

January 2005

# ALIEN REGISTRATION

## Usefulness of a Nonimmigrant Alien Annual Address Reporting Requirement Is Questionable



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## Usefulness of a Nonimmigrant Alien Annual Address Reporting Requirement Is Questionable

### Why GAO Did This Study

Since 1940, Congress has provided a statutory framework that requires aliens entering or residing in the United States to provide address information. By 1981, aliens who remain in the United States for 30 days or more were required to initially register and report their address information and then to report their change of address only if they move. In the months immediately following the terrorist attacks on September 11, 2001, federal investigators' efforts to locate and interview nearly one-half of the 4,112 nonimmigrant aliens they attempted to contact were impeded by lack of current address information.

Nonimmigrant aliens are defined as those who seek temporary entry into the United States for a specific purpose, including those aliens who are in the country as students, international representatives, or temporary workers, or for business or pleasure. Because of growing concern over the government's need to locate aliens, the Enhanced Border Security and Visa Entry Reform Act of 2002 directed GAO to study the feasibility and the utility of a requirement that each nonimmigrant alien in the United States self-report a current address on a yearly basis.

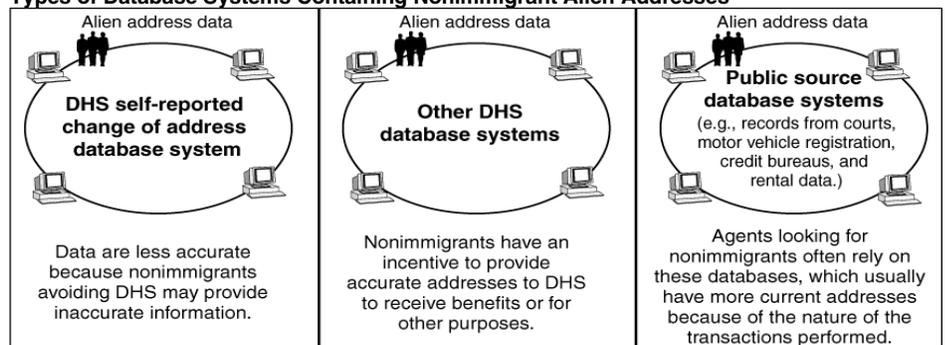
### What GAO Found

Department of Homeland Security (DHS) officials told us that while implementing an annual address reporting requirement for nonimmigrant aliens is technically feasible, such a requirement would increase the number of reporting forms DHS would have to process. In turn, this increase would raise form-processing costs from an estimated \$1.6 million to at least an estimated \$4.6 million per year, according to DHS, which does not include the cost of enforcing the annual reporting requirement.

The consensus of U.S. Immigration and Customs Enforcement agents, who investigate activities that may violate immigration law, was that a self-reporting system would be of limited use in locating aliens who are avoiding contact with the government. Nonimmigrant aliens who do not wish to be located are not likely to comply with an annual requirement to self-report address information. Consequently, agents use other databases to locate this class of alien as well as nonimmigrant aliens who may not be aware of address reporting requirements. Public and private databases that record information concerning benefits, an alien's department of motor vehicle records, or credit bureau information are examples of information sources that agents have used to locate nonimmigrant aliens. Despite the unreliability of self-reported information, some agents did recognize the possibility of limited enforcement benefits for implementing an annual address reporting requirement, such as verifying that compliant nonimmigrant aliens are still in the country and providing a basis for detaining noncompliant nonimmigrant aliens. However, existing systems are available for compliant nonimmigrant aliens to notify DHS of address changes. Also, DHS already has the authority to detain all aliens not in compliance with current change of address reporting requirements but has seldom used the authority. Consequently, it is questionable whether the usefulness of an annual reporting requirement would outweigh the cost of implementation and enforcement.

DHS reviewed a draft of this report and had technical comments, which we incorporated as appropriate.

#### Types of Database Systems Containing Nonimmigrant Alien Addresses



Source: GAO.

[www.gao.gov/cgi-bin/getrpt?GAO-05-204](http://www.gao.gov/cgi-bin/getrpt?GAO-05-204).

To view the full product, including the scope and methodology, click on the link above. For more information, contact Richard M. Stana at (202) 512-8777 or stanar@gao.gov.

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## Abbreviations

CLAIMS	Computer-Linked Application Management System
DHS	Department of Homeland Security
DOJ	Department of Justice
FBI	Federal Bureau of Investigation
FTTTF	Foreign Terrorist Tracking Task Force
ICE	Immigration and Customs Enforcement
INS	Immigration and Naturalization Service
NIIS	Nonimmigrant Information System
ORS	Office of Records Services
USCIS	U.S. Citizenship and Immigration Service
US-VISIT	United States Visitor and Immigrant Status Indicator Technology

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United States Government Accountability Office  
Washington, DC 20548

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January 28, 2005

The Honorable Arlen Specter  
Chairman  
The Honorable Patrick J. Leahy  
Ranking Minority Member  
Committee on the Judiciary  
U.S. Senate

The Honorable F. James Sensenbrenner, Jr.  
Chairman  
The Honorable John Conyers, Jr.  
Ranking Minority Member  
Committee on the Judiciary  
House of Representatives

Since 1940, Congress has provided a statutory framework that requires aliens entering or residing in the United States to provide address information under certain circumstances. This information was historically provided to the Immigration and Naturalization Service (INS), which was abolished and whose functions were transferred into the Department of Homeland Security (DHS) on March 1, 2003. By 1981, aliens who remain in the United States for 30 days or more were required to initially register and report their address while in the country and then report their change of address only if they move. In the months immediately following the terrorist attacks on September 11, 2001, Department of Justice (DOJ) investigators attempted to locate and interview 4,112 nonimmigrant aliens by calling upon INS, as the federal agency responsible for maintaining address information for aliens who are

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in the United States, to provide current addresses for the aliens.<sup>1</sup> However, federal investigators were only able to contact slightly over one-half of the nonimmigrants they attempted to locate because of INS's lack of current address information.

Because of growing concern over the government's need to locate aliens, the Enhanced Border Security and Visa Entry Reform Act of 2002 directed us to study the feasibility and the utility of a requirement that each nonimmigrant alien in the United States report a current address on a yearly basis.<sup>2</sup> To address this requirement, we reviewed available documents concerning nonimmigrant alien address reporting requirements and interviewed headquarters officials from USCIS<sup>3</sup> and U.S. Immigration and Customs Enforcement (ICE).<sup>4</sup> We performed our work between June and November 2004 in accordance with generally accepted government auditing standards.

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## Results in Brief

DHS officials told us that implementing an annual nonimmigrant alien address reporting requirement, while technically feasible, would add costs with little return in benefits, given the unreliability of self-reported address

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<sup>1</sup>DHS's U.S. Citizenship and Immigration Service (USCIS) defined nonimmigrant aliens as those who seek temporary entry into the United States for a specific purpose. The alien must have a permanent residence abroad (for most classes of admission) and qualify for the nonimmigrant classification sought. The nonimmigrant classifications include foreign government officials, visitors for business and for pleasure, aliens in transit through the United States, treaty traders and investors, students, international representatives, temporary workers and trainees, representatives of foreign information media, exchange visitors, fiancé(e)s of U.S. citizens, intracompany transferees, NATO officials, and religious workers. Immigrants are aliens who intend to permanently reside in the United States. For a discussion of how address reporting requirements have applied to nonimmigrant and immigrant aliens over time, see GAO, *Homeland Security: INS Cannot Locate Many Aliens because It Lacks Reliable Address Information*. [GAO-03-188](#). (Washington, D.C.: Nov. 21, 2002), 8-11.

<sup>2</sup>Sec. 602, P.L. 107-173 (2002). For the purposes of this report, we define *feasibility* as the technical capability to collect and electronically store nonimmigrant alien annual address information. We define *utility* as how useful the information would be in locating nonimmigrant aliens.

<sup>3</sup>The USCIS Office of Records Services (ORS) manages the current nonimmigrant alien address reporting program. Nonimmigrant aliens are required to mail change of address forms to a processing center in London, Kentucky, where the information is scanned into and stored in the Nonimmigrant Information System (NIIS).

<sup>4</sup>ICE is the largest investigative arm of DHS and is responsible for investigating vulnerabilities in U.S. border, economic, transportation, and infrastructure security.

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information. According to USCIS officials, the NIIS system for processing change of address forms could be upgraded to process the increased number of reporting forms USCIS would have to process. In turn, this increase would raise form-processing costs from an estimated \$1.6 million to at least an estimated \$4.6 million per year, which does not include the cost of enforcing the annual reporting requirement.

Sixteen of the 17 headquarters and field ICE agents we interviewed said that implementing an annual nonimmigrant alien address reporting requirement would have limited utility in assisting them in locating nonimmigrant aliens because the basis for annual registration is self-reported information. According to the agents, on the basis of their experience with nonimmigrant address reporting under current change of address requirements, nonimmigrants who intentionally are not in compliance with immigration or other laws or otherwise do not want to be contacted by the government are not likely to accurately self-report their address information to DHS. However, these nonimmigrants might still be found using non-DHS information systems. Other nonimmigrant aliens, such as those who may not be aware of address reporting requirements or forget to file, might also be found through other existing systems. For nonimmigrant aliens generally, agents say they have relied on databases other than DHS's self-reporting system for accurate address information. Public and private databases that record information concerning benefits or an alien's department of motor vehicle records, credit bureau information, or court filings are examples of information sources that agents have used to locate nonimmigrant aliens. Despite the general unreliability of self-reported information, some agents did recognize the possibility of limited enforcement benefits for implementing an annual address registration requirement, such as verifying that compliant nonimmigrant aliens are still in the country and providing a basis for detaining noncompliant aliens. However, they said existing systems are already available for compliant nonimmigrant aliens to notify DHS of address changes, and DHS already has the authority to detain all aliens not in compliance with current change of address reporting requirements but has seldom used the authority.

DHS reviewed a draft of this report and had technical comments, which we incorporated as appropriate.

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## Scope and Methodology

To determine the feasibility and utility of implementing a requirement that each nonimmigrant alien annually report a current address, we reviewed available documents concerning nonimmigrant alien address reporting requirements and interviewed headquarters officials from USCIS and ICE. At USCIS headquarters, we interviewed senior officials who were responsible for alien records management and benefit administration. At ICE headquarters, we interviewed two senior officials who were responsible for ICE compliance enforcement activities related to aliens. We also interviewed 15 ICE Assistant Special-Agents-in-Charge, supervisors, and special agents who are responsible for immigration enforcement activities in their Detroit, Michigan; Houston, Texas; Los Angeles, California; Miami, Florida; and New York, New York field offices.<sup>5</sup> These offices, according to DHS data, are located in geographic regions where almost half of nonimmigrants likely to be subject to an annual address reporting requirement reside. The results of our interviews with agents in these five field offices may not be representative of the views and opinions of those in other field offices nationwide. We also interviewed an official from the Federal Bureau of Investigation's (FBI) Foreign Terrorist Tracking Task Force (FTTTF).

USCIS's ORS staff provided cost estimates for existing change of address processing costs and for an annual nonimmigrant alien address reporting requirement. We attempted to obtain supporting explanations and documentation to verify these estimates, but were not provided information on all. On the basis of our efforts to determine the reliability of the estimates for which supporting information was provided, which included verifying calculations and bringing any discrepancies we found to their attention, we believe that they are sufficiently reliable for the purposes of this report. We did not use cost estimates for which supporting information was not provided.

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## Background

Through initial registration and change of address notifications, all aliens are to provide their identity and an address where they can be located while in the United States.<sup>6</sup> USCIS receives and maintains alien address information for benefits administration and immigration law enforcement,

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<sup>5</sup>ICE personnel are referred to as agents in this report.

<sup>6</sup>The requirements for alien registration and change of address are codified at 8 U.S.C. 1301-1306.

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and can share this information to help other law enforcement agencies identify and locate aliens for national security purposes.<sup>7</sup>

Generally, nonimmigrant aliens provide their identity and address information at the time of their entry and during their stay in the United States using 1 of 12 different forms. For example, nonimmigrant aliens arriving in the United States are generally required to complete the two-part Arrival and Departure Record (Form I-94). The first part records nonimmigrant aliens' arrivals and includes the nonimmigrant alien's address in the United States. The second part is to be surrendered when nonimmigrant aliens leave the country. DHS is to match the first and second parts of the Form I-94 to identify those nonimmigrant aliens who have left the country. However, as we reported in May 2004 and DOJ's Inspector General reported in 1997 and 2002, legacy INS lacked many Form I-94 departure records, and as a result, INS could not identify all of the nonimmigrant aliens who had left the country.<sup>8</sup>

Over the years, Congress established various requirements for immigrant and nonimmigrant aliens to report their addresses while residing in the United States. Currently, aliens are generally required to report their change of address to USCIS within 10 days of moving. Failure to report a change of address can result in an alien being taken into custody and placed in removal proceedings before an immigration judge. The alien can be fined, imprisoned for not more than 30 days, or removed. Because legacy INS did not inform aliens of change of address notification requirements when they entered the country, in our November 2002 report, we recommended that legacy INS publicize change of address notification requirements nationwide.<sup>9</sup> According to USCIS officials, as of November 2004 this recommendation was not implemented because USCIS was in the process of revising the change of address form used by aliens and did not want to begin publicity efforts until the revised form was finalized. Figure 1 shows the evolution of nonimmigrant alien

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<sup>7</sup>Benefits administration includes handling citizenship, adjusting the status of immigrants to permanent residence, providing employment authorization, and granting asylum.

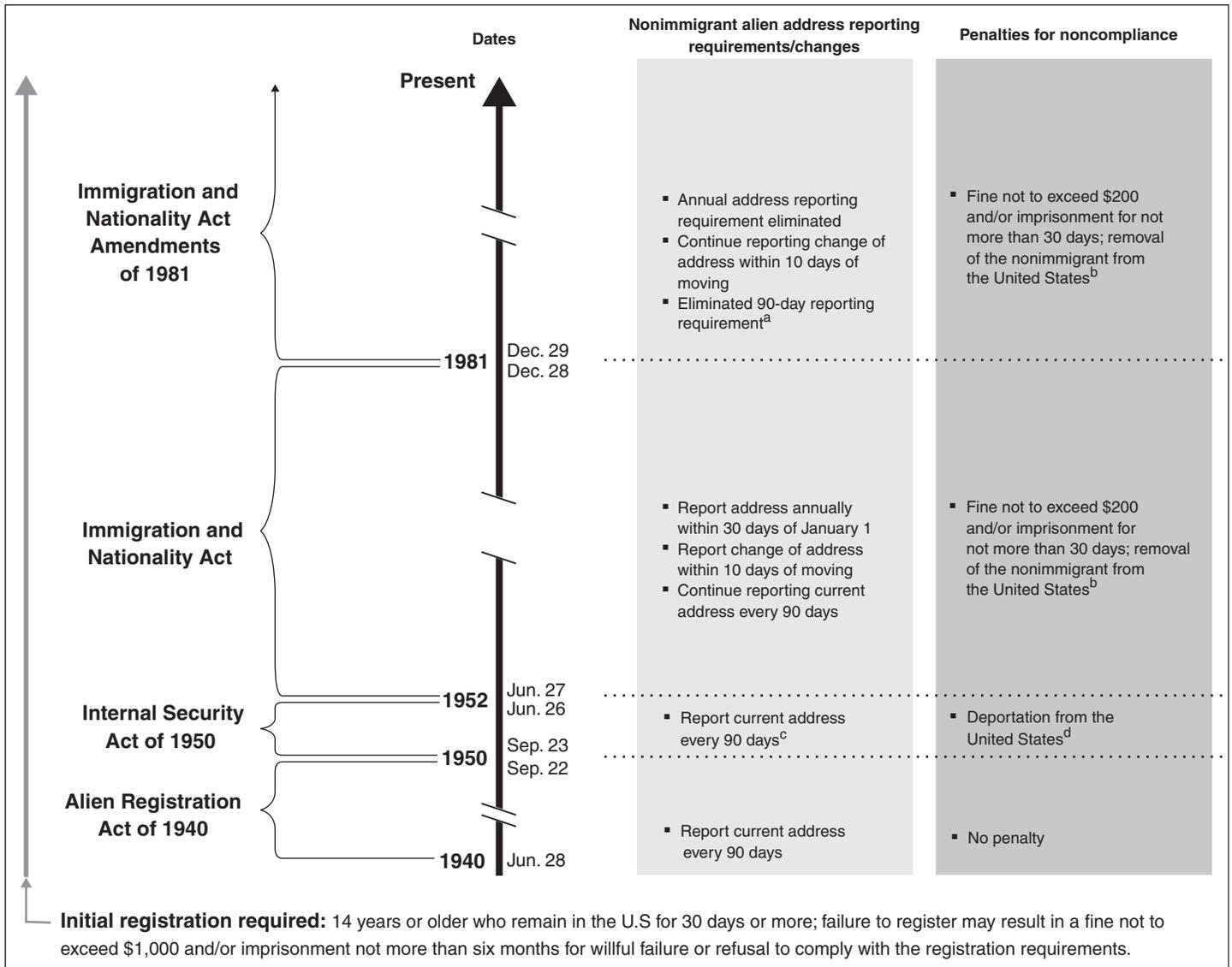
<sup>8</sup>GAO, *Overstay Tracking: A Key Component of Homeland Security and a Layered Defense*. GAO-04-82. (Washington, D.C.: May 21, 2004) and DOJ, Office of the Inspector General, *Immigration and Naturalization Service Monitoring of Nonimmigrant Overstays*, Report Number I-97-08 (Washington, D.C.: Sept. 1997) and *Follow-Up Report on INS Efforts to Improve the Control of Nonimmigrant Overstays*, Report No. I-2002-006, (Washington, D.C.: Apr. 2002).

<sup>9</sup>See GAO-03-188, 25-26.

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reporting requirements, beginning with the establishment of the Alien Registration Act of 1940 to the present, with the 1981 amendments marking when annual reporting requirements of nonimmigrant aliens were repealed.

**Figure 1: Evolution of Nonimmigrant Alien Address Reporting Requirements**



Source: GAO.

<sup>a</sup>Eliminated by regulation 8 C.F.R. 265.1 (1983).

<sup>b</sup>An alien is to be removed from the United States unless the alien establishes to the satisfaction of the Attorney General that the violation was reasonably excusable or was not willful.

<sup>c</sup>Required by regulation 8 C.F.R. 119.3 (1950).

<sup>d</sup>The requirement to report an address every 90 days was by regulation (8 C.F.R. 119.3) a condition of entry. Violation of a condition of entry could result in an alien's deportation.

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Although Congress, in 1981, eliminated the requirements that all aliens annually report their addresses and that nonimmigrants report their address every 90 days, Congress, through various acts, reinforced the importance of the government being able to identify the lawful entry of nonimmigrants into the United States. Specifically, prior to the terrorist attacks of September 11, 2001, Congress mandated that INS improve its ability to identify nonimmigrant aliens who arrive and depart the United States and who overstay their visas. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, for example, authorized the Attorney General to establish an electronic student tracking system to verify and monitor the foreign student and exchange visitor information program and develop an entry and exit control system to collect arrival and departure records for every alien entering and leaving the United States.<sup>10</sup> After September 11, 2001, the USA PATRIOT Act, enacted in October 2001, re-emphasized the speedy implementation of an entry-exit system for U.S. visitors.<sup>11</sup> In August 2002, DOJ issued a rule that became effective September 11, 2002, concerning the registration and monitoring of certain nonimmigrants.<sup>12</sup> Under this rule, DOJ imposed special requirements on nonimmigrants from designated countries.<sup>13</sup> For nonimmigrant aliens arriving in the United States, these requirements included being fingerprinted and photographed at the port of entry. The rule also required nonimmigrant aliens to reregister after 30 days and annually. In December 2003, DHS issued an interim rule suspending the 30-day and annual reregistration requirements that were in effect prior to that date.<sup>14</sup> DHS determined that its United States Visitor and Immigrant Status Indicator Technology (US-VISIT) program and other new processes being implemented would meet the national security needs.

Consistent with the above registration requirements, US-VISIT is part of the U.S. security measures for all visitors (with limited exemptions) holding nonimmigrant visas, regardless of country of origin. Specifically, US-VISIT's program objectives include (1) collecting, maintaining, and sharing information (including address data) on aliens who enter and exit

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<sup>10</sup>P.L. 104-208 (1996).

<sup>11</sup>P.L. 107-56 (2001).

<sup>12</sup>67 Fed. Reg. 52584 (August 12, 2002).

<sup>13</sup>Subsequently, DOJ made aliens from additional countries subject to these requirements.

<sup>14</sup>68 Fed. Reg. 67578 (December 2, 2003).

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the United States; (2) identifying aliens who have violated the terms of their visit; and (3) detecting fraudulent travel documents, verifying traveler identity, and determining traveler admissibility through the use of biometrics.

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## USCIS Officials Believe Implementing an Annual Nonimmigrant Alien Address Reporting Requirement Is Technically Feasible

USCIS officials told us that it would be technically feasible to implement an annual nonimmigrant alien address reporting requirement. The officials said that the current NIIS system for processing alien change of address forms could be upgraded to facilitate the nearly fourfold increase in processing volume that likely could result from implementing an annual nonimmigrant alien address reporting requirement. USCIS currently processes about 550,000 nonimmigrant change of address forms each year, and the officials estimated that about 2.6 million nonimmigrants could be required to report under an annual requirement.<sup>15</sup>

The officials estimated that an increase of over 2 million address reporting forms would increase USCIS's current annual change of address form processing costs from about \$1.6 million to at least \$4.6 million per year.<sup>16</sup> The estimate of the cost increase includes computer operations and maintenance, printing of address reporting forms, and additional data entry staff. USCIS's estimate does not include the potentially substantial cost of enforcing the address reporting requirement, which would include hiring, training, and compensating additional ICE agents.

USCIS is considering incorporating the current NIIS change of address system into the US-VISIT program. On October 4, 2004, officials from USCIS formally requested that DHS move responsibility for all alien change of address registration from USCIS's ORS to the US-VISIT program. Although US-VISIT officials told us that placement of

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<sup>15</sup>ORS officials said that if an annual requirement was mandated, not all classes of nonimmigrants should be required to report their addresses annually. The officials believed that those nonimmigrant aliens who are generally in the United States for short periods of time and move frequently, such as tourists, should be excluded from the requirement, as they are excluded from the current reporting requirement. Other classes, such as students, temporary workers, and trainees, could be processed under an annual reporting requirement, according to the officials.

<sup>16</sup>ORS officials estimated that in addition to the cost increases cited here, approximately \$1,000,000 in information system upgrades would be necessary to process the increased number of address reporting forms. However, the officials were not able to provide any supporting explanations for this amount. Therefore, we did not include the \$1,000,000 figure in the estimated cost increase cited in this report.

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nonimmigrant change of address information responsibility within US-VISIT might be a viable option, the program is not currently designed to monitor aliens during their stay in the United States. These officials told us that incorporating address change data into the US-VISIT program would require a change in US-VISIT program requirements, including changes in US-VISIT's budget and technical requirements. As of November 2004, DHS officials had not made a decision whether to integrate address change data into US-VISIT.

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## Most ICE Agents Believe Annual Nonimmigrant Alien Address Reporting Would Be of Limited Utility

Sixteen of the 17 ICE agents we contacted in headquarters and in the field said that implementing an annual nonimmigrant alien address reporting requirement would have limited utility in assisting them in locating nonimmigrant aliens because the annual registration is based on self-reported information.<sup>17</sup> ICE agents in Houston, Texas; Los Angeles, California; Miami, Florida; and New York, New York, responsible for immigration enforcement activities said that when conducting investigations, they do not use the NIIS change of address data currently submitted by nonimmigrants to help locate nonimmigrants as part of their investigations. They said that because the change of address information is self-reported data, it is often less reliable than data from other databases. According to the agents, nonimmigrants who intentionally are not in compliance with immigration or other laws or otherwise do not want to be contacted by the government are not likely to accurately self-report their address information to DHS under an annual requirement. However, these nonimmigrants might be found using non-DHS information systems. Nonimmigrant aliens who comply with address reporting requirements or seek DHS benefits might be found using existing DHS systems or other information sources. Still other nonimmigrants who may not be aware of address reporting requirements or forget to file might also be found using other existing systems.

ICE agents said that they consider the data found in existing public source database systems such as department of motor vehicle records, credit bureaus, court filings, and Internet search engines that compile address and other information to be more current and reliable than self-reported change of address data housed in NIIS. Typically, nonimmigrants are located through public source databases because they have been involved

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<sup>17</sup>Nonimmigrant aliens are required to initially register their address and employer information with USCIS when they enter the United States.

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in financial transactions, have driver's licenses, and may participate in other activities (e.g., submitting an application to rent an apartment) resulting in information that can be tracked by investigators. For example, a nonimmigrant alien applying for credit from a financial institution is required and has an incentive to provide accurate address information. Because of data-sharing arrangements among financial institutions and credit bureaus, the address information provided by the nonimmigrant alien to the financial institution also is available through other public source databases, according to the agents.

In some cases, nonimmigrant aliens find it to their advantage to keep DHS apprised of any address changes. According to agents we contacted, nonimmigrant aliens must provide correct and current address information to USCIS to request benefits such as a change in immigration status from visitor to student or from nonimmigrant to permanent resident status. The DHS databases that house address information on nonimmigrants seeking benefits are of some use for finding accurate address data. For example, USCIS uses the Computer-Linked Application Information Management System (CLAIMS) system to process requests for immigration benefits and enters updated address information into CLAIMS. The agents said that, consequently, they rely on CLAIMS as one source of nonimmigrant address information within DHS. However, address information in CLAIMS and NIIS are not linked in a manner such that an address change in one would update an address in the other database. In our November 2002 report, we recommended that legacy INS remedy this type of problem by ensuring that alien address information in all DHS databases is consistent and reliable. As of November 2004, this recommendation had not been implemented.<sup>18</sup>

Although almost all of the 17 agents we interviewed stated that self-reported nonimmigrant alien addresses would not be helpful in locating nonimmigrants, several agents described some possible benefits associated with an annual nonimmigrant alien address reporting requirement:

- According to one Los Angeles ICE agent, implementing an annual nonimmigrant alien address requirement could be useful if biometric data (e.g., fingerprints and digitized photographs) were included with forms during the reporting process so that nonimmigrant alien registration forms

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<sup>18</sup> [GAO-03-188](#), 25-26.

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could be traced to other DHS forms, such as visas, and also linked to a biometric identifier. The agent stated that linking nonimmigrant address information with biometric data included with forms, rather than with names entered on reporting forms, would assist in ensuring accuracy of the address information. However, current alien address notification plans do not address the potential costs or the feasibility of implementing such a biometric approach or any reengineering required to link any biometric indicators gathered by US-VISIT to alien address systems.

- The FBI's FTTTF official we interviewed stated that an annual nonimmigrant alien address reporting requirement could provide a useful list of nonimmigrants the task force could refer to during investigations of potential terrorists. If nonimmigrant aliens were required to report their current address annually and within a specified time period (for example, between January 1 and 15 of each year), the annual reporting requirement could allow federal investigators to refer to a list of nonimmigrants reported to be within the United States on the date the form was submitted to DHS. Federal investigators would, consequently, be able to use the annual address report as a source of data, supplemental to other sources of address information, according to the official. It is important to note that address information entered by nonimmigrants on the I-94 entrance form or US-VISIT information, coupled with compliance with the current change of address notification requirements, would provide this information, making an annual registration requirement redundant, assuming the alien provides accurate address information.
- Agents in ICE's Detroit, Michigan, and Houston, Texas, field offices and one ICE headquarters official told us that violation of an annual address registration requirement could be used to allow ICE, in the absence of other charges, to temporarily detain nonimmigrant aliens to allow for questioning regarding other potential crimes. However, as we reported in November 2002, violation of the current address notification requirements by aliens also provides a basis for temporary detention and questioning, but historically legacy INS infrequently enforced address reporting requirements.<sup>19</sup>

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## Concluding Observations

While implementing an annual registration requirement for nonimmigrants is feasible, the consensus of the USCIS and ICE headquarters officials and ICE field office agents we contacted recognized that a self-reporting

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<sup>19</sup>GAO-03-188, 17.

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system would be of limited use in locating the group of aliens who are not in compliance with immigration laws or otherwise do not want to be contacted by the government. Nonimmigrant aliens who do not wish to be located are not likely to comply with an annual requirement to self-report address information. Consequently, agents have used other databases to locate this class of alien and have found such databases to be more current and reliable than the existing self-reporting system. Potential benefits cited by law enforcement agents, such as the ability to verify that the nonimmigrant alien is still in the country and to provide a basis for detaining noncompliant aliens, might be available with current systems and law but have seldom been used. For these reasons, it is questionable whether the usefulness of an annual reporting requirement would outweigh the cost of implementation and enforcement.

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## Agency Comments

We requested comments on a draft of this report from the Secretary of Homeland Security. DHS reviewed a draft of this report and had technical comments, which we incorporated as appropriate.

We are sending copies of this letter to the Secretary of the Department of Homeland Security and interested congressional committees. We will also make copies available to others upon request. In addition, the letter will be available at no charge on the GAO Web site at <http://www.gao.gov>.

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If you or your staffs have any questions about this letter, please contact Darryl W. Dutton at (213) 830-1086 or me at (202) 512-8777. Key contributors to this letter are Samuel Van Wagner, Ben Atwater, Grace Coleman, Nancy Finley, and David Alexander.

*Richard M. Stana*

Richard M. Stana  
Director, Homeland Security  
and Justice Issues

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