

Testimony of the



Submitted for the record on

“Visa Waiver Program Oversight: Risks and Benefits of the Program”

U.S. House of Representatives  
Committee on the Judiciary  
Subcommittee on Immigration Policy and Enforcement

December 7, 2011

The US-Poland Business Council is a non-profit organization that promotes bilateral trade and investments between the United States and the Republic of Poland. Its 25 U.S.-based multinational member companies represent the best of American ingenuity and share an interest in enhancing the commercial relationship between the U.S. and Poland. We appreciate the opportunity to provide testimony for the record on the benefits of including the Poland in the Visa Waiver Program (VWP).

The VWP was originally conceived to enhance economic relationships with and reward ally countries during the Cold War. Today, no country fits the bill for these criteria better than Poland. In the past two decades, Poland has been one of the United States’ closest allies, standing by the United States during challenging times. Additionally, as one of the fastest growing economies in Europe, Poland offers a myriad of opportunities for commercial cooperation in sectors of mutually beneficial and strategic interests.

Poland’s exclusion from the VWP is a constant stain on the otherwise close relationship between our two countries, and the requirement that Poles obtain a visa to travel to the United States while almost all of their neighbors can travel visa-free does daily damage to America’s own interests.

### **No Threat from Poland**

Poland’s ties as an ally to the United States are as old as our country itself. Polish born Brigadier General Thaddeus Kosciuszko offered seven years of dedicated leadership and service to the Continental Army during the American Revolution that we honor with a prominent statue in Lafayette Park. Our friendship has only grown closer in more recent times. After Poland liberated itself from the Soviet Union, it was American officials, non-profit organizations and businesses that helped the country establish the foundations for democracy and a free market economy. When the United States was attacked on September 11, 2001, Poland was quick to join our side on the missions in both Iraq and Afghanistan.

In a May 2011 letter to Members of Congress, President Obama acknowledged the incongruity between Poland’s contributions and the continued visa requirement. He wrote, “I also share your support for Poland and disappointment that this close NATO ally has been excluded from the VWP

US-POLAND BUSINESS COUNCIL  
701 8<sup>th</sup> STREET, NW SUITE 500  
t: 202-973-5979 f: 202-659-5249

to date. Poland's strong and steadfast support during our missions in Iraq and Afghanistan demonstrates the deep alliance we have forged and the close partnership between our two countries."<sup>1</sup> Polish citizens have fought and died in hostile lands alongside American troops, but they cannot travel to the United States without a visa.

Perhaps the most jarring fact about Poland's continued exclusion from visa reciprocity, however, is the fact that the country now meets the criteria under which its Eastern European neighbors Estonia, Latvia, Lithuania, Hungary, the Czech Republic and Slovakia joined the VWP. Poland has successfully lowered its nonimmigrant visa refusal rate every year since FY2006, when it was 26.2 percent, down to 9.8 percent in FY2010, the latest year for which data is available. Along with the required security and information-sharing agreements—some of which Poland has already signed and all of which the country has committed to sign—this refusal rate would have allowed Poland to join the VWP before July 2009. Unfortunately, while Poland was striving to meet the criteria for entry, the United States shifted the goal posts.

Considering Poland's recent economic strength, past concerns about Polish visitors overstaying their visas in order to work illegally in the U.S.—concerns that have contributed to Poland's exclusion from the VWP—seem untenable. In May 2011, Germany and Austria fully opened their labor markets to Eastern European countries, allowing Polish workers the ability to search for jobs in every E.U. country without restriction. More importantly, Poland has seen incredible economic strength driven by strong consumer demand at home. It was the only country in Europe, and one of the few Western countries, to avoid recession in 2009, and its economy has continued to grow at a fast pace. For the coming year, Poland is projected to have one of the strongest rates of GDP growth in Europe. Poles that over the past decade had sought employment abroad in the E.U. are now returning home to take advantage of the new economic opportunities there.

European countries do not appear concerned about granting Polish citizens visa-free travel. Poland is a member of the Schengen Zone, the agreement among 25 European countries to allow visitors to travel across their borders without any internal visa or customs controls. In fact, **Poland is the only member of the Schengen Zone that is not also a member of the VWP.**

### **Economic Opportunities and American Competitiveness**

American businesses in sectors as diverse as energy, health care, aviation, defense and information technology are interested in capitalizing on the many prospects for mutually beneficial commercial collaboration in Poland. The members of the US-Poland Business Council, however, believe that Poland's continued exclusion from the VWP threatens American companies' long-held competitive advantage in Poland and creates barriers to taking full advantage of new economic opportunities.

Perhaps the most obvious trade limited by Poland's exclusion from the VWP is in the tourism industry. With more than 10 million Polish Americans living in the U.S., there are likely tens of thousands of Poles that do not visit America due to the hassle and cost of obtaining a visa. No

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<sup>1</sup> President Barack Obama. Letter to Senator Mark Kirk, Senator Barbara Mikulski, Representative Mike Quigley, Representative Janice Schakowsky, Representative Daniel Lipinski, and Representative Brian Higgins. May 28, 2011. [http://photos.state.gov/libraries/poland/788/pdfs/visa\\_letter.pdf](http://photos.state.gov/libraries/poland/788/pdfs/visa_letter.pdf)

doubt other organizations have provided testimony to the Subcommittee on the significant economic effect of these lost customers.

However, the lack of visa-free travel to the U.S. for Polish citizens erects barriers to trade on a much broader level, too. Historically, Poles have felt a close connection to the United States and a predisposition to American-made goods, in part, because American companies were some of the first international firms to operate in Poland's post-Soviet market. The U.S. cannot rest on its laurels, however. The American government and business community should continue to promote an "American brand" in Poland, and there is no better marketing for our country's culture, goods and services than encouraging Poles to experience it firsthand.

Unfortunately, the American brand suffers significant reputational damage as a result of our country's visa policy in Poland. Though many Poles remain pro-American today, continued exclusion from the VWP creates the feeling of second-class treatment by the U.S. and may erode Poles' support for our country over time. The German Marshall Fund's 2009 "Transatlantic Trends" revealed that from 2002 to 2009, the favorable opinion of the United States declined more in Poland than in the other eleven European countries surveyed<sup>2</sup> and the Polish Public Opinion Research Center's (CBOS) surveys of Poles' attitude towards the United States have shown a slight downward trend in approval from 2006 to 2011.<sup>3</sup>

This damage to our reputation hurts the American brand among Poles generally, but Poland's absence from the VWP also constructs more tangible barriers to Polish companies that would like to conduct business with the U.S. The cost and, more importantly, the uncertainty and delay associated with applying and being granted a visa limits Polish business customers from traveling to the United States to seek out and evaluate American suppliers. The problem of uncertainty in obtaining a visa is only amplified for Polish companies looking to invest directly in the United States. A 2007 Department of Commerce paper stressed that the ease with which foreign investors can obtain a visa is critical to their decision about whether they will be able to make and administer an investment. These foreign investments help drive the U.S. economy by providing important sources of innovation, exports, and jobs.<sup>4</sup>

Similarly, the logistical challenge for Poles traveling to the United States reduces American companies' competitiveness in Poland. Poland is seeking to transition from a coal-based economy to one driven by the low-carbon energy sources that were pioneered in the United States. American businesses are vying to supply the goods and technology necessary to the development of energy sources such as wind, nuclear, natural gas, and bio diesel, but they face stiff competition from companies in France, Germany, and Canada, all countries that grant visa-free travel to Polish citizens. Polish government and business officials may factor into their business decisions how visa requirements affect the ease of conducting international business.

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<sup>2</sup> German Marshall Fund. "Transatlantic Trends Topline Data 2009." Question 4.

[http://trends.gmfus.org/doc/2009\\_English\\_Top.pdf](http://trends.gmfus.org/doc/2009_English_Top.pdf)

<sup>3</sup> Public Opinion Research Center (CBOS). "Poles and Other Nations," February 2011, January 2010, December 2008, September 2007, and October 2006. [http://www.cbos.pl/EN/publications/public\\_opinion\\_2011.php](http://www.cbos.pl/EN/publications/public_opinion_2011.php)

<sup>4</sup> U.S. Department of Commerce. "Visas and Foreign Direct Investment: Supporting U.S. Competitiveness by Facilitating International Travel," November 2007.

[http://trade.gov/mas/ian/build/groups/public/@tg\\_ian/documents/webcontent/tg\\_ian\\_002704.pdf](http://trade.gov/mas/ian/build/groups/public/@tg_ian/documents/webcontent/tg_ian_002704.pdf)

The visa requirement also diminishes the competitiveness of American companies that already have successful operations in Poland. The lack of visa-free travel frustrates attempts by U.S.-based corporations to exchange technical ideas and training with their Polish business partners. Barriers to travel may impede the short-term, intensive training in the United States necessary to the development of the Polish workforce and, in turn, create costly delays for the development and expansion of American companies' projects in Poland.

For example, an April 2011 report by the U.S. Energy Information Agency estimated that Poland has 792 trillion cubic feet of shale gas,<sup>5</sup> or 300 years' worth of the country's domestic demand. American companies are leading the exploration and development of this new resource, but the size of the country's trained workforce is far below what will be required for rapid expansion in the next few years if extraction of the gas proves to be commercially viable. There is no better place to train Polish workers in the shale gas industry than on American rigs in the gas fields of Texas, but other countries may be more appealing due to the ease of travel for Polish citizens.

## **Conclusion**

The US-Poland Business Council believes that Congress and the President should prioritize actions that will promote trade with countries as ripe with economic opportunities as Poland. Expanding the Visa Waiver Program to include Poland is the easiest way to immediately improve commercial relations with a country that shares so many mutually beneficial interests with the United States.

The inclusion of Poland in the VWP is not a partisan issue. Both Presidents George W. Bush and Barack Obama have expressed support for and made commitments to multiple Polish presidents to grant visa-free travel to the U.S. for Polish citizens.<sup>6</sup>

Poland's collaboration with and support of American security initiatives, along with its efforts to meet the criteria under which its neighbors qualified, is argument enough that Polish citizens have earned the privilege of visiting the United States without a visa. Yet, it is also important to consider the ongoing harm done every day to America's commercial interests by limiting the flow of travel between the United States and one of the fastest growing economies in Europe.

The fact that as close of a friend and military ally as Poland—with its booming economy and multitudinous opportunities for increasing U.S. trade and exports—does not qualify for membership is evidence enough that the VWP's current criteria are flawed and in need of adjustment. That is why the American companies comprising the US-Poland Business Council support the Secure Travel and Counterterrorism Partnership Program Act (H.R. 959). We urge Congress to act with deliberate speed to enact H.R. 959 or similar legislative language that would open the door for Polish citizens to enjoy visa-free travel to the United States.

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<sup>5</sup> U.S. Energy Information Agency. "World Shale Gas Resources: An Initial Assessment of 14 Regions Outside the United States," April 2011. <http://www.eia.gov/analysis/studies/worldshalegas/pdf/fullreport.pdf>

<sup>6</sup> President George W. Bush. Remarks after meeting with Polish President Kaczynski. July 16, 2007. <http://georgewbush-whitehouse.archives.gov/news/releases/2007/07/20070716-1.html>; President Barack Obama. Remarks by President Obama and President Komorowski of Poland after Bilateral Meeting. December 8, 2010.