

U.S. Curtailing Cuba Air Travel Restrictions

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After decades of hostility thwarting air travel between the United States and Cuba, Americans will soon be able to visit the white sand beaches and mountainous terrain of Cuba legally and with lower barriers to aviation. This stems from the United States' December 2014 shift in diplomatic policy towards Cuba. Part of this initiative to normalize relations includes relaxing the constraints on travel between the countries.

January 27, 2016 brought the most recent round of revisions through the Department of the Treasury's Office of Foreign Assets Control's (OFAC) amendment to the **Cuban Assets Control Regulations** (CACR) and the Department of Commerce's Bureau of Industry and Security's (BIS) amendments to the **Export Administration Regulations** (EAR). These build on the **two prior amendments** from January 2015 and September 2015 and seek to "further facilitate travel to Cuba for authorized purposes."

Accordingly, here are a few highlights on the current status of regulations for those who wish to fly to and from the island in the near future.

As of December 2015, the countries reached an agreement to restore regularly scheduled commercial airline services direct from the United States to Cuba. This avoids the prior obstacles of pit stops in third countries and/or chartering private planes. However, this has not quite reached fruition as Cuba must approve each of the United States' airlines' scheduled flight plans before service can begin within the coming months.

The January 2016 amendments then took this commercial airline services accord to the next step by also allowing for the entry of blocked space, code-sharing, and leasing arrangements with Cuban airlines.

Another new development is that personnel who are operating or servicing aircraft are now allowed to engage in travel-related and other transactions in Cuba, such as staying in a hotel or dining at a restaurant, as long as it is directly incident to the temporary sojourn of aircraft there. Accordingly, additional costs to relocate the aircraft or find an alternative location for the crew to stay are a thing of the past. Also, there is no need to pay for everything in advance to remain legal. Moreover, the regulations now allow for both Part 91 and Part 135 aircraft, and their necessary crew, to remain in Cuba for up to seven days.

Of course some restrictions apply. For instance, mere tourist travel is still prohibited. Instead, your plans must meet one of the twelve authorized purposes, some of which include family visits, professional research, religious activities, or support for the Cuban people. Also, it is recommended that Americans retain all records of their trip to Cuba for five years following their return.

Even with these limitations in place, this increased air travel will likely spark an increase in American business with Cuba to service the travelers, and supplement the need for fixed-based operator (FBO) services such as fuel, food, and ground transportation. Accordingly, while an initiative to facilitate travel to Cuba seemed to merely be a small breath of fresh air for those who were yearning to visit the island nation, it has since turned out to be the gust of wind the civil aviation relationship needed to lower the (decades-old) barriers to aviation.

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