



United States Mission to the OSCE

Session 2: Benefits of cross-border human contacts and strengthening of co-operation among OSCE participating States in this field

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Mr./Madam Moderator,

In this session, we reiterate that Freedom of Movement and cross border mobility do not mean that there is any recognized right to enter or remain in any foreign country. Receiving permission to enter another participating State's territory remains a privilege, and, subject to international obligations, all pS have authority to exclude non-nationals seeking entry. The U.S. may limit entry to the U.S. for a variety of reasons including, but not limited to, prohibiting entry of those who are believed to have committed serious crimes, including serious human rights violations, and of those who are presumed to intend to stay in the U.S. beyond the period allotted.

That said, the United States believes strongly in the benefits of freer cross border travel, including for people of OSCE participating States who seek to travel to the United States. Travel and tourism bring people and societies together and drive economic growth. In 2011 in the United States, travel and tourism generated \$1.4 trillion in economic activity and supported 7.5 million jobs (exports generated from international visitors supported 1.2 million of those jobs). The considerable scale of this activity, as well as the abundant cultural, social, and other benefits available from it, makes facilitating cross border travel a priority for the U.S. Government.

Apart from the economic benefits, the value of these people-to-people contacts, particularly among youth, is incalculable. Personal connections among citizens build the foundations that help all countries face global challenges together. The Department of State sponsors numerous exchange programs for youth, students, scholars and educators, artists, athletes, and rising leaders in the United States and more than 160 countries. Some examples of programs that encourage contact with the U.S. include the various Fulbright programs, for students and scholars, advice by Education USA, on attending U.S. colleges and universities, Study of the U.S. Institutes, the Future Leaders Exchange Program (FLEX), and the International Visitor Leadership Program (IVLP).

Over more than 60 years, nearly 420,000 exchange visitors have come to the U.S. from Europe and Central Asia as part of U.S. government exchange programs. A number of now prominent figures from fellow participating States have participated, including Former Prime Ministers of the United Kingdom the late Margaret Thatcher (IVLP 1967), and Tony Blair (IVLP 1986, 1992); Former President of Mongolia Nambaryn Enkhbayar (IVLP 1994); President of Germany Joachim Gauck (IVLP 1993); President of Turkey Abdullah Gül (IVLP 1995);

President of Macedonia Gjorge Ivanov (Fulbright 1999); and Prime Minister of Poland Donald Tusk (IVLP 1993).

The United States is working to facilitate greater cross-border mobility in accordance with OSCE commitments, while also enhancing homeland security, using an intelligence-driven, risk-based approach. Executive Order 13597, issued by President Obama on January 19, 2012, authorizes the Department of State and the Department of Homeland Security to find ways to build capacity, leverage existing resources, and improve the visa application and entry processes without compromising security. The Order calls on relevant sections of the U.S. Government “to develop recommendations for new policies and initiatives to promote domestic and international travel opportunities throughout the United States,” and to “implement regulatory improvements and appropriate measures that will enhance and expedite travel to and arrival in the United States by foreign nationals, consistent with national security requirements.”

As a result, the United States Government is implementing a number of programs to ameliorate the burdens on international travelers. Electronic visa applications, streamlined visa procedures, online and in-person outreach, risk-based evaluations of travelers, expedited travel programs for low-risk travelers, and traveler-assistance programs do address many of the concerns that travelers may have.

In shaping our programs and practices, we take account of the fact that clear explanations of visa requirements and related rules, consistent application of these rules, easily available public information about visa and related requirements to the public, and transparency and information sharing between governments can simplify the process for prospective travelers. Regular surveys of travelers’ experiences and preferences can also identify steps participating States can take to address travelers concerns.

The United States Immigration and Nationality Act (INA) sections 221(c) and 281 establish that visa validity and fees should be reciprocal “insofar as practicable.” The goal of visa reciprocity is to achieve progressive visa regimes, consistent with U.S. national interests, laws and regulations, and to encourage international travel that benefits U.S. travelers and business. The best way to foster further liberalization of visa regimes is for participating States to work on a bilateral basis to establish agreements that acknowledge the priorities of both states.

There are a number of ways that the OSCE and participating States can increase confidence in facilitating humanitarian travel while carefully weighing the risks of mala fide travel that aids organized crime, terrorism, or trafficking in human beings. The United States would encourage all OSCE pS to ratify the 1967 Protocol relating to the Status of Refugees. We also support pS efforts to promote awareness of the international refugee protection regime and the work of UNHCR with citizens, and, in particular, officials charged with migration and border management in each pS. Working actively with UNHCR to promote more effective implementation of relevant national instruments will enhance legitimate travel and enhance pS’ ability to meet their obligations under international law in these instances.

Regarding asylum, we would encourage all pS, if they have not already done so, to establish an effective domestic asylum screening and processing system that can identify asylum seekers upon arrival at a border crossing and provide appropriate reception and care for those who may be in need of international protection. In addition, we encourage participating States to

establish robust national refugee status determination (RSD) systems to assess asylum claims. This can be done in cooperation with UNHCR.

For migrant worker travel, we would encourage participating States to work with international organizations such as the International Organization for Migration to establish voluntary cooperative programs to respond to the needs of migrants in vulnerable situations, especially trafficking victims and those rescued at sea. Responding to such humanitarian needs requires participating States to provide adequate resources to domestic government agencies including those charged with managing national migration and asylum systems.

States are reminded of the International Labor Organization's Forced Labour Convention (1930) and Abolition of Forced Labour Convention (1957) to ensure migrant workers, who are especially vulnerable to exploitative labor conditions, are protected.

We encourage implementation of the Guiding Principles on Business and Human Rights unanimously endorsed by the UN Human Rights Council on June 16, 2011. The new global standards outline how States and business should implement the UN's "Protect, Respect and Remedy" Framework in order to better manage business and human right challenges. Finally, we note that the 1994 Internal Conference on Population and Development's Programme of Action asserts that appropriate steps should be taken by States to safeguard the wages and working conditions of migrant workers and that States of destination should respect the basic human rights of migrants.

The United States regularly welcomes and supports the visits of representatives of the OSCE and other regional or multilateral organizations. For example, we have invited and hosted ODIHR election observation missions for every general and mid-term election in the United States since 2002: 2012, 2010, 2008, 2006, 2004, and 2002. In May of 2011, we hosted an ODIHR Monitoring Project on Freedom of Assembly in the OSCE area.

As a matter of global policy, the United States Government defends and supports civil society, including international and foreign-based non-governmental organizations engaged in human rights work, and we welcome the visits of their representatives to the United States. Members and representatives of civil society organizations seeking entry into the United States must meet the same entry criteria that would apply to any individual. The United States attaches great importance to cross-border travel among citizens engaged in the protection and promotion of human rights.

The U.S. efforts that I just described and others are intended to promote freer cross border travel, per our OSCE commitments, while strengthening domestic and international security.