



**NEW YORK UNIVERSITY**  
A private university in the public service

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## **OFFICE OF GENERAL COUNSEL MEMORANDUM**

### **TRAVELING TO CUBA FOR ACADEMIC PURPOSES**

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*Do you plan to organize, or participate in, a structured educational program in Cuba?*

*Do you plan to participate in a formal course of study at a Cuban academic institution?*

*Do you plan to travel to Cuba to conduct research?*

*Do you plan to teach at a Cuban academic institution?*

*Do you plan to travel to Cuba to attend an academic meeting, seminar or conference related to Cuba or global issues involving Cuba, or to attend other professional meetings?*

*Do you plan to bring a computer or other items with you to Cuba?*

If you answered yes to any of the above questions or are otherwise planning to travel to Cuba, a license from the U.S. government will be required. The summary below provides basic information on U.S. regulations and other issues pertaining to travel to Cuba for educational purposes. **To discuss your particular Cuba travel situation, please contact the [Office of General Counsel](#).**

#### **Updated U.S. Policy Approach to Cuba**

On November 9, 2017, the Trump Administration implemented the regulatory changes first announced by President Trump on June 16, 2017 related to a new U.S. policy approach towards Cuba, which includes: (1) ending individual people-to-people travel (*i.e.*, educational travel that does not take place under the auspices of a sponsoring U.S. academic institution or organization); (2) imposing additional restrictions on educational

travel; and (3) prohibiting direct transactions with entities controlled by the Cuban military, intelligence, and security services. The U.S. Department of State published a List of Restricted Entities and Subentities Associated with Cuba as of November 9, 2017, set forth at: <https://www.state.gov/e/eb/tfs/spi/cuba/cubarestrictedlist/index.htm>.

**The U.S. government’s prohibition on travel to Cuba from the United States for tourist purposes remains in place.** The Office of Foreign Assets Control (“OFAC”) within the U.S. Department of the Treasury and the Bureau of Industry and Security (“BIS”) within the U.S. Department of Commerce have implemented these policy changes by amending the Cuban Assets Control Regulations (“CACR,” 31 CFR Part 515) and the Export Administration Regulations (“EAR,” 15 CFR Parts 730-774), respectively (collectively, the “Regulations”). These amendments to the Regulations narrow certain existing travel authorizations, including the “general license” for educational activities, and restrict transactions with certain newly designated Cuban government entities.

In addition, while Cuba has not been a focus of the Trump Administration’s executive orders and policies on immigration, travel to and from Cuba requires extra attention to your immigration status. This is especially true if you are in F-1 or J-1 status. If you plan to visit Cuba for NYU academic purposes, please contact the [Office of Global Services](#) beforehand to discuss these special circumstances and for guidance in obtaining a Cuban visa.

## **Background**

Travel to Cuba by NYU personnel for NYU academic purposes is prohibited unless authorized by a general or specific license issued by OFAC. The Regulations apply to all NYU personnel, including faculty, students, researchers, and staff, regardless of nationality, for all NYU-related travel to Cuba. Violations of the Regulations can lead to criminal penalties of up to 10 years in prison, \$1,000,000 in corporate fines, and \$100,000 in individual fines, as well as civil penalties up to \$85,236 per violation. Violations of the EAR can lead to criminal penalties of up to \$1,000,000 per violation and 20 years in prison for an individual and \$1,000,000 per violation for an organization, as well as civil penalties up to \$289,238 per violation or twice the value of the transaction, whichever is greater, as well as administrative penalties.

## **Licenses for Travel to Cuba**

The Regulations permit travel to Cuba under a general license (where no application to OFAC is needed) or a specific license (where an application to and approval from OFAC is required), depending on the nature and purpose of the travel.

### **General License**

A “general license” authorizes a particular type of travel-related transaction without the need for an application or specific permission from OFAC. Travel to Cuba and travel-related transactions by NYU personnel are permitted under general licenses (see 31 CFR §515.547(a), §515.565(a), §515.564(a), §515.567(b), and §515.575) if directly related to one of the activities set forth below.

1. Participation in an NYU course: Participation in a structured educational program in Cuba as part of a course offered for credit by NYU, provided that each participant obtain an appropriate authorization letter from NYU. For more information on organizing an NYU-sponsored student trip to Cuba, please see [Attachment A, Organizing An NYU-Sponsored Student Trip to Cuba](#).
2. Academic research for the purpose of obtaining an undergraduate or graduate degree:
  - a. Noncommercial academic research specifically related to Cuba for the purpose of obtaining an undergraduate degree at NYU provided that the student is (i) employed by NYU (e.g., as a research assistant) and has obtained a letter from NYU confirming the same, and that the student is acting for or on behalf of or otherwise representing NYU, and that his or her travel to Cuba is related to the student's role at NYU; or (ii) accompanied to Cuba by an employee, paid consultant, agent or other representative of NYU.
  - b. Noncommercial academic research specifically related to Cuba for the purpose of obtaining a graduate degree at NYU provided that the graduate student has obtained a letter from NYU confirming that he or she is a graduate student currently enrolled in a graduate degree program at NYU and that the student's research in Cuba will be accepted for credit toward that degree.
3. Participation in a course at a Cuban academic institution: Participation in a formal course of study at a Cuban academic institution, provided that the formal course of study in Cuba will be accepted by NYU for credit toward the student's undergraduate or graduate degree, provided that the course of study is no shorter than 10 weeks in duration and that the student has obtained an authorization letter from NYU stating that the individual is a student currently enrolled in an undergraduate or graduate degree program at NYU, and that the study in Cuba will be accepted for credit toward that degree. Please contact the [Office of General Counsel](#) regarding participation in a formal course of study at a Cuban academic institution that is short than 10 weeks in duration.
4. Teaching at a Cuban academic institution: Teaching at a Cuban academic institution by an individual regularly employed in a teaching capacity at NYU, provided the teaching activities are related to an academic program at the Cuban institution and provided that the duration of the teaching will be no shorter than 10 weeks. An individual planning to engage in such transactions must obtain a letter from NYU stating that the individual is a full-time permanent employee regularly employed in a teaching capacity at the U.S. institution.
5. Sponsorship or co-sponsorship of non-commercial academic seminars: Sponsorship or co-sponsorship of noncommercial academic seminars, conferences, symposia, and workshops in Cuba related to Cuba or global issues involving Cuba and attendance at such events by NYU faculty, staff, researchers, and students, provided that: (i) the faculty, staff, researcher, or student has obtained a letter from

NYU confirming that he or she is an employee, paid consultant, agent, or other representative of NYU, and that he or she is acting for or on behalf of or otherwise representing NYU, and that his or her travel to Cuba is related to his or her role at NYU; or (ii) the faculty, staff, researcher, or student will be accompanied to Cuba by an employee, paid consultant, agent or other representative of NYU.

6. Establishment of academic exchanges and joint non-commercial academic research projects: Establishment of academic exchanges and joint non-commercial academic research projects with universities or academic institutions in Cuba, provided that: (i) the faculty, staff, researcher, or student has obtained a letter from NYU confirming that he or she is an employee, paid consultant, agent, or other representative of NYU, and that he or she is acting for or on behalf of or otherwise representing NYU, and that his or her travel to Cuba is related to his or her role at NYU; or (ii) the faculty, staff, researcher, or student will be accompanied to Cuba by an employee, paid consultant, agent or other representative of NYU.
7. Related Activities: The organization of, and preparation for, activities described above in 1-6 (e.g., travel arrangements and trip planning) by full-time members of the faculty and staff of NYU.
8. Professional Research: Professional research in Cuba, provided that: (a) the purpose of the research directly relates to the traveler's profession, professional background, or area of expertise (including area of graduate-level full-time study); (b) the traveler does not engage in recreational travel, tourist travel, travel in pursuit of a hobby, or research for personal satisfaction only; (c) the traveler's schedule of activities does not include free time or recreation in excess of that consistent with a full-time schedule of professional research; and (d) the traveler does not engage in direct financial transactions with entities on the Cuba Restricted List.
9. Professional Meetings and Conferences: Attendance at a professional meeting or conference in Cuba, provided that: (a) the purpose of the meeting directly relates to the traveler's profession, professional background, or area of expertise (including area of graduate-level full-time study); (b) the traveler does not engage in recreational travel, tourist travel, or travel in pursuit of a hobby; (c) the traveler's schedule of activities does not include free time or recreation in excess of that consistent with a full-time schedule of attendance at professional meetings or conferences; and (d) the traveler does not engage in direct financial transactions with entities on the Cuba Restricted List.
10. Public performances, clinics, workshops, other athletic or non-athletic competitions, and exhibitions: Participation in a public performance, clinic, workshop, athletic competition, non-athletic competition, or exhibition, provided that: (a) the event is open for attendance and participation by the Cuban public, (b) all U.S. profits from the event are donated to a nongovernmental organization in Cuba or U.S.-based charity with the objective to the extent possible, of promoting people-to-people contacts or otherwise benefiting the Cuban people, (c) any clinics and workshops are at least partly organized and run by the authorized traveler, and (d) the traveler does not engage in direct financial transactions with entities on the Cuba Restricted

List.

11. Humanitarian projects: Engaging in certain humanitarian projects in or related to Cuba that are designed to directly benefit the Cuban people, provided that the traveler's schedule of activities does not include free time or recreation in excess of that consistent with a full-time schedule. Authorized humanitarian projects include: medical and health-related projects; construction projects intended to benefit legitimately independent civil society groups; environmental projects; projects involving formal or non-formal educational training, within Cuba or off-island, on entrepreneurship and business, civil education, journalism, advocacy and organizing, adult literacy, or vocational skills; community-based grassroots projects; projects suitable to the development of small-scale private enterprise; projects that are related to agricultural and rural development that promote independent activity; certain microfinancing projects; and projects to meet basic human needs.

If you are traveling to Cuba pursuant to a general license, you must sign an *Agreement to Terms and Conditions for Traveling to Cuba* prior to departure. Please contact the [Office of General Counsel](#) for assistance in obtaining a copy of the Agreement.

In addition to the general licenses summarized above, which authorize travel to Cuba and travel-related transactions under certain conditions, OFAC issued a general license authorizing U.S. academic institutions, including NYU, to sponsor Cuban scholars to teach or engage in scholarly activity at NYU. This general license authorizes NYU to pay a stipend or salary to such Cuban scholars under certain terms and conditions. Please contact the [Office of General Counsel](#) if you are interested in sponsoring a Cuban scholar at NYU.

### **Specific License**

A "specific license" authorizes specific transactions, is issued to a specific person or persons, and requires an application to OFAC. OFAC will not issue a specific license for activities authorized by a general license.

All NYU personnel participating in educational or other activities not covered by a general license (e.g., attending a conference where the purpose of the meeting does not directly relate to the traveler's graduate-level field of full-time study) must obtain a specific license before traveling to Cuba. To obtain a specific license, an applicant will need to submit an application to OFAC in letter format with supporting documentation well in advance of the proposed date of departure (i.e., the process can take up to six months). A specific license will not be available for self-directed educational activities that are intended only for personal enrichment. Please contact the [Office of General Counsel](#) for assistance in determining whether a specific license is required, preparing the specific license application (if necessary), and obtaining approval from the Dean of the relevant school.

### **Other Activities**

While traveling to Cuba on a general or specific license, NYU personnel may participate in certain leisure activities, including outdoor and/or cultural activities, in their free time (i.e., in the evenings and on weekends) as long as they are engaging in a full-time schedule of educational activities.

## **Obtaining Requisite Approvals from Dean of School and Office of General Counsel**

Prior to departure, all NYU personnel, including faculty, staff, researchers, and students, who plan to travel to Cuba under a general license must submit, to the Dean of the relevant school and to the Office of General Counsel for their review and approval, a summary of the program, seminar or research, including a description of the course, seminar, or research, information about the credit being offered, and a detailed itinerary of each day of the trip. Every activity on the itinerary must have an educational objective, and the schedule must be consistent with a full-time course or research schedule at NYU.

## **Notice to Office of Global Programs**

In addition to any applicable requirements noted above, students traveling on their own to Cuba for NYU academic purposes and the organizers of NYU-sponsored student trips to Cuba must provide notice of their trips to the Office of Global Programs at least two weeks prior to departure.

## **Arranging Travel to Cuba**

OFAC no longer requires that travel arrangements be made through an OFAC-authorized travel service provider. Travel arrangements may be made through any travel agent that complies with the general license applicable to travel agents. Please verify with travel agents whom you contact that they are familiar with the Regulations.

## **Imports**

In accordance with the Regulations, travelers to Cuba may bring back to the United States merchandise, including tobacco and alcohol, as accompanied baggage as long as the imported merchandise is for personal use only and is not associated with an entity on the Cuba Restricted List.

## **Export Administration Regulations**

If you are authorized to travel to Cuba, you may only take with you those items authorized for export from the United States to Cuba under the EAR, administered by the Department of Commerce (*i.e.*, accompanied baggage/personal effects for use during your time in Cuba, certain limited items to support the development of the private sector in Cuba or strengthening of civil society in Cuba).

## **Technology**

Travelers to Cuba may take NYU-issued laptops and mobile phones to Cuba, check e-mail on their NYU laptops and phones, and use their laptops and phones while in Cuba for certain approved purposes, including use in professional meetings and conducting research directly related to their profession or area of expertise. Otherwise, no NYU-owned equipment, including laptops, PDAs, digital cameras, or cell phones, may be taken to Cuba without a license from the Department of Commerce. From the time that a license application is submitted, it may take multiple months to acquire such a license. You may

take personally-owned equipment, including laptops, PDAs, digital cameras, or cell phones, to Cuba so long as they do not contain export controlled technology, are kept under your control while in Cuba, and are brought back to the United States when you return.

### **Items to Support the Development of the Private Sector or Strengthening of Civil Society in Cuba**

If you are authorized to travel to Cuba, you may carry certain items with you to support independent economic activity or civil society in Cuba, including:

1. certain tools and equipment for private sector agricultural activities in Cuba;
2. certain tools, equipment, supplies and instruments for use by private sector entrepreneurs in Cuba;
3. certain donated items for use in scientific, archaeological, cultural, ecological, educational, historic preservation, or sporting activities in Cuba; and
4. certain items for your personal use in connection with your professional research in Cuba in scientific, archaeological, cultural, ecological, educational, historic preservation, or sporting activities, so long as: (a) the research is directly related to your profession, professional background, or area of expertise (including area of graduate-level full-time study) and (b) you will bring the items back to the U.S. within two years of the date of export (if they are not consumed in Cuba).

Prior to departing for Cuba with any items to support the development of the private sector or civil society in Cuba, please contact the [Office of General Counsel](#) for their review and approval.

### **Cuban Regulatory Issues**

#### **Visas**

In addition to obtaining a U.S. license to travel to Cuba, travelers also must obtain a visa from the Cuban Government. Depending on the purpose of travel, a sponsoring institution may be needed to obtain such a visa. Please contact your travel agent or the [Office of Global Services](#) for assistance obtaining information about Cuban visas.

#### **Record Keeping**

The Regulations require that records and receipts of all transactions related to Cuba travel must be retained for five years after completion of travel.

#### **Further Resources**

The [Office of General Counsel](#), the [Office of Global Services](#), and the [Office of Compliance and Risk Management](#) are available to assist you with your particular situation.

A more detailed summary of Cuba Sanctions can be found at the Department of Treasury's [Resource Center](#).

## ATTACHMENT A

### ORGANIZING AN NYU SPONSORED STUDENT TRIP TO CUBA

*Background.* The United States government restricts travel to Cuba by U.S. citizens and residents through the Cuban Assets Control Regulations (the Regulations) as administered by the Office of Foreign Assets Control of the U.S. Department of the Treasury (OFAC). The Regulations apply to all NYU personnel, including faculty, students, researchers, and staff, wherever located. Violations of the Regulations can lead to criminal penalties of up to 10 years in prison, \$1,000,000 in corporate fines, and \$100,000 in individual fines, as well as civil penalties up to \$85,236 per violation.

*Permitted Travel.* The Regulations authorize certain travel-related transactions for education programs pursuant to a general license, which does not necessitate an application or specific permission from OFAC. A general license is available for transactions related to participation in a structured educational program that is part of a course offered for credit by a degree-granting U.S. academic institution. The checklist below was prepared to assist NYU faculty and staff organize such an educational program in Cuba.

#### *Checklist for Organizing an NYU-Sponsored Student Trip to Cuba.*

1. Obtain Approval of Dean of School. At least four months prior to departure, the faculty or staff member(s) organizing the trip to Cuba (the Organizer) must prepare for review and approval in writing by the Dean of the relevant school; a summary of the program (Program Summary), which includes a description of the course, information about the credit being offered, and a detailed itinerary of each day of the trip. To comply with the Regulations, the Organizer must ensure that each day is planned to be consistent with a full-time schedule of educational activities. Faculty, students, researchers, and staff may participate in certain leisure activities, including outdoor and/or cultural activities, in their free time (*i.e.*, in the evenings and on weekends) as long as they are engaging in a full-time schedule of educational activities.
2. Obtain Approval of the Office of General Counsel (OGC). The Program Summary, as approved in writing by the Dean of the relevant school, must be provided to the OGC for review and approval prior to the announcement of the trip to any potential participants and no later than three months prior to the anticipated travel. OGC will respond with comments or approval within two weeks of receipt of the Program Summary.
3. Provide Notice to the Office of Global Programs. The Organizer must provide a copy of the Program Summary and copies of the approvals from the Dean of the relevant school and the Office of General Counsel to the Office of Global programs at least one month prior to the anticipated travel.

4. Cuban Law Requirements. In addition to the U.S. law requirements set forth in the Regulations, travelers to Cuba must comply with restrictions put in place by the Cuban government, including requirements to obtain visas and local medical insurance; and, in the case of research and educational programs, to have a local sponsoring agency. Please consult the Cuban Interest Section in Washington D.C. ([202-797-8518](tel:202-797-8518) ext. 123) regarding any such Cuban law requirements.
5. Required Documents and Orientation. All faculty, students, researchers, and staff traveling to Cuba must sign and return to the Organizer an *Agreement to Terms and Conditions for Traveling to Cuba* before departing for Cuba. The Organizer must provide OGC with copies of the *Agreements to Terms and Conditions for Traveling to Cuba* prior to departure. All faculty, students, researchers, and staff traveling to Cuba will be required to participate in a pre-departure orientation session conducted by the Organizer.
6. Document Retention. Records of all transactions related to Cuba travel must be retained for five years after completion of the travel. The Organizer must maintain a detailed log of all daily activities and the specific hourly schedule corresponding to those activities (the Log). The Log must describe the content of the activities and how the activities relate to the overall educational objective of the course being offered for credit by NYU. The Organizer must provide OGC with copies of the Log, and all related documents within one month of returning from Cuba.

*Additional Resources.* An overview of OFAC's Cuba sanctions program is available on the OFAC [website](#).

*Contacts.* For questions regarding the Regulations or legal requirements relating to travel to Cuba, please contact Daniel J. Magida in OGC ([dm156@nyu.edu](mailto:dm156@nyu.edu)). For questions regarding Cuba program logistics, please contact Annie Stanton at Tisch School of the Arts ([ams5@nyu.edu](mailto:ams5@nyu.edu)).