing the sanctions and this document does not supplement or modify those statutes, Executive Orders, or regulations.

The Treasury Department's Office of Foreign Assets Control also administers sanctions programs involving Libya, Iraq, North Korea, the Balkans, Iran, Syria, Sudan, Burma (Myanmar), the Federal Republic of Yugoslavia (Serbia and Montenegro), Sierra Leone, Liberia, Zimbabwe, Foreign Terrorist Organizations, designated terrorists and narcotics traffickers, and designated foreign persons who have engaged in activities related to the proliferation of weapons of mass destruction. For additional information about these programs or about the Cuban sanctions program, please contact the:

**OFFICE OF FOREIGN ASSETS CONTROL**

U.S. Department of the Treasury  
Washington, D.C. & Miami, Florida  
202-622-2520 / 305-810-5140  
<<<http://www.treas.gov/ofac>>>

(03-24-2003)



### CUBAN REMITTANCE AFFIDAVIT

Original form approved  
Revised Binding Approval  
Official Notice  
effective 05/01/02

This affidavit is to be completed by the remitter, pursuant to the Cuban Assets Control Regulations, 31 CFR Part 515, under the Trading with the Enemy Act, 50 U.S.C. App. 1-44, and the Cuban Liberty and Democratic Solidarity Act, 22 U.S.C. 6001-6010. It is to be submitted to the remittance service provider and kept on file for five years, subject to audit by the U.S. Department of the Treasury.

Esta declaración jurada tiene que ser llenada por el remitente, en conformidad con el "Control y Regulaciones de Bienes Cubanos," 31 CFR Parte 515, bajo la "Ley Sobre Comercio con el Enemigo," 50 U.S.C. App. 1-44, y bajo la "Ley Relativa a Cuba Sobre la Libertad y la Solidaridad Democrática," 22 U.S.C. 6001-6010. Dicha declaración jurada debe ser presentada a la agencia remitente y mantenerse en los archivos por cinco años y esta sujeta a auditoría por el Departamento del Tesoro de los EE.UU.

I, \_\_\_\_\_, **DECLARE AND STATE THAT**  
(Print name)  
**THE FOLLOWING IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE:**

**EMIGRATION REMITTANCE**

1. I understand that I may send up to \$100 per payee to enable the payee to emigrate to the United States. Only one of these remittances may be sent before the payee has received a valid visa from the U.S. State Department. I certify that my total emigration remittance to this payee will not be greater than \$1000.

Name of Payee: \_\_\_\_\_  
Payee's Date of Birth: \_\_\_\_\_

2. In sending more than \$500 OR I have already sent a pre-visa emigration remittance to this payee. I certify that the payee has received an immigration visa from the U.S. State Department as follows:

Number of Payee's Visa: \_\_\_\_\_  
Date of Payee's Visa: \_\_\_\_\_

**INDIVIDUAL TO HOUSEHOLD REMITTANCE**

I understand that I may send up to \$300 per payee's household in a 3-month period provided that no member of that household is a senior-level Cuban government or Communist party official. The total combined amount of Individual to Household Remittances I send may not exceed \$300 per payee's household in a 3-month period. I certify that I am 18 or older, that no member of the payee's household is a senior-level Cuban government or Communist party official, and that this payment will not exceed the combined Individual to Household Remittances Remittance limit of \$300 per payee's household in a 3-month period.

Name of Payee: \_\_\_\_\_  
Payee's Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YO, \_\_\_\_\_, **DECLARO, Y AFIRMO QUE,**  
(Su nombre en letra de molde)  
**AMI CONOCIMIENTO, LO SIGUIENTE ES VERDICO Y CORRECTO.**

**REMESA DE EMIGRACION**

1. Entiendo que yo puedo enviar hasta US\$100 por beneficiario para ayudarle a emigrar a los EE.UU. Solo una de estas remesas puede ser enviada antes de que el beneficiario haya recibido una visa válida del Departamento del Estado de los EE.UU. Yo afirmo que el total de las remesas de emigración a este beneficiario no será mayor de US\$1000.

Nombre del beneficiario: \_\_\_\_\_  
Fecha de Nacimiento del beneficiario: \_\_\_\_\_

2. Estoy enviando más de US\$500 o ya he enviado una remesa de emigración pre-visa a este beneficiario. Yo afirmo que el beneficiario ha recibido del Departamento del Estado de los Estados Unidos la visa de inmigración siguiente:

Número de Visa del beneficiario: \_\_\_\_\_  
Fecha de Visa del beneficiario: \_\_\_\_\_

**REMESA DE INDIVIDUO A CASA**

Entiendo que puedo enviar hasta US\$300 por hogar beneficiario en un período de tres meses siempre y cuando ningún miembro del hogar del beneficiario sea oficial mayor del gobierno de Cuba o un oficial mayor del partido comunista. La cantidad total de Remesas Individuo a Casa que envío no debe exceder US\$300 por hogar beneficiario en un período de tres meses. Yo afirmo que soy mayor de 18 años y que ningún miembro del hogar del beneficiario es oficial mayor del gobierno de Cuba o un oficial mayor del partido comunista y que este pago no excederá la cantidad total de Remesas de Individuo a Casa de US\$300 por hogar beneficiario en un período de tres meses.

Nombre del Beneficiario: \_\_\_\_\_  
Dirección del Beneficiario: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SIGNATURE OF REMITTER (FIRMA DEL REMITENTE):** \_\_\_\_\_

Street Address (Dirección): \_\_\_\_\_

City, State and Zip Code (Ciudad, Estado, Zona Postal): \_\_\_\_\_

Telephone Number (Número de Teléfono): \_\_\_\_\_

Mother's Maiden Name (Apellido de soltera de su madre): \_\_\_\_\_

Date of birth of remitter (fecha de nacimiento del remitente): \_\_\_\_\_

**Witnessed by employee of remitting agency (Firma de Testigo del Empleado de la Agencia Remitente):**

Signature (Firma) \_\_\_\_\_

Name of Remitting Agency (Nombre de la Agencia Remitente) \_\_\_\_\_

Date (Fecha) \_\_\_\_\_

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