

109TH CONGRESS  
1ST SESSION

# H. R. 634

To designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act, subject to special conditions.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2005

Ms. JACKSON-LEE of Texas (for herself, Mr. CROWLEY, Mr. LIPINSKI, Mr. TOWNS, and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act, subject to special conditions.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS.**

4       The Congress makes the following findings:

5               (1) Poland is one of the closest allies of the  
6       United States in Europe and worldwide; the diplo-  
7       matic, political, military, and economic relationships  
8       between the two countries have never been better in

1 history, but personal contacts among ordinary indi-  
2 viduals are lagging behind. Over the medium and  
3 long terms, this will start to affect the overall qual-  
4 ity of the strategic partnership between the United  
5 States and Poland.

6 (2) Poland has actively participated in the glob-  
7 al campaign against terrorism led by the United  
8 States. There is an indication that the threat of po-  
9 tential terrorist activities generated in Poland is ac-  
10 tually smaller than that in most of the 27 countries  
11 currently participating in the visa waiver program  
12 established under section 217 of the Immigration  
13 and Nationality Act. Polish citizens have not been  
14 involved in any form of terrorist activities on the ter-  
15 ritory of the United States or against the interests  
16 of the United States overseas.

17 (3) Since joining the North Atlantic Treaty Or-  
18 ganization on March 12, 1999, Poland has proven to  
19 be a reliable partner and a capable guarantor of  
20 NATO security in Kosovo and Afghanistan.

21 (4) From the first days of Operation Iraqi  
22 Freedom, Poland has been a staunch ally to the  
23 United States and has committed its soldiers to help  
24 with ongoing stabilization efforts in Iraq.

1           (5) In recognition of the historic changes in our  
2           bilateral relations and motivated by the sincere need  
3           to enhance contacts between Polish and United  
4           States citizens, on April 15, 1991, Poland unilater-  
5           ally repealed its visa obligation for United States  
6           citizens seeking to travel to Poland for a period of  
7           90 days or less.

8           (6) The Polish-American community of 9.3 mil-  
9           lion people contributed significantly to the develop-  
10          ment of the United States.

11          (7) Since the movement known as “Solidarity”  
12          and the turning point of 1989, Poland has under-  
13          gone great political, social, and economic changes. It  
14          has become a nation committed to traditional values,  
15          rules of law, freedom, and democracy.

16          (8) On May 1, 2004, Poland became a member  
17          state of the vibrant European Union. Poland is a  
18          free market economy, and Poland’s integration with-  
19          in the European structures has had a stabilizing ef-  
20          fect on its economy.

21          (9) More than 150,000 Polish citizens visited  
22          the United States in 2003.

23          (10) Poland’s visa refusal rate has declined dra-  
24          matically, and it continues to decline. Nevertheless,  
25          the visa refusal rate is an arbitrary standard that is

1 not an objective measurement because it does not re-  
2 flect the propensity of nationals from Poland to vio-  
3 late the terms of their admission into the United  
4 States.

5 (11) Poland participates in the work and travel  
6 program that allows about 25,000 Polish students to  
7 visit the United States each year.

8 (12) Warsaw International Airport Okęcie par-  
9 ticipates in the pilot program of voluntary passenger  
10 screening for passengers leaving Warsaw to fly to  
11 the United States.

12 (13) If Poland is allowed to conditionally par-  
13 ticipate in the visa waiver program, the Polish gov-  
14 ernment will develop and implement a campaign to  
15 prevent Polish citizens from remaining in the United  
16 States beyond their authorized period of admission  
17 or otherwise violating the terms of their admission  
18 into the United States.

19 (14) The Polish government is committed to be-  
20 coming a successful part of the visa waiver program.

21 (15) Poland is ready to demonstrate that ade-  
22 quate safeguards against fraudulent use of its pass-  
23 ports are in place, including proper storage of blank  
24 passports and sufficient screening of passport appli-  
25 cants.

1 (16) Poland is determined to fulfill its obliga-  
2 tions and introduce extremely safe passports for its  
3 citizens, including two mandatory biometric identi-  
4 fiers. This is in addition to satisfaction of the ma-  
5 chine-readable requirements for passports described  
6 in the Immigration and Nationality Act.

7 (17) On February 23, 2004, and May 11, 2004,  
8 the assemblies of New Jersey and Massachusetts, re-  
9 spectively, enacted resolutions urging the President  
10 and the Congress to make Poland eligible for the  
11 visa waiver program.

12 **SEC. 2. TEMPORARY AND CONDITIONAL DESIGNATIONS OF**  
13 **POLAND FOR VISA WAIVER PROGRAM.**

14 (a) TEMPORARY DESIGNATION.—

15 (1) IN GENERAL.—Effective on the date of the  
16 enactment of this Act, and notwithstanding section  
17 217(c) of the Immigration and Nationality Act (8  
18 U.S.C. 1187(c)), Poland temporarily shall be des-  
19 ignated a program country for purposes of the visa  
20 waiver program established under section 217 of  
21 such Act.

22 (2) EXPIRATION.—The temporary designation  
23 described in paragraph (1) shall expire on the date  
24 that is 18 months after the date of the enactment  
25 of this Act.

1           (b) REVIEW.—Not later than 1 year after the date  
2 of the enactment of this Act, the Secretary of Homeland  
3 Security shall determine the overstay rate for the portion  
4 of the period of temporary designation described in sub-  
5 section (a) that has elapsed when the determination is  
6 made. Based on such calculation, the Secretary shall de-  
7 termine whether Poland permanently, but conditionally,  
8 shall be designated a program country for purposes of  
9 such visa waiver program.

10           (c) DURATION, SUSPENSION, AND TERMINATION OF  
11 CONDITIONAL DESIGNATION.—

12           (1) IN GENERAL.—Notwithstanding any other  
13 provision of law, if the Secretary determines under  
14 subsection (b) that Poland permanently, but condi-  
15 tionally, shall be designated a program country, Po-  
16 land shall continue to be a program country for pur-  
17 poses of the visa waiver program as long as the an-  
18 nual overstay rate for each fiscal year remains below  
19 3 percent.

20           (2) SUSPENSION.—If the overstay rate for a fis-  
21 cal year exceeds 3 percent, the Secretary of Home-  
22 land Security shall suspend the designation of Po-  
23 land as a program country for purposes of the visa  
24 waiver program for a period of 1 year.

1           (3) TERMINATION.—If the annual overstay rate  
2 exceeds 3 percent for any two fiscal years (regard-  
3 less of whether such years are consecutive), the Sec-  
4 retary of Homeland Security shall terminate the des-  
5 ignation of Poland as a program country for pur-  
6 poses of the visa waiver program.

7           (4) REDESIGNATION.—The Secretary of Home-  
8 land Security may redesignate Poland as a program  
9 country without regard to any other law when the  
10 Secretary determines that Poland has established  
11 satisfactory new safeguards to ensure that the over-  
12 stay rate will remain acceptably low.

13          (d) DEFINITION.—For purposes of this section, the  
14 term “overstay rate” means the percentage which—

15           (1) the total number of nationals of Poland who  
16 were admitted as nonimmigrant visitors during the  
17 applicable measurement period and who violated the  
18 terms of such admission; bears to

19           (2) the total number of nationals of such coun-  
20 try who applied for admission as nonimmigrant visi-  
21 tors during such period.

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