



Ajuste Cubano

**Facilitador:
LIS CASTILLO**

OBJETIVO DEL CURSO

Proveer a los participantes una comprensión detallada de la Ley de Ajuste Cubano, incluyendo sus procedimientos, requisitos y beneficios, para que puedan ayudar eficazmente a individuos de origen cubano sobre su elegibilidad y proceso de ajuste de estatus en los Estados Unidos.



CONTENIDO DEL CURSO



1. HISTORIA



2. INTRODUCCIÓN



3. CONTEXTO LEGAL
DEL AJUSTE CUBANO



4. I-220A Y PAROL



5. REQUISITOS DE
ELEGIBILIDAD



6. PROCEDIMIENTO
DE SOLICITUD



7. BENEFICIOS DEL
AJUSTE CUBANO



8. SESIÓN DE
PREGUNTAS Y
RESPUESTAS



9. CONCLUSIÓN Y
CIERRE





HISTORIA

El 28 de septiembre de 1965, ante un incremento de las salidas ilegales, el gobierno cubano abrió el puerto de Camarioca para facilitar que los cubanos residentes en los Estados Unidos vinieran a buscar a familiares y amigos. Ante esta unilateral medida del gobierno cubano, el gobierno norteamericano comenzó a negociar un acuerdo migratorio con Cuba que se culminó el 6 noviembre de 1965 con la firma del documento conocido como el "Acuerdo entre Cuba y Estados Unidos". Este acuerdo reguló el traslado de cubanos que deseaban vivir en los Estados Unidos.





INTRODUCCIÓN

El 2 de noviembre de 1966 el Congreso de los Estados Unidos aprobó la Ley pública 89-732 Acta de Ajuste Cubano (conocida en inglés como “The Cuban Adjustment Act”). Esta permitía al fiscal general ajustar el estado migratorio que tenían los refugiados cubanos que se encontraban en los Estados Unidos a su discreción y conforme a las regulaciones que él pudiera prescribir.



LEY DE AJUSTE CUBANO (CAA)



La situación de limbo que padecían muchos de los cubanos que habían llegado a los Estados Unidos antes de 1966 y la falta de una solución para el ajuste legal de los que comenzaron a venir en los vuelos de Varadero obligaron en la práctica al Congreso norteamericano a implementar y aprobar la “Ley de Ajuste Cubano”.

Esta prescripción permitió que tanto los cubanos que se encontraban en los Estados Unidos como los que llegaban por el Puente Aéreo pudieran solicitar la Residencia Permanente de acuerdo con ciertos requisitos establecidos.

CONTEXTO LEGAL SOBRE LA PRESENCIA FISICA



La Ley no especifica que la presencia debe ser continua.

El Manual de **USCIS** indica que la presencia no tiene que ser continua y que una ausencia temporaria no interrumpe la presencia física necesaria siempre y cuando no exista una intención de abandonar la residencia y la persona fue readmitida o le hayan otorgado parole al entrar de nuevo.

REQUISITOS DE ELEGIBILIDAD



SER CIUDADANO O
NATURALIZADO CUBANO



HABER SIDO INSPECCIONADO
Y ADMITIDO U OTORGADO
UN PAROL DESPUÉS DESPUÉS
DEL 1ERO DE ENERO DE 1959



HABER ESTADO PRESENTE
FÍSICAMENTE EN LOS
ESTADOS UNIDOS POR UN
PERIODO DE 1 AÑO Y 1 DIA.



ESTAR FÍSICAMENTE EN EL
PAÍS PARA EL MOMENTO DE
LA SOLICITUD.

INADMISIBILIDAD

Si va a solicitar una tarjeta de residente permanente basada en CAA, todas las causales de inadmisibilidad aplican excepto las siguientes:



- Carga Pública (INA212(a)(4))
- Certificación de Condición Laboral (INA 212(a)(5))
- Requisitos de Documentación (INA 212(a)(7)(A))



PROCEDIMIENTO DE SOLICITUD



Form I-485 con todos los
documentos requeridos

Form I-765 (si es necesario)

Form I-131 (Si es necesario)

Fee de presentación o fee
waiver I-912 (si es necesario)

Exámenes médicos

PROCEDIMIENTO DE SOLICITUD



Application to Register Permanent Residence or Adjust Status

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-485
OMB No. 1615-0023
Expires 10/31/2025

For USCIS Use Only		
Preference Category:	Receipt	Action Block
Country Chargeable:		
Priority Date:		
Date Form I-693 Received:		
<input type="checkbox"/> Applicant Interviewed <input type="checkbox"/> Interview Waived Date of Initial Interview: _____ Lawful Permanent Resident as of: _____	Section of Law <input type="checkbox"/> INA 209(a) <input type="checkbox"/> INA 249 <input type="checkbox"/> INA 209(b) <input type="checkbox"/> Sec. 13, Act of 9/11/57 <input type="checkbox"/> INA 245(a) <input type="checkbox"/> Cuban Adjustment Act <input type="checkbox"/> INA 245(i) <input type="checkbox"/> Other _____ <input type="checkbox"/> INA 245(m)	

Desarrollo de formulario I-485

To be completed by an attorney or accredited representative (if any).			
<input type="checkbox"/> Select this box if Form G-28 is attached.	Volag Number (if any) <input type="text"/>	Attorney State Bar Number (if applicable) <input type="text"/>	Attorney or Accredited Representative USCIS Online Account Number (if any) <input type="text"/>

▶ **START HERE** - Type or print in black ink.

A-Number ▶ A-

NOTE TO ALL APPLICANTS: If you do not completely fill out this application or fail to submit required documents listed in the Instructions, U.S. Citizenship and Immigration Services (USCIS) may deny your application.

PROCEDIMIENTO DE SOLICITUD





Application For Employment Authorization
 Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS
Form I-765
 OMB No. 1615-0040
 Expires 05/31/2020

For USCIS Use Only	<input type="checkbox"/> Authorization/Extension Valid From _____	Fee Stamp	Action Block
	<input type="checkbox"/> Authorization/Extension Valid Through _____		
	Alien Registration Number A- <input style="width: 100px;" type="text"/>		
	Remarks _____		

To be completed by an attorney or Board of Immigration Appeals (BIA)-accredited representative (if any).	<input type="checkbox"/> Select this box if Form G-28 is attached.	Attorney or Accredited Representative USCIS Online Account Number (if any) <input style="width: 100%;" type="text"/>
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▶ START HERE - Type or print in black ink.

Part 1. Reason for Applying

I am applying for (select **only one** box):

1.a. Initial permission to accept employment.

1.b. Replacement of lost, stolen, or damaged employment authorization document, or correction of my employment authorization document. **NOTE:** If you are replacing a lost, stolen, or damaged document, you must also provide a copy of the original document.

Other Names Used

Provide all other names you have ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in **Part 6.**

Additional Information.

2.a. Family Name

Desarrollo de formulario I-765

PROCEDIMIENTO DE SOLICITUD



Application for Travel Document
Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS
Form I-131
 OMB No. 1615-0013
 Expires 02/28/2027

For USCIS Use Only	Receipt	Action Block	To Be Completed by an Attorney/ Representative, if any. <input type="checkbox"/> Fill in box if G-28 is attached to represent the applicant.
	<input type="checkbox"/> Document Hand Delivered By: _____ Date: ____/____/____	<input type="checkbox"/> Document Issued <input type="checkbox"/> Re-entry Permit (Update "Mail To" Section) <input type="checkbox"/> Refugee Travel Document (Update "Mail To" Section) <input type="checkbox"/> Single Advance Parole <input type="checkbox"/> Multiple Advance Parole Valid Until: ____/____/____	

▶ **Start Here.** Type or Print in Black Ink

Part 1. Information About You

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

Physical Address [\(USPS ZIP Code Lookup\)](#)

2.a. In Care of Name

2.b. Street Number

Other Information

3. Alien Registration Number (A-Number)
 ▶ A-

4. Country of Birth

5. Country of Citizenship

Desarrollo de formulario I-131

PROCEDIMIENTO DE SOLICITUD



Request for Fee Waiver
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-912
OMB No. 1615-0116
Expires: 09/30/2024

Application Received At (Select only one box)	
For USCIS Use Only	<input type="checkbox"/> USCIS Field Office
	<input type="checkbox"/> USCIS Service Center
<input type="checkbox"/> Fee Waiver Approved	<input type="checkbox"/> Fee Waiver Denied
Date: _____	Date: _____
<input type="checkbox"/> Fee Waiver Approved	<input type="checkbox"/> Fee Waiver Denied
Date: _____	Date: _____

► **START HERE** - Type or print in black ink.

If you need extra space to complete any section of this request or if you would like to provide additional information about your circumstances, use the space provided in Part 11. Additional Information. Complete and submit as many copies of Part 11., as necessary, with your request.

Part 1. Basis for Your Request (Each basis is further explained in the **Specific Instructions** section of the Form I-912 Instructions)

Select at least one basis or more for which you may qualify and provide supporting documentation for any basis you select. You only need to qualify and provide documentation for one basis for U.S. Citizenship and Immigration Services (USCIS) to grant your fee waiver. If you choose, you may select more than one basis; you must provide supporting documentation for each basis you want considered.

Desarrollo de formulario I-912

CASOS PRÁCTICOS



Caso A: Un ciudadano cubano que ingresó a los EE. UU. a través de la frontera por México y fue puesto en libertad bajo "parole" con un I-94, puede solicitar ajuste de estatus después de un año de presencia en el país.



 **U.S. Customs and Border Protection**
Securing America's Borders

Most Recent I-94

Admission (I-94) Record Number : [REDACTED]
Most Recent Date of Entry: 2021 May 21
Class of Admission : DT
Admit Until Date : 05/19/2022
Details provided on the I-94 Information form:

Last/Surname : [REDACTED]
First (Given) Name : [REDACTED]
Birth Date : [REDACTED]
Passport Number : [REDACTED]
Country of Issuance : Cuba

[Get Travel History](#)

▶ Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

▶ If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

▶ Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

OMB No. 1533-0117
Expiration Date: 05/31/2017

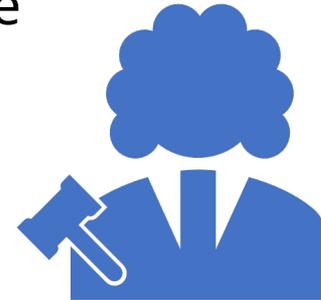
[For inquiries or questions regarding your I-94, please click here](#)

[Accessibility](#) | [Privacy Policy](#)



CASOS PRACTICO

Caso B: Un cubano que ingresó sin inspección pero fue liberado bajo una I-220A debe demostrar su entrada a través de otros medios y puede enfrentar desafíos adicionales para ajustar su estatus si no tiene evidencia de "parole"



U.S. Department of Homeland Security **Order of Release on Recognizance**

Name: [Redacted] **Your A number** → File No: [Redacted]
Date: [Redacted]
Event No: [Redacted]

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

- You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review. **Address of ICE Office**
- You must surrender for removal from the United States if so ordered. **Date and time of your ICE check-in appointment**
- You must report in (WFRINGS) (person) to [Redacted] at [Redacted] on [Redacted] at [Redacted].
(Location of DHS Office) (Day of each week) (Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

- You must not change your place of residence without first securing written permission from the immigration officer listed above.
- You must not violate any local, State, or Federal laws or ordinances.
- You must assist the Department of Homeland Security in obtaining any necessary travel documents.
- Other: Employment not Authorized

See attached sheet containing other specified conditions. (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.

[Redacted Signature] (Signature of DHS Official)
[Redacted Name] (Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the [Redacted] SPANISH language) and understand the conditions of my release as set forth in this order. I agree to comply with these conditions, the Department of Homeland Security may revoke my release if I fail to comply with these conditions.

[Redacted Signature] (Signature of Immigration Officer Serving Order) [Redacted Date] (Date)

Cancellation of Order

I hereby cancel this order of release because: The alien failed to comply with the conditions of release. The alien was taken into custody for removal.

[Redacted Signature] (Signature of Immigration Officer Cancelling Order) [Redacted Date] (Date)

Form I-220A (Rev. 03/01/07) N

BENEFICIOS DE LA LEY DE AJUSTE CUBANO

Residencia
Permanente Legal
(Green Card)

Autorización de
Empleo

Acceso a Beneficios
Públicos

Viajar
Internacionalmente

Reunificación
Familiar

Elegibilidad para la
Ciudadanía
Estadounidense

Estabilidad y
Seguridad

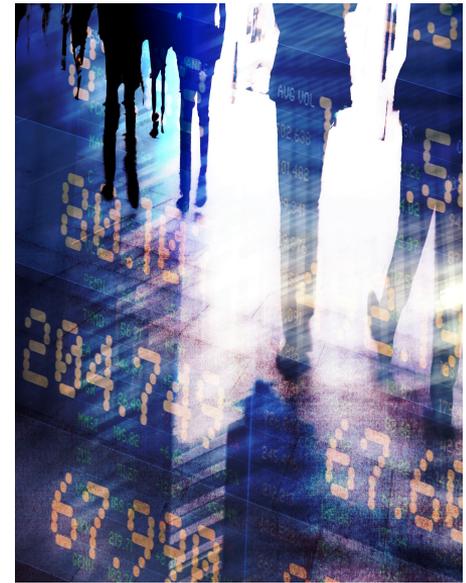
Acceso Ampliado a
Servicios Públicos y
Oportunidades
Educativas

Capacidad para
Patrocinar a
Familiares

Protección Legal

Acceso a Propiedad
y Crédito

Posibilidad de
Jubilarse en los
Estados Unidos





PREGUNTAS Y RESPUESTAS



CONCLUSIÓN Y CIERRE

"El Ajuste Cubano ha sido un pilar fundamental para muchos cubanos en su camino hacia la residencia permanente en los Estados Unidos. Conocer sus beneficios y requisitos es clave para aprovechar esta oportunidad. Recordemos que, aunque este proceso facilita el ajuste de estatus, conlleva responsabilidades que deben ser cumplidas para asegurar un futuro estable y seguro en este país. Gracias por su atención, y les animo a seguir profundizando en este tema tan importante.

LIS CASTILLO

