

GAO Highlights

Highlights of [GAO-13-602T](#), a testimony before the Subcommittee on Border and Maritime Security, Committee on Homeland Security, House of Representatives

Why GAO Did This Study

Each year, millions of visitors come to the United States legally on a temporary basis either with or without a visa. Overstays are individuals who were admitted into the country legally on a temporary basis but then overstayed their authorized periods of admission. DHS has primary responsibility for identifying and taking enforcement action to address overstays. Within DHS, U.S. Customs and Border Protection is tasked with inspecting all people applying for entry to the United States. U.S. Immigration and Customs Enforcement is responsible for enforcing immigration law in the interior of the United States. In April 2011, GAO reported on DHS's actions to identify and address overstays and made recommendations to strengthen these processes. DHS concurred and has taken or is taking steps to address them. Since April 2011, DHS has reported taking further actions to strengthen its processes for addressing overstays.

This testimony discusses GAO's preliminary observations on DHS's efforts since April 2011 to (1) review potential overstay records for national security and public safety concerns, (2) improve data on potential overstays and report overstay rates, and (3) plan for a biometric exit system. This statement is based on preliminary analyses from GAO's ongoing review of overstay enforcement for this subcommittee and other congressional requesters. GAO analyzed DHS documents and data related to overstays and interviewed relevant DHS officials. GAO expects to issue a final report on this work in July 2013. DHS provided technical comments, which were incorporated as appropriate.

View [GAO-13-602T](#). For more information, contact Rebecca Gambler at (202) 512-8777 or gambler@gao.gov.

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IMMIGRATION ENFORCEMENT

Preliminary Observations on DHS's Overstay Enforcement Efforts

What GAO Found

Since GAO reported on overstays in April 2011, the Department of Homeland Security (DHS) has taken action to address a backlog of potential overstay records by reviewing such records to identify national security and public safety threats, but unmatched arrival records remain in DHS's system. In April 2011, GAO reported that, as of January 2011, DHS's Arrival and Departure Information System (ADIS) contained a backlog of 1.6 million potential overstay records. DHS uses ADIS to match departure records to arrival records and subsequently close records for individuals with matching arrival and departure records. Unmatched arrival records—those that do not have corresponding departure records—remain open and indicate that the individual is a potential overstay. In the summer of 2011, DHS reviewed the 1.6 million potential overstay records. As a result, DHS closed about 863,000 records and removed them from the backlog. Since that time, DHS has continued to review all potential overstay records for national security and public safety concerns. However, as of April 2013, DHS continues to maintain more than 1 million unmatched arrival records in ADIS. GAO's preliminary analysis identified nonimmigrants traveling to the United States on a tourist visa constitute 44 percent of unmatched arrival records, while tourists admitted under a visa waiver constitute 43 percent. The remaining records include various types of other nonimmigrants, such as those traveling on temporary worker visas.

DHS has actions completed and under way to improve data on potential overstays and report overstay rates, but the impact of these changes is not yet known. DHS has streamlined connections among databases used to identify potential overstays, among other things. Although these actions have resulted in efficiencies in processing data, they do not address underlying data quality issues, such as missing land departure data. Further, because many of these changes were implemented in April 2013, it is too early to assess their effect on the quality of DHS's overstay data. DHS continues to face challenges in reporting reliable overstay rates. Federal law requires DHS to report overstay estimates, but DHS or its predecessors have not regularly done so since 1994. In September 2008, GAO reported on limitations in overstay data that affect the reliability of overstay rates. In April 2011, GAO reported that DHS officials said that they have not reported overstay rates because DHS has not had sufficient confidence in the quality of its overstay data and that, as a result, DHS could not reliably report overstay rates. In February 2013, the Secretary of Homeland Security testified that DHS plans to report overstay rates by December 2013.

DHS faces challenges planning for a biometric exit system at air and sea ports of entry. Beginning in 1996, federal law has required the implementation of an integrated entry and exit data system for foreign nationals. As of April 2013, DHS's planning efforts are focused on developing a biometric exit system for airports, with the potential for a similar solution at sea ports. However, in October 2010, DHS identified key challenges as to why it has been unable to determine how and when to implement a biometric air exit capability, including challenges in determining what personnel should be responsible for the capture of biometric information.

GAO is assessing DHS's plans and efforts in these areas and plans to report on its results in July 2013.