

Hearing Before the House Judiciary Committee

Subcommittee on Immigration Policy and Enforcement

**“H.R. 2831**, to amend Public Law 89-732 to modify the requirement for a Cuban national to qualify for and maintain status as a permanent resident.”

May 31<sup>st</sup>, 2012

Testimony of the Honorable David Rivera

*Member of Congress, 25<sup>th</sup> District of Florida*

Thank you Mr. Chairman for holding this hearing regarding an important immigration enforcement matter.

In 1966, the United States of America granted Cuban nationals one of the most benevolent immigration provisions ever granted to nationals of any country on the planet, what became known as the Cuban Adjustment Act.

The Cuban Adjustment Act provides Cubans fleeing persecution in Cuba who arrive in the United States eligibility for permanent residency status after one year.

In the history of America, only one other nationality has been granted this benefit – Hungarians in 1956. The Cuban Adjustment Act is a precious gift to Cuban political refugees that must be preserved and protected. And should never be abused or manipulated.

Unfortunately, abuse and manipulation is exactly what has occurred in recent years. Because of these abuses, and in order to preserve and protect the benefits of the Cuban Adjustment Act for future Cuban asylum seekers, the time has come to adjust the Cuban Adjustment Act.

The fact is that in recent years it has become a common occurrence for Cubans to seek political asylum in the U.S. under the Cuban Adjustment Act; and after a year and a day immediately and repeatedly travel back to the persecuting country.

Increasingly, Cuban-Americans are citing family reunification to justify travel that in reality more closely resembles common tourism and other unauthorized travel involving everything from plastic surgery to fifteens parties and weddings, to even sex tourism.

In many cases, those Cubans travelling are also recipients of U.S. taxpayer-funded welfare programs such as Medicare, Medicaid, Social Security, Food Stamps, public housing and cash assistance. In these cases, U.S. taxpayers are actually subsidizing travel to a country that has been designated a sponsor of terrorism by our own government.

The original intent of the Cuban Adjustment Act was to provide residency status to Cuban refugees because they were not able to return to Cuba due to the political situation in Cuba in 1966, which certainly has not changed.

In fact, the political situation in Cuba is worse today, with a communist totalitarian dictatorship in power that continues to deny basic civil liberties and human rights to its people, continues to imprison peaceful pro-democracy activists such as the Ladies in White, some of which have died at the hands of the Castro dictatorship, and continues to cause the death of Cubans who desperately seek to escape across the Florida straits.

The fact that Cubans avail themselves of the Cuban Adjustment Act citing political persecution, and then quickly travel back to the persecuting country, is a clear and blatant abuse of the law. In fact it is outright fraud being perpetrated on the people and government of the United States.

If Cubans are able to travel back to the communist dictatorship then they should not have received the residency benefits associated with the Cuban Adjustment Act and they should lose that benefit immediately.

My legislation simply says that any Cuban national who receives political asylum and residency under the Cuban Adjustment Act, and travels to Cuba while still a resident, will have their residency status revoked.

By reforming the Cuban Adjustment Act to stop its abuses, we are ensuring the residency benefits will be there for all future asylum seekers. In other words, we must adjust the Cuban Adjustment Act in order to save the Cuban Adjustment Act.

Recent statements by Cuban leaders and Cuban state media regarding the facilitating of Cuban-Americans travelling to Cuba make it abundantly clear that the regime is looking to this travel activity for its economic benefit.

But let me be clear Mr. Chairman, in the final analysis, my legislation is about protecting the rule of law here in the United States. The reason I believe this committee was designated as the committee of jurisdiction over my legislation is precisely because this committee is charged with oversight responsibility to ensure that the spirit and letter of our immigration laws are followed.

There are some that may try to distract attention from this issue of rule of law and attempt to divert this legislation into a debate about U.S. policy toward Cuba or the issue of Cuba travel regulations. I would strongly urge the committee to maintain the focus on the purpose of my legislation; to ensure that the spirit and letter of U.S. immigration law is enforced.

Besides protecting against fraud and abuse in our immigration laws, my legislation would also protect American taxpayers from fraud and abuse in our social welfare programs such as Medicare and Medicaid. These programs have been the victim of billions of dollars in stolen funds by individuals who have come from Cuba under the Cuban Adjustment Act and have received refuge in Cuba after they have committed their illegal activities against the American taxpayer.

In sum Mr. Chairman, it is imperative that Congress do everything in its power to enforce U.S. immigration law. I believe many Americans would be shocked to learn that we allow individuals to come to American from a terrorist nation with a special immigration status citing political persecution, and then after a year and a day allow those same individuals to travel back to that terrorist nation.

This abuse, fraud and manipulation of our immigration laws must end. The spirit and letter of our immigration laws much be enforced. My legislation will do exactly that. Thank you Mr. Chairman.