

## V. RELIGIOUS ACTIVITIES 31 CFR § 515.566

You may request a specific license authorizing transactions incident to religious activities in Cuba engaged in by (1) a qualified U.S. religious organization (and its members and employees), or (2) an individual or group of individuals. Religious activities that are consistent with U.S. foreign policy include, but are not limited to, attendance at religious services as well as activities that contribute to the development of a Cuban counterpart's religious or institutional development such as: ministerial training, education, or licensing; religious school development; youth outreach; training in or the conducting of marriage seminars; construction of places of worship or other facilities for full-time use by a Cuban counterpart; production and distribution of religious materials; assistance in holding religious services; religious preaching or teaching; and training or assistance in church administration.

### 1. Application criteria for specific licenses for religious activities by religious organizations - 31 CFR § 515.566(a)

If you wish to apply on behalf of a religious organization, you must provide the following information in a letter to OFAC:

1. Identify your organization. Provide the name and address of your religious organization. Include the name and phone number of the institutional contact responsible for the application and for ensuring compliance with the terms of the license once issued.

2. Provide a certification of your organization's status.  
Certify by written statement that your organization:

(a) is a tax exempt organization under the Internal Revenue Code that is organized and operated exclusively for religious purposes;

(b) has an established congregation served by an organized ministry;

(c) provides regular religious services;

(d) provides for religious education of the young;

(e) disseminates a formal religious doctrine; and

(f) has a membership not associated with any other denomination.

If you cannot certify to all of the above, you may provide a copy of an IRS determination that your organization qualifies

as a "church" under the Internal Revenue Code - 26 USC 508(c)(1)(A).

3. Identify the category of travel. State your request for a specific license pursuant to § 515.566(a) of the Regulations authorizing individuals and groups affiliated in a formal significant way with your religious organization to engage in transactions directly incident to a full-time program of religious activities in Cuba under the auspices of your religious organization. The term "affiliated" means individuals that are employees or members of your religious organization. Individuals who are not otherwise affiliated with your religious organization and whose participation in religious activities in Cuba is solicited by your religious organization do not qualify as "affiliated."

4. List and provide examples of activities. Provide a list of the types of activities to be engaged in by individuals and groups traveling under the auspices of your religious organization. Also provide a few detailed examples of those activities. OFAC does not normally consider merely "visiting" a religious group in Cuba to be an activity that qualifies for a religious travel license.

5. Provide additional certifications. Certify by written statement the following:

(a) your religious organization's license will not be used for the purpose of travel that is primarily touristic in nature or for travel that is not for genuine religious purposes;

(b) the proposed travel will be supervised by an official of your religious organization. Failure to properly oversee the use of a license is the basis for suspension and/or revocation of the license; and

(c) all persons traveling to Cuba pursuant to the license will engage in a "full-time schedule of religious activities in Cuba."

6. Extensions & renewals. When applying for an extension or renewal of a license, be sure to reference the license number in your application and include the following:

(a) an explanation of why an extension or renewal is necessary;

(b) a detailed report setting forth a record of all activities undertaken pursuant to the original license or, if the original license was renewed, the most recent renewal; and

(c) a complete copy of the license and all license amendments and renewals.

7. Sign your application. The representative submitting the application on behalf of your religious organization must sign the application and certify that he or she is submitting the application on behalf of your religious organization. The signature serves as a certification that the statements in the application are true and accurate.

**Note:** Organizations that do not meet the criteria under § 515.566(a) may submit applications naming specific individuals pursuant to § 515.566(b). (See: Application criteria for specific licenses for individual religious travel - 31 CFR § 515.566(b)).

If your religious organization is proposing to engage in a humanitarian project or in the delivery of donated goods as part of or in addition to its religious activities, authorization for travel-related transactions with respect to such activities must be requested and authorized under the application criteria set forth with regard to humanitarian projects or accompanied delivery of donated goods described in § 515.575 or § 515.533(e), respectively. (See: Application Guidelines, VIII. HUMANITARIAN PROJECTS - 31 CFR 515.575 and XI. TRAVEL RELATED TO LICENSED EXPORTATIONS: 1. Exportations licensed by the U.S. Department of Commerce - 31 CFR 515.533(e)). Such additional authorization may be included in the same license issued pursuant to this section or in amendments thereto. For questions related to the licensing requirements for the exportation of commodities and humanitarian goods from the United States to Cuba, please contact the U.S. Department of Commerce's Bureau of Industry and Security at (202) 482-4811.

Financial donations or other funds transfers incident to religious activities require separate authorization under § 515.570(d)(1) of the Regulations. (See: Appendix 2, REMITTANCES BY PERSONS SUBJECT TO U.S. JURISDICTION TO INDEPENDENT NON-GOVERNMENTAL ENTITIES IN CUBA 31 CFR § 515.570(d)(1)).

**Examples:**

Licensable

Example 1: A religious organization seeks a license for its members to travel to Cuba to assist in restoring a church building and attend services there.

Example 2: A religious organization seeks to have its members teach in its Cuban counterpart's religious school and to transfer funds to its Cuban counterpart. The religious organization may receive a two-

year license under this section at this time, and separate authorization pursuant to § 515.570(d)(1) to transfer the funds to its counterpart. If the religious organization seeks to transfer additional funds in the future, it should seek an amendment to its funds transfer license for additional transfers. (See: Appendix 2, REMITTANCES BY PERSONS SUBJECT TO U.S. JURISDICTION TO INDEPENDENT NON-GOVERNMENTAL ENTITIES IN CUBA 31 CFR § 515.570(d)(1)).

### Not Licensable

Example 1: An organization that specializes in organizing "heritage tours" for persons of a particular denomination applies for a specific license to take interested practitioners of that faith on a trip to Cuba to visit historical sites and museums as well as existing communities of that denomination in Cuba. The organization at issue is not a religious organization for purposes of this section. Although religious activities may extend to pilgrimages to religious sites, they do not encompass such "heritage tours."

Example 2: A group that seeks to promote interfaith understanding applies for a license to take an interdenominational group to Cuba to participate in religious activities ranging from Catholic mass to Santeria. This group is not a religious organization for purposes of this section.

## **2. Application criteria for specific licenses for religious activities by individuals - 31 CFR § 515.566(b)**

If you are not applying on behalf of an organization that qualifies for a license under § 515.566(a), you must provide the following information in a letter to OFAC:

1. Identify all proposed travelers. Furnish the name(s), address(es), and daytime phone number(s) of each applicant seeking to engage in travel-related transactions in Cuba under the license.

2. Identify your organization (organizations only). If you are applying on behalf of a religious organization that does not qualify under the criteria set forth in § 515.566(a), you must:

(a) provide the name of your religious organization;

(b) describe your religious organization (what type of organization is it and what are its goals/objectives. If available, provide a copy of its mission statement, brochure, or other literature describing typical activities it undertakes.);

(c) describe prior overseas and domestic religious activities engaged in by your religious organization;

(d) provide the name of the Cuban counterpart religious organization, if any, with which your religious organization will work in Cuba.

3. Identify the category of travel. State your request for a specific license under § 515.566(b) of the Regulations, authorizing individuals to engage in transactions directly incident to religious activities in Cuba.

4. List and provide examples of activities (organizations only). Provide a list of the types of activities to be engaged in by the individuals identified in your answer to 1. above. Also provide a few specific, detailed examples of those activities.

5. Describe the proposed activities and the duration of the proposed travel (individual applicants only). Describe in detail all activities to be engaged in by the individuals identified in your answer to 1. above. Describe prior experiences or involvement, if any, of those individuals in similar activities. Set forth the proposed dates and duration of the trip. Explain why that amount of time is needed. If multiple trips are proposed, indicate the dates and duration of each trip and explain why multiple trips are necessary.

6. Provide a certification of a full-time schedule. Certify by written statement that the proposed religious activities will constitute a "full-time schedule of religious activities that could not be completed in a shorter period of time."

7. Extensions & renewals. When applying for an extension or renewal of a license, be sure to reference the license number in your application and include the following:

(a) an explanation of why an extension or renewal is necessary;

(b) a detailed report setting forth a record of all activities undertaken pursuant to the original license or, if the original license was renewed, the most recent renewal; and

(c) a complete copy of the license and all license amendments and renewals.

8. Sign your letter. Your signature is your certification that the statements in your application are true and accurate.

**Note:** If you are affiliated with a religious organization, you might check with the appropriate official of the organization as to whether it holds a valid specific license pursuant to § 515.566(a) of the Regulations under which your transactions may already be authorized or whether that organization might wish to apply for such a license. This would avoid the need to apply for your own specific license. Persons traveling under any specific license issued pursuant to § 515.566 must comply with the condition that authorized travelers engage in a full-time program of religious activities.

Persons seeking a specific license to engage in a humanitarian project or in the delivery of donated goods as part of or in addition to their religious activities must request and receive authorization for travel-related transactions with respect to such activities under separate application criteria set forth with regard to humanitarian projects or accompanied delivery of donated goods in § 515.575 or § 515.533(e), respectively. (See: Application Guidelines, VIII. HUMANITARIAN PROJECTS - 31 CFR 515.575 and XI. TRAVEL RELATED TO LICENSED EXPORTATIONS: 1. Exportations licensed by the U.S. Department of Commerce - 31 CFR 515.533(e)). Such additional authorization may be included in the same license issued pursuant to this section or in amendments thereto. For questions related to the licensing requirements for the exportation of commodities and humanitarian goods from the United States to Cuba, please contact the U.S. Department of Commerce's Bureau of Industry and Security at (202) 482-4811.

Financial donations or other funds transfers incident to religious activities require separate authorization under § 515.570(d)(1) of the Regulations. Such additional authorization may be included in the same license issued pursuant to this section or in amendments thereto. (See: Appendix 2, REMITTANCES BY PERSONS SUBJECT TO U.S. JURISDICTION TO INDEPENDENT NON-GOVERNMENTAL ENTITIES IN CUBA 31 CFR § 515.570(d)(1)).

### **Examples:**

#### Licensable

Example 1: A U.S. ministry seeks authorization to permit specifically named individuals of the ministry to engage in religious activities in Cuba for the purpose of attending worship services and ecclesiastical ceremonies, meeting with congregations to encourage support and growth in the church, and providing consultation and assistance for future church construction. A specific license will be granted to the ministry for a two-year period permitting multiple trips by the named individuals.

Example 2: A U.S. bible college wishes to send a group of pastors to Cuba to train Cuban pastors and church leaders. In addition, the individuals will visit churches to minister and provide

encouragement. As in the previous example, the bible college has provided a specific list of individuals needed to accomplish their mission. A specific license will be granted to the bible college for a two-year period and permit multiple trips by the named individuals.

Example 3: An evangelist seeks to travel to Cuba to give a sermon to a congregation of a certain denomination in Cuba. The travel is limited to the time necessary to constitute a full-time schedule to participate in the service and meet with the congregation.

Example 4: A minister has been invited to teach full-time at a seminary in Cuba during the coming year.

### Not Licensable

Example 1: An organization that offers weekend faith retreats and pilgrimages to developing countries for the purpose of understanding others' religious and cultural values wishes to send individuals, solicited via the internet, to Cuba.

Example 2: A medical fellowship requests a license to send a group of healthcare professionals to Cuba to provide medical services to members of a Cuban congregation. Licenses issued under this section pertain solely to engaging in religious activities and do not normally authorize the provision of medical services. Persons interested in providing medical or other humanitarian services in Cuba should review VIII. HUMANITARIAN PROJECTS - 31 CFR § 515.575 of these Application Guidelines.

Example 3: A couple living on their sailboat seeks to travel to Cuba and live on their boat for an undefined period of time in order to hand out Bibles and preach the gospel to whoever will listen. Absent a record of similar prior experience and a defined full-time schedule of religious activities over a specified period of time, this activity does not qualify for a specific license.

Example 4: An individual seeks to travel to Cuba to participate in services one day a week over a period of several weeks. This does not qualify as a full-time schedule of religious activities.

**Mailing Address:** Applications for specific licenses under this category should be submitted to:

**Licensing Division  
Office of Foreign Assets Control  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue, N.W.  
Second Floor Annex  
Washington, D.C. 20220  
Tel. 202/622-2480**

**Internet website at [www.treas.gov/ofac](http://www.treas.gov/ofac) (Sanctions Programs & Country Summaries - Cuba, Guidelines and Information)**

**Text of Regulatory Provision for § 515.566:**

**§ 515.566 Religious activities in Cuba.**

**(a) *Specific license for U.S. religious organizations -- (1) Issuance; renewal.*** A specific license may be issued to a religious organization located in the United States authorizing the organization and individuals and groups affiliated with the organization to engage, under the auspices of the organization, in religious activities involving transactions (including travel-related transactions) in which Cuba or a Cuban national has an interest. The application for the specific license must set forth examples of religious activities to be undertaken in Cuba. The religious organization's specific license may be renewed after a period of two years to authorize the organization and individuals and groups affiliated with the organization to continue to engage in the transactions authorized under the organization's license.

**(2) *Scope of transactions authorized under U.S. religious organization's specific license; documentation.*** Upon receipt by the religious organization located in the United States of a specific license pursuant to paragraph (a)(1) of this section, the organization and individuals or groups affiliated with the organization are authorized to engage in the travel-related transactions set forth in § 515.560(c) and such additional transactions as are directly incident to religious activities in Cuba under the auspices of the organization. Travel-related transactions pursuant to this authorization must be for the purpose of engaging, while in Cuba, in a full-time program of religious activities. Financial and material donations to Cuba or Cuban nationals are not authorized by this paragraph (a)(2). All individuals who engage in transactions in which Cuba or Cuban nationals have an interest (including travel-related transactions) pursuant to this paragraph (a)(2) must carry with them a letter from the specifically-licensed U.S. religious organization, citing the number of the organization's specific license and confirming that they are affiliated with the organization and are traveling to Cuba to engage in religious activities under the auspices of the organization.

**Note to paragraph (a):** See §§ 501.601 and 501.602 of this chapter for applicable recordkeeping and reporting requirements. Exportation of items to be used in Cuba may require separate licensing by the Department of Commerce.

**(b) *Specific licenses.*** Specific licenses may be issued on a case-by-case basis authorizing the travel-related transactions set forth in § 515.560(c) and other transactions that are directly incident to religious activities not covered by a specific license issued pursuant to paragraph (a) of this section to a U.S. religious organization. Specific licenses may be issued pursuant to this section authorizing transactions for multiple trips over an extended period of time to engage in a full-time program of religious activities in Cuba.