



Poland Designated into Visa Waiver Program

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On November 6, 2019, Acting Secretary of Homeland Security Kevin K. McAleenan announced the [designation of Poland into the Visa Waiver Program \(VWP\)](#). The VWP allows citizens of designated countries to visit the United States without obtaining visas. [Poland](#)—one of five [EU countries](#) that until now had not been designated into the VWP—had been working with the Department of Homeland Security (DHS) for over a decade to meet the program’s criteria (see list of criteria below). In FY2019, Poland met the requirement of having a [nonimmigrant visa refusal rate below 3%](#). On October 4, 2019, President Trump announced that the [Department of State formally nominated Poland for the VWP](#), and one month later DHS announced its designation into the program. Polish nationals will be able to apply online for travel authorization starting November 11, 2019.

What Is the VWP?

Originally established in 1986 as a pilot program, the VWP was made permanent in 2000 (P.L. 106-396). The program allows citizens holding passports from 39 nations in Europe, Asia, Oceania, and South America to visit the United States on trips of 90 days or less for business or tourism without obtaining a visa.

Prior to boarding a plane or ship for the United States, prospective VWP travelers must obtain authorization through the Electronic System for Travel Authorization (ESTA). This is a web-based application run by DHS that checks the traveler’s information against relevant law enforcement and security databases and determines eligibility for travel under the VWP. An ESTA authorization is generally valid for multiple entries over a period of two years. In FY2017, there were [22.3 million visitors](#) who entered the United States under the VWP, constituting 30% of all overseas visitors.

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Visa Waiver Program Countries (as of November 2019)

Andorra, Australia, Austria, Belgium, Brunei, Chile, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, San Marino, Singapore, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, Taiwan, and the United Kingdom.

VWP Qualifying Criteria

Under current law, to qualify for the VWP a country must

- offer reciprocal privileges to U.S. citizens;
- have had a nonimmigrant visa refusal rate of less than 3% for the previous year or a lower average percentage over the previous two fiscal years;
- issue electronic, machine-readable passports that contain a biometric identifier (i.e., e-passports);
- certify that it is developing a program to issue tamper-resistant, machine-readable visa documents that incorporate biometric identifiers that are verifiable at the country's port of entry;
- certify that it has in place mechanisms to validate machine-readable passports and e-passports at each port of entry;
- enter into an agreement with the United States to report or make available through the International Criminal Police Organization (INTERPOL) information about the theft or loss of passports no later than 24 hours after a theft or loss is reported to the VWP country;
- certify, to the maximum extent allowed under the laws of the country, that it is screening each foreign national who is admitted to or departs from that country, using relevant INTERPOL databases and notices, or other means designated by the Secretary of DHS (this requirement only applies to countries that have an international airport);
- accept the repatriation of any citizen, former citizen, or national against whom a final order of removal is issued no later than three weeks after the order is issued;
- enter into and fully implement an agreement with the United States to share information regarding whether a national of that country traveling to the United States represents a threat to U.S. security or welfare; and
- be determined, by the Secretary of Homeland Security, in consultation with the Secretary of State, not to compromise the law enforcement or security interests of the United States by its inclusion in the program.

Security Debate

While there tends to be agreement that the [VWP benefits the U.S. economy](#) by facilitating travel, there is debate about VWP's effect on national security. Some stakeholders believe the [VWP enhances security](#) by setting standards for travel documents and information sharing, and that the program promotes economic growth and cultural ties. Others argue that [VWP decreases national security](#) because VWP travelers do not undergo the screening traditionally required to receive a tourist visa.

In December 2015, following a number of high-profile terrorist attacks in Europe perpetrated mainly by European citizens, Congress passed the [Visa Waiver Program Improvement and Terrorist Travel Prevention Act](#), enacted as part of the FY2016 Consolidated Appropriations Act (P.L. 114-113). This made residents of VWP countries ineligible for admission to the United States if they are dual nationals of or have been present in Iran, Iraq, Libya, Somalia, Sudan, Syria, or Yemen at any time on or after March 1, 2011 (with limited exceptions). The law also allows the Secretary of Homeland Security to immediately suspend a country's participation in the VWP if the country fails to provide information related to security threats.

Adding Countries to VWP

In the last decade, [DHS has admitted four new countries](#) into the program. [Other countries would like to join](#) the VWP to make it easier and cheaper for their populace to travel to the United States and because membership in the program is often perceived as evidence of close ties with the United States.

Congressional action would be required to admit countries that do not meet the criteria listed above. Legislation has been introduced in recent years that would make broad changes to program eligibility criteria; other bills have targeted changing the VWP requirements for specific geographic areas or countries.

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