

**Statement for the Record  
of  
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Department of Homeland Security**

**Before the  
United States House of Representatives  
Committee on Homeland Security  
Washington, D.C.**

**“Visa Overstays: Can They Be Eliminated?”**

**March 25, 2010**

**Introduction**

Chairman Thompson, Ranking Member King, and distinguished members of the Committee, I am pleased to appear before you today to discuss the Department of Homeland Security’s (DHS) ability to identify and locate potentially dangerous individuals who overstay their visas.

**Background**

The United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program within the National Protection and Programs Directorate (NPPD) expedites the identification of aliens encountered across the homeland security environment and serves as the Department’s designated provider for biometric and associated biographic identification and analysis services for automated entry and exit. US-VISIT maintains databases that store and share biometric information such as fingerprints, digital photographs, and certain biographic information. Authorized DHS personnel who are responsible for deciding eligibility for immigration benefits or admissibility into the United States; taking law enforcement actions; or granting access rights to sensitive facilities may query US-VISIT data to help them accurately identify the people they encounter and determine whether those people pose a risk to the United States. In addition to DHS components, other users of US-VISIT’s capabilities include the Departments of State, Justice, and Defense; State and local law enforcement; and the Intelligence Community.

In addition to supporting the work of its customers on the front lines of homeland security, US-VISIT continues to fulfill its original mission of implementing an integrated entry and exit data system for the United States. A core US-VISIT function is to provide immigration and border management officials with the biographic and biometric records of entries and exits of individual aliens, including whether an alien has overstayed his or her admission period. This data allows officials to make more informed decisions on eligibility for determinations on visa issuance, admission into the United States, and other immigration benefits.

## Identifying Visitors Who Overstay Their Visas

Over the past several years, DHS has made significant strides in its ability to identify foreign nationals who have overstayed their authorized periods of admission. DHS currently has programs in place that use airline manifest information; border crossing records; travel document information enabled by the Western Hemisphere Travel Initiative (WHTI); and information collected under the US-VISIT program that allow us to record who enters and exits the country for the vast majority of individuals.

US-VISIT's Data Integrity Group (DIG) uses a multilayered system that includes automated data searches, manual data searches, and manual verification by human analysts to identify aliens who remain in the United States beyond their authorized periods of admission. These aliens are commonly called visa overstays.

The process of identifying visa overstays begins with the Arrival and Departure Information System (ADIS). ADIS is a database that matches biographic data on arrivals, departures, extensions, and changes or adjustments of status to identify individuals who have overstayed their authorized terms of admission.<sup>1</sup> ADIS data is comprised of records from or linked to the following sources:

- Automated Biometric Identification System (IDENT)
- TECS (including entry and exit records from the Advanced Passenger Information System and I-94s), which is operated by U.S. Customs and Border Protection (CBP)
- Computer-Linked Application Management Information System 3 (CLAIMS 3), which is operated by U.S. Citizenship and Immigration Services (USCIS)
- Student and Exchange Visitor Information System (SEVIS), which is operated by U.S. Immigration and Customs Enforcement (ICE)

If an alien has remained beyond his or her authorized period of admission, the ADIS system provides an overstay status indicator. The overstay status indicator shows whether a person is believed to be inside or outside the United States. Out-of-country overstays are individuals who have departed the United States, but who, based on the arrival and departure data in ADIS, stayed beyond their authorized periods of admission. In-country overstays are individuals for whom we have no departure record and therefore who may have exceeded their authorized terms of admission by remaining in the United States. US-VISIT follows separate processes for managing records identified as in-country and out-of-country overstays.

### *Out-of-Country Overstay Identification and Enforcement Process*

US-VISIT manually reviews records for aliens identified by ADIS as out-of-country visa overstays. Manually vetting these records enables US-VISIT to eliminate false system-identified overstays. After manual review, biographic and biometric lookouts are created for confirmed out-of-country overstays who are no longer eligible to enter the United States.

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<sup>1</sup>ADIS receives arrival/departure manifests (APIS), officer-confirmed arrivals (TECS), and changes/extensions/adjustments of status (CLAIMS 3 and SEVIS).

The Visa Waiver Program (VWP), established by Section 217 of the Immigration and Nationality Act, enables nationals of 36 participating countries to travel to the United States for tourism or business for stays of 90 days or less without obtaining a visa. Since January 12, 2009, VWP travelers have been required to obtain an electronic authorization to travel after being screened against multiple law enforcement and security databases. VWP travelers who have exceeded the terms of authorized admission are no longer eligible for admission under the VWP. Therefore, out-of-country overstay lookouts are posted for VWP travelers who exceed their authorized periods of admission by more than seven days.

By statute, an individual who exceeds his or her authorized period of admission by 180 days is ineligible for admission for no less than three years. As a result, out-of-country overstay lookouts are posted for visa-holding individuals when they exceed their authorized periods of admission by 180 days.

The lookouts that US-VISIT creates in TECS and IDENT for these individuals are then available to all TECS and IDENT users, including:

- CBP officers, when an individual attempts to enter at a port of entry;
- USCIS, when a person applies for an immigration benefit;
- ICE, when a person is encountered in an immigration enforcement context; and
- Department of State consular officers, when an individual applies overseas for a U.S. visa.

In Fiscal Year (FY) 2009, US-VISIT manually reviewed 44,284 records identified as being out-of-country overstays. Of these, US-VISIT automatically created lookout records for 16,640 who were likely inadmissible to reenter the United States. These lookout records led to 2,502 individuals being stopped from reentering the United States, including 1,437 interceptions by CBP officers at ports of entry and 1,065 visa refusals by U.S. consular officers.

The following data shows the number of out-of-country lookouts that were created for the past four years, along with corresponding entry or visa refusals, and demonstrates that US-VISIT's system is an effective tool in preventing out-of-country overstays from reentering the United States.

<b>Fiscal Year</b>	<b>Out-of-Country Lookouts Created</b>	<b>Port/Visa Refusals Based on Lookouts</b>
2009	16,691	2,502
2008	13,276	1,441
2007	7,357	451
2006	457	5

#### *In-Country Overstay Identification and Enforcement*

The records of individuals whose status indicates they are possible in-country overstays undergo additional verification and validation, which includes four automated searches. The first search

identifies those individuals who meet ICE parameters for overstay records of interest based on national security and intelligence criteria, and this search removes 89 percent of the potential overstays from further review. The remaining records are identified as priority in-country overstay records.

Priority in-country overstay records undergo three additional automated searches, in sequential order:

- The ADIS reverse search reverses the first and last names, searching ADIS a second time for those instances where names may be reversed from ADIS data sources.
- The CLAIMS 3 search identifies records that match recent immigration benefit applications, such as extensions of stay or adjustments of status.
- The Automated Targeting System (ATS) search identifies records that match departure records that ADIS may not have.

Historically, these three automated searches have reduced the number of priority in-country overstay records by an additional 40 percent. US-VISIT analysts then manually verify and validate the remaining priority in-country overstay records to ensure that only credible leads are forwarded to ICE. The manual verification and validation process checks the following additional systems:

- ADIS
- TECS Central Index System (CIS)
- Consular Consolidated Database (CCD)
- SEVIS
- Enforcement Case Tracking System (ENFORCE)
- Enforcement Alien Removals Module (EARM; replaced Deportable Alien Control System)
- Refugee Asylum Parolee System (RAPS)
- Web Image Storage and Retrieval System (Web-ISRS)

Typically, the manual process reduces the number of priority in-country overstay records by an additional 53 percent. Records that cannot be closed after manual review are transmitted to the ICE Compliance Enforcement Unit as unconfirmed in-country overstay leads. In FY 2009, US-VISIT manually reviewed 37,408 priority in-country overstay records and referred 16,379 leads to ICE.

The following table provides the number of in-country overstay leads sent to ICE, with corresponding ICE arrests, over the last four years.

<b>Fiscal Year</b>	<b>Priority In-Country Leads Referred to ICE</b>	<b>ICE Arrests Based on Referrals<sup>2</sup></b>
2009	16,379	568
2008	13,343	715
2007	12,372	338
2006	4,155	139

Under current policy, the unconfirmed in-country overstay leads transmitted to ICE are not included on the biographic or biometric watchlists immediately. An individual is included on the biographic and biometric watchlists once the overstay lead is confirmed or all leads by ICE are exhausted.

### **Improvements Under Way in Identifying Overstays**

#### *Improving Information-Matching Capabilities*

Identifying visa overstays begins with matches in US-VISIT’s ADIS system; therefore, the system’s effectiveness depends on using the best possible matching algorithms. Efforts to identify and deploy new ADIS algorithms have already improved record-matching performance and will serve as the primary driver enabling entry to exit matching with 95 percent accuracy. To achieve this entry-to-exit goal, US-VISIT has partnered with the Lawrence Livermore National Laboratory (LLNL) to initiate a program that independently assesses, in a scientifically supportable manner, the accuracy of ADIS record matching. In addition, LLNL will examine the effects of changes made to the current record-matching logic and algorithms in comparison to the performance of other similar record-matching algorithms or currently available commercial off-the-shelf or government off-the-shelf products. This detailed analysis of the data and matching capabilities of the system will provide reliable benchmarks of record-matching accuracy and is necessary for US-VISIT to achieve its match rate goal.

#### *Reducing Backlogs of Un-reviewed Records*

Between FY 2007 and FY 2009, a backlog of 1.3 million un-reviewed potential in-country overstay records accumulated because of changes in foreign traveler volume, automated algorithm changes, and ICE search criteria. US-VISIT expects to reduce this backlog by 50 percent in FY 2010 through automated and manual matching and estimates that 47,000 leads could be forwarded to ICE’s Compliance Enforcement Unit.

Before FY 2009, VWP overstay records constituted a significant portion of these un-reviewed records. However, during FY 2009, US-VISIT prioritized review of all VWP in-country overstay records and has now eliminated the VWP backlog and remains current in reviewing these records.

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<sup>2</sup> The ICE/Compliance Enforcement Unit provided the data concerning actual arrests based on referrals.

## **Interoperability Expands Enforcement Opportunities**

US-VISIT's IDENT database provides a centralized system for immigration and border management officials to check whether an alien is a visa overstay during numerous encounters, including when a person applies overseas for a visa; attempts to enter at a port of entry; applies for an immigration benefit; or is encountered in an immigration enforcement context.

As a result, the administration of immigration benefits is more accurate—and there are more opportunities for enforcement—than ever before. Enforcement opportunities are also being significantly increased as a result of IDENT becoming interoperable with the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation. This interoperability supports ICE's Secure Communities initiative, which notifies ICE when a local law enforcement agency participating in Secure Communities arrests an immigration violator, including identified overstays, for a crime. The IDENT system provides the local law enforcement agency with identifying information such as a photograph, name, and date of birth. ICE then determines the appropriate response based on multiple factors including the type of crime, previous violations, and the availability of ICE personnel to respond. US-VISIT is supporting ICE's implementation of Secure Communities through the deployment of IDENT/IAFIS interoperability nationwide.

## **Conclusion**

The Department believes that an effective entry and exit system is a critical tool in managing immigration and border processes, enforcing immigration laws, and enhancing national security. US-VISIT has made significant progress over the past several years to enhance the quality and credibility of overstay data by improving the automated matching of entries to exits; increasing production, efficiency, and performance in providing ICE with priority in-country overstay leads; and reviewing and creating biographic and biometric lookouts for all out-of-country overstays. Through this work, and the sharing of overstay information through IDENT, not only has US-VISIT significantly enhanced DHS' enforcement efforts, it also it has improved the integrity of our immigration system to a level that did not exist before.

While DHS has made significant, tangible progress on the challenge of identifying and presenting actionable leads on visa overstays, we recognize there is still much to do to fulfill the vision for a more automated entry-exit system. I appreciate this opportunity to testify about the difference that the Department's US-VISIT program has made so far, and I look forward to working with you to continue to improve it.

Thank you for holding this important hearing. I would be happy to respond to any questions you may have.