



Frequently Asked Questions Regarding Inheritances for Cuban Nationals Residing in Cuba

The state of Florida has, by far, the largest population of Cubans in the U.S., with the vast majority of the 1.2 million Cubans in the state residing in the Greater Miami area. Naturally, it is not uncommon for Cuban nationals to be left an inheritance through a will, trust, life insurance policy, or other estate-planning document belonging to a U.S. citizen or permanent resident. Surprisingly, though, there are very few law firms in the Miami area that handle this specific legal area.

Zamora, Hillman & Villavicencio is well-equipped to handle any estate that includes Cuban Nationals. We can also help you, as a Cuban national, receive the inheritance you were bequeathed from your relative who passed away in the U.S. This resource will provide some general answers to common questions relating to these circumstances.

1. What is a Cuban national?

The Code of Federal Regulations defines a “national” of any country as a citizen or subject of a particular country, including permanent residents and

those domiciled in the country. Additionally, companies headquartered or performing principle business in Cuba would generally be designated as a Cuban national.

Anyone acting for the benefit of a Cuban national may, in this context, be considered a Cuban national. Notably, Cuban nationals are not people who simply spend a lot of time in Cuba or travel frequently to the island.

2. Which government entities must you deal with from the U.S. when claiming an inheritance?

Within the U.S. Treasury Department, the Office of Foreign Assets Control will have to approve of the payments (officially called remittances) made to Cuban nationals from financial accounts in the U.S. This government office is responsible for enforcing various economic and trade sanctions that are in the national security and foreign policy interests of the U.S.

It is important to retain a law firm that has experience dealing with this federal agency.

3. Are there Cuban nationals who are ineligible for receiving inheritances from the U.S.?

Yes. Certain officials of the Cuban government are not allowed to receive remittances from U.S. persons, as well as prohibited members of the Cuban Communist Party. Additionally, any Cuban nationals who are close relatives to these officials are not allowed remittances.

Generally, qualified individuals and independent non-governmental organizations are the only entities eligible for remittances from U.S. accounts. It can be tricky to determine whether or not you or your loved one may receive remittances, which is why an attorney needs to be by your side as the process plays out.

4. What is a Blocked Account?

Certain financial accounts belonging to a U.S. subject will automatically be blocked to Cuban nationals. In other words, you, as a Cuban national, will have a difficult time receiving money from certain accounts and sources from inside the U.S. If you are dealing with this situation, then you will need to work with an attorney who can work to possibly grant an exception for you.

5. How can inheritances be transferred to Cuban nationals currently living in Cuba?

Qualified individuals may receive money from blocked accounts in a banking institution in which the beneficial interest held by the Cuban National is a result of a valid testamentary disposition, intestate succession or payment from a life insurance policy or annuity contract triggered by the death of the policy or contract holder. We work with Western Union to send remittances to Cuban Nationals that qualify to receive these sort of payments.

6. What is the Cuba Restricted List?

The U.S. Department of State maintains a list of entities and sub entities that are either under control of or act on behalf of the “Cuban military, intelligence, or security services or personnel” and that provide services that come at the expense of the Cuban people. This list is constantly amended and added to, which means you must stay up to date with these restricted entities. Many entities on the list are there to help direct proper travel arrangements for those visiting Cuba, but it may impact plans for your estate. In addition, the list includes certain individuals. These individuals would be blocked from receiving remittances even if the funds are from an estate.

Conclusion

Though the two countries are separated by one hundred miles of water, sending money from the U.S. to Cuban nationals is an extremely intricate process that often requires the help of financial professionals. When money from a valid testamentary disposition or intestate succession is going to a Cuban national, an experienced attorney needs to get involved. He or she will be able to determine whether or not the payee is eligible for the inheritance.

Other items that must be addressed include the manner in which the inheritance is paid (remitted) and the amount. These issues are usually complex and always require the help of a law firm like Zamora, Hillman & Villavicencio to check all the legal boxes. We would be honored to help you receive your inheritance from a U.S. estate as a Cuban national; call our firm at 305-285-0285 or fill out a contact form on our website. If you leave a phone message, you WILL receive a call back promptly.