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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To amend the Immigration and Nationality Act to establish a Cuban family reunification parole program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. DIAZ-BALART introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Immigration and Nationality Act to establish a Cuban family reunification parole program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cuban Family Reunifi-
5 cation Modernization Act of 2021” or the “CFRM Act of
6 2021”.

7 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

8 (a) FINDINGS.—Congress finds the following:

1 (1) The Cuban Family Reunification Parole
2 (CFRP) program, initiated by President George W.
3 Bush in 2007, allows United States citizens or law-
4 ful permanent residents to apply for their family
5 members in Cuba to join them in the United States.

6 (2) The CFRP program has been stalled since
7 September 2017, when the State Department re-
8 duced the staff in Havana in response to severe
9 brain injuries suffered by several members of the
10 U.S. diplomatic community and their families.

11 (3) The United States embassy website cur-
12 rently states that, “Due to staff reductions at the
13 U.S. Embassy in Havana, Cuba, USCIS has sus-
14 pended operations at its field office in Havana.”
15 Most Cuban nationals who apply for U.S. entry
16 must travel to a third country, with all Cuban appli-
17 cations and interviews for immigrant visas handled
18 by the U.S. Embassy in Georgetown, Guyana, re-
19 quiring applicants to incur additional costs such as
20 airfare and lodging.

21 (4) Cuban diplomats and other high-level Com-
22 munist Party operatives applying for diplomatic or
23 official visas may remain in Cuba throughout the
24 visa application process.

1 (5) According to press reports, the United
2 States Navy housed approximately 50,000 migrants
3 at one time on the naval station in Guantanamo
4 Bay, Cuba in 1994.

5 (6) The United States State Department hires
6 local Cuban nationals at the United States embassy
7 in Havana, Cuba some of whom have, according to
8 accounts, intimidated those attempting to meet with
9 personnel of the United States. The use of such re-
10 gime-provided Cuban nationals at the United States
11 embassy in Havana, Cuba should be minimized to
12 the greatest extent possible

13 (7) The regime in Cuba holds an egregious
14 human rights record marred by repression of speech,
15 religious belief, labor rights, as well as arbitrary de-
16 tentions, inhumane prison conditions, beatings, and
17 other acts of repudiation.

18 (8) The regime in Cuba places severe restric-
19 tions on basic human rights and liberties resulting
20 in an oppressive environment with widespread fear
21 of reprisal for expressing opposition to the regime.

22 (9) According to U.S. State Department Report
23 004246 of March 2021, “nearly all Cubans wishing
24 to travel to the United States must apply for their
25 visas outside of Cuba,” and further that “the De-

1 “(1) IN GENERAL.—A petitioner may submit an
2 application to the Secretary of Homeland Security
3 for a qualified beneficiary to be paroled into the
4 United States prior to the date on which an immi-
5 grant visa is available for such beneficiary.

6 “(2) INTERVIEW.—The Secretary of Homeland
7 Security, in consultation with the Department of
8 State, shall conduct an interview of a qualified bene-
9 ficiary to ensure that such beneficiary—

10 “(A) is eligible for the Cuban family reuni-
11 fication program;

12 “(B) is admissible to the United States;

13 “(C) has passed a medical examination;
14 and

15 “(D) has passed criminal and national se-
16 curity background checks required by the Sec-
17 retary of Homeland Security for admission into
18 the United States.

19 “(3) IDENTITY VERIFICATION.—To be eligible
20 for the Cuban family reunification program, a quali-
21 fied beneficiary shall provide—

22 “(A) a passport issued by the government
23 of Cuba, as applicable; and

24 “(B) other documents required by the Sec-
25 retary of Homeland Security to demonstrate

1 that the qualified beneficiary is eligible for pa-
2 role under the Cuban family reunification pro-
3 gram.

4 “(4) EXCEPTION FOR HUMAN RIGHTS VIOLA-
5 TORS.—Paragraph (1) shall not apply to a qualified
6 beneficiary who has committed a gross violation of
7 internationally recognized human rights, as de-
8 scribed under section 502B(d)(1) of the Foreign As-
9 sistance Act of 1961 (22 U.S.C. 2304(d)(1)).

10 “(c) TRAVEL DOCUMENTS.—The Secretary of State
11 shall issue necessary travel documents for the qualified
12 beneficiary to travel to the United States and seek parole
13 from the Department of Homeland Security at a port of
14 entry of the United States.

15 “(d) DURATION OF PAROLE.—Parole granted under
16 this section shall be for a 2-year period for a qualified
17 beneficiary who is a Cuban national.

18 “(e) WORK AUTHORIZATION.—A qualified bene-
19 ficiary is eligible to apply to the Secretary of Homeland
20 Security for work authorization.

21 “(f) FEES.—The Secretary of State may require pay-
22 ment of a reasonable fee as a condition of participation
23 in the Cuban family reunification program.

24 “(g) PRIORITY PROCESSING.—

1 “(1) **TERMINAL ILLNESS.**—The Secretary of
2 Homeland Security, in coordination with the Sec-
3 retary of State, shall take all reasonable measures to
4 prioritize a petition for a qualified beneficiary to be
5 paroled into the United States if the petitioner—

6 “(A) has a terminal illness; and

7 “(B) the petitioner can provide documenta-
8 tion of such illness to the Secretary of Home-
9 land Security.

10 “(2) **MINOR CHILDREN.**—The Secretary of
11 Homeland Security, in coordination with the Sec-
12 retary of State, shall take all reasonable measures to
13 prioritize a petition for a qualified beneficiary to be
14 paroled into the United States if such qualified ben-
15 eficiary—

16 “(A) is a minor child; and

17 “(B) has a custodial parent who is the
18 beneficiary of an immigrant visa and such visa
19 will expire prior to the date of the interview
20 under subsection (b)(2) for the minor child.

21 “(h) **PROCESSING IMMIGRATION PETITIONS AND AP-
22 PLICATIONS AT UNITED STATES NAVAL STATION, GUAN-
23 TANAMO BAY, CUBA.**—

24 “(1) **IN GENERAL.**—Notwithstanding any other
25 provision of law, beginning not later than 120 days

1 after the date of the enactment of the Cuban Family
2 Reunification Modernization Act of 2021 and ending
3 on the date specified in paragraph (7), the Secretary
4 of Homeland Security, in consultation with the Sec-
5 retary of State and the Secretary of Defense, may
6 operate a facility to process immigration petitions
7 and applications for Cuban nationals, including con-
8 ducting in-person interviews as necessary for such
9 petitions and applications, at the United States
10 Naval Station, Guantanamo Bay, Cuba (hereinafter
11 referred to as the ‘U.S. Naval Station’). *Provided,*
12 That the Secretary of Defense certifies that oper-
13 ating consular services at the U.S. Naval Station
14 would not hinder ordinary operations or pose a
15 threat to national security.

16 “(2) APPOINTMENT.—A Cuban national shall
17 be permitted to enter the U.S. Naval Station only
18 with an appointment notice from the Department of
19 Homeland Security or the Department of State.

20 “(3) EMPLOYMENT OF CUBAN NATIONALS.—In
21 carrying out the requirement under paragraph (1),
22 the United States Government shall not employ a
23 Cuban national recommended by the Communist re-
24 gime in Cuba.

1 “(4) PORT OF ENTRY.—The U.S. Naval Station
2 shall not be considered to be a port of entry into the
3 United States.

4 “(5) FUNDING.—Beginning on the date that is
5 60 days after the enactment of this Act, funds au-
6 thorized for the processing of immigration petitions
7 or applications at the United States Embassy in Ha-
8 vana, Cuba are authorized to fund the processing of
9 immigration petitions or applications at the U.S.
10 Naval Station.

11 “(6) OPERATION AND SECURITY OF UNITED
12 STATES NAVAL STATION, GUANTANAMO BAY,
13 CUBA.—If the Commander of the U.S. Naval Station
14 finds that the operation and security of the U.S.
15 Naval Station is impaired by a high number of
16 Cuban nationals attempting to access consular serv-
17 ices described in paragraph (1), without an appoint-
18 ment, the Commander of the U.S. Naval Station
19 may cease operating a facility to provide consular
20 services until such facility and services may be pro-
21 vided without impairing the operation and security
22 of the U.S. Naval Station.

23 “(7) DATE SPECIFIED.—The date specified in
24 this paragraph is the date that is 60 days after the
25 date which the Secretary of State determines that

1 other accommodations have been made to allow for
2 the regular and timely processing of immigration pe-
3 titions or applications on the island of Cuba.

4 “(i) DEFINITIONS.—In this section:

5 “(1) PETITIONER.—The term ‘petitioner’
6 means an individual who is a citizen or lawful per-
7 manent resident of the United States and who has
8 an approved Form I-130, Petition for Alien Relative
9 (or any successor form), for a qualified beneficiary.

10 “(2) QUALIFIED BENEFICIARY.—The term
11 ‘qualified beneficiary’ means an individual—

12 “(A) who is a Cuban national living in
13 Cuba, or a minor child, who may or may not be
14 living in Cuba, of a Cuban national parent; and

15 “(B) who is the beneficiary of a petition,
16 filed by the petitioner, for status as a lawful
17 permanent resident by reason of a relationship
18 described in section 203(a).

19 “(3) MINOR CHILD.—The term ‘minor child’
20 means an individual under the age of 21 years old.”.