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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 11(A)(19)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: January 21, 2015

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Resolution urging Congress and President Obama's Administration to revisit and amend the Cuban Adjustment Act to ensure the continued protection of Cubans fleeing political persecution by the Castro regime

Resolution No. R-52-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro and Co-Sponsor Commissioner Juan C. Zapata.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

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MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: January 21, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Amended Agenda Item No. 11(A)(19)

Please note any items checked.

_____	**"3-Day Rule" for committees applicable if raised**
_____	**6 weeks required between first reading and public hearing**
_____	**4 weeks notification to municipal officials required prior to public hearing**
_____	**Decreases revenues or increases expenditures without balancing budget**
_____	**Budget required**
_____	**Statement of fiscal impact required**
_____	**Ordinance creating a new board requires detailed County Mayor's report for public hearing**
✓	**No committee review**
_____	**Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**
_____	**Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 11(A)(19)
1-21-15

RESOLUTION NO. R-52-15

RESOLUTION URGING CONGRESS AND PRESIDENT OBAMA'S ADMINISTRATION TO REVISIT AND AMEND THE CUBAN ADJUSTMENT ACT TO ENSURE THE CONTINUED PROTECTION OF CUBANS FLEEING POLITICAL PERSECUTION BY THE CASTRO REGIME

WHEREAS, in 1966, Congress passed the Cuban Adjustment Act (CAA), Public Law 89-732; and

WHEREAS, under the CAA, most undocumented Cubans who arrive in the United States are allowed to stay and adjust to permanent resident status; and

WHEREAS, the CAA provides that Cubans who have been physically present in the U.S. for at least one year may become permanent U.S. residents at the discretion of the Attorney General, an opportunity that no other group or nationality has; and

WHEREAS, as a result of migration agreements between the U.S. and Cuban governments during the 1990s, a "wet foot/dry foot" policy related to Cuban migration to the U.S. has evolved; and

WHEREAS, under the "wet foot/dry foot" policy, Cubans who do not reach dry land in the U.S. are interdicted and returned to Cuba unless they cite fears of persecution, while those Cubans who successfully reach dry land in the U.S. are inspected for entry by the U.S. Department of Homeland Security and generally permitted to stay and become permanent U.S. residents under the CAA the following year; and

WHEREAS, the "wet foot/dry foot" policy has led to a number of well-publicized incidents, including one in June 1999, when the U.S. Coast Guard used pepper spray and a water cannon to prevent six Cubans from reaching a beach in Surfside, and one on January 5, 2006, when the Coast Guard decided to repatriate 15 Cubans found on an old Key West bridge no longer connected to land; and

WHEREAS, legislative efforts have been undertaken to remove the preference for Cuban migrants under the CAA, but they have not been successful; and

WHEREAS, in 1996, Congress did enact language stipulating that the CAA would be repealed when Cuba became a democracy, Section 606 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208; and

WHEREAS, in 2009, President Obama loosened the restrictions on Cuban-Americans traveling to Cuba to visit their families; and

WHEREAS, in December, 2014, President Obama announced an initiative to begin to normalize relations with Cuba; and

WHEREAS, in recent years, increasing numbers of Cuban migrants remain in the U.S. for one year, become permanent U.S. residents, and then make frequent trips back to Cuba; and

WHEREAS, returning back to Cuba is not consistent with the purpose of the CAA to provide a safe haven for Cuban exiles from the communist regime in Cuba; and

WHEREAS, such frequent travel back to Cuba also undermines the effectiveness of the Cuban embargo; and

WHEREAS, special consideration for Cuban migrants becomes harder to defend when Cuban migrants travel frequently between the U.S. and Cuba; and

WHEREAS, Cuba remains a totalitarian state with an abysmal human rights record, which continues to deny its people fundamental political rights; and

WHEREAS, there have been documented instances where Cuban immigrants have improperly used the privileges afforded them to engage in criminal conduct while lawfully residing in the United States; and

WHEREAS, frequent travel to Cuba by recent arrivals to the United States, except in cases of extreme family emergencies, does not demonstrate a "credible fear of political persecution"; and

WHEREAS, this Board would like to urge Congress to revisit the Cuban Adjustment Act, and explore viable amendments which protect bona fide political refugees, while discouraging migrants fleeing Cuba for purely economic reasons,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges Congress and President Obama's Administration to revisit and amend, as appropriate, the Cuban Adjustment Act of 1966, Public Law 89-732, as amended, to ensure the continued protection of Cuban immigrants fleeing the Castro regime out of fear of political persecution.

Section 2. The Clerk of the Board is directed to transmit a certified copy of this resolution to Senators Nelson and Rubio, the remaining members of the Miami-Dade County Congressional Delegation and the Secretary of the Department of Homeland Security.

Section 3. Directs the County's federal lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 Federal Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Bruno A. Barreiro and the Co-Sponsor is Commissioner Juan C. Zapata. It was offered by Commissioner **Bruno A. Barreiro** who moved its adoption. The motion was seconded by Commissioner **Esteban L. Bovo, Jr.** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman			**aye**
Esteban L. Bovo, Jr., Vice Chairman			**aye**
Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**absent**
Sally A. Heyman	**absent**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of January, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: ***Christopher Agrippa***
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty