

What Trump's new Cuba policy means for travelers to the island

Trump made a seemingly small change in who can travel to the island — **individuals may no longer plan their own people-to-people itineraries and will have to make these educational trips as part of groups in the future** — but those in the Cuba travel business fear it could be a precursor to a much more restrictive policy on U.S. travel to the island.

A new **prohibition on doing business with Cuba's military**, which controls a broad swath of the economy, also could have a big impact on U.S. travelers. Military holdings include **Gaviota** hotels and villas, tour companies that offer everything from Jeep safaris to night tours of Havana, rental car agencies, gas stations, marinas, convenience stores, a tourist bus fleet, a small airline, attractions ranging from beer gardens to discos, and just about every state hotel, restaurant and shop in Old Havana through its **Habaguanex** brand.

The Trump administration says the State Department has been charged with coming up with a list of prohibited entities “with which direct transactions generally will not be permitted.”

Tour operations

But until new regulations are written (a process that Trump has mandated must begin by mid-July) and the list comes out, **tour operators aren't exactly sure how their operations might be affected in the future.**

Guidance put out by Treasury's Office of Foreign Assets Control would seem to indicate that even the reservations at Gaviota hotels might be permitted — at least for a time. **Dealings with the Cuban military, it said, are permitted as long as “those commercial engagements were in place prior to the issuance of the forthcoming regulations.”**

“That could mean we're OK,” Guild said. “We have already requested rooms for dozens and dozens of groups through 2019.”

By the same token, if individual travelers who planned to travel under the people-to-people designation booked at least one travel-related transaction — airline tickets or reserving an accommodation — prior to Trump's June 16 announcement of his new Cuba policy, they may still travel under that category even if their trip comes after the date when the new regulations are issued.

Meanwhile, Obama-administration travel rules remain in effect until the new regulations come out. That means individual travelers who plan to visit Cuba under the people-to-people designation can still book a trip. But unless they plan to travel in the very near future, it's a gamble.

If an individual traveler plans a people-to-people trip for late September, for example, and the new regulations come out before then, the traveler will be out of luck.

Individual travel

Individual trips to Cuba will still be allowed. But travelers must make sure they fit into one of 11 other categories of permissible travel, such as a visit to relatives or in support of the Cuban people, a humanitarian trip or to take part in a sports competition or cultural event.

Some travel organizations say they plan to help individual travelers find opportunities to travel under the 11 other categories.

“Most of our clients are staying at *casas particulares* [privately owned lodging] and eating at private local restaurants,” he said, “but we’ll need to be more careful to make sure we’re avoiding military-owned businesses.”

“I don’t think the new policy will have much impact on group travel,” said InsightCuba’s Popper. Among the many hotels the company has used for its groups are two Gaviota hotels — the Meliá Santiago de Cuba and the Meliá Cayo Santa María.

InsightCuba will make adjustments if necessary under the new regulations, said Popper. “A lot of the wholly owned Gaviota hotels are in the keys and are resort hotels. Most tour operators don’t stay there because they haven’t been destinations for people-to-people tours.”

Tour operators can still select other Cuban hotel brands not affiliated with the military — Cubanacan and GranCaribe, for example — and it’s possible Cuba could rebrand and assign some tourism-related companies now under the umbrella of GAESA, the military’s huge conglomerate, to the Ministry of Tourism or other state entities.

A couple of years ago at Cuba’s International Tourism Fair, known as FIT Cuba, the government announced it was forming Viajes Cuba, an entity that would bring together all the Cuban tour companies that work with American visitors.

But at this point, the plan doesn’t appear to have gone very far. “So far we’re still working with the same Cuban tour companies as always,” Guild said.

Secretary of the Treasury will regularly audit travel to Cuba to make sure travelers are complying with regulations and aren’t traveling to Cuba for tourism.

Even under the Obama administration, travelers were required to maintain records of their Cuban travel transactions for five years. The requirement remains under Trump’s policy but lawyers and those in the travel industry say they expect much more scrutiny and most likely spot checks at airports of returning Cuban travelers.

During the administration of President George W. Bush, travel to Cuba was highly restricted and fines were assessed against travelers who violated travel regulations. The usual drill was that passengers pulled aside for additional questioning later received a letter from the Office of Foreign Assets Control asking for full details of their Cuba trip, including all receipts, said Robert Muse, a Washington lawyer who specializes in U.S.-Cuba law.

But tour operators say they are prepared for additional scrutiny. “We have a warehouse full of files,” Guild said.

“As part of our service we keep all passengers records on file for five years,” Popper said. “We always have the paperwork ready to provide to our guests, and we’re prepared to provide them with an audit-ready package if necessary.”