

Highlights of [GAO-11-411](#), a report to the Committee on Homeland Security and Governmental Affairs, U.S. Senate

## Why GAO Did This Study

According to Pew Hispanic Center estimates, approximately 4 million to 5.5 million unauthorized immigrants in the United States entered the country legally on a temporary basis but then overstayed their authorized periods of admission—referred to as overstays. As requested, GAO examined the extent to which the Department of Homeland Security (DHS) (1) takes action to address overstays and its reported results; and (2) identifies overstays and shares this information among its border security and immigration enforcement components. GAO reviewed relevant documents, such as standard operating procedures, DHS guidance, and overstay investigations data from fiscal years 2006 through 2010; interviewed officials from DHS components; and visited 6 DHS field offices and 12 ports of entry based on geographic dispersion, among other factors. The results of these visits are not generalizable, but provided insights into DHS operations.

## What GAO Recommends

GAO recommends, among other things, that DHS establish a time frame for completing overstay enforcement planning, performance measurement mechanisms, and, if benefits outweigh costs, a mechanism for collecting departure forms at land borders and alerts for additional categories of overstays. DHS concurred with our recommendations.

View [GAO-11-411](#) or key components. For more information, contact Richard Stana at (202) 512-8777 or stanar@gao.gov.

April 2011

# OVERSTAY ENFORCEMENT

## Additional Mechanisms for Collecting, Assessing, and Sharing Data Could Strengthen DHS's Efforts but Would Have Costs

### What GAO Found

DHS takes actions to address a small portion of the estimated overstay population due to, among other things, competing priorities; however, these efforts could be enhanced by improved planning and performance management. Since fiscal year 2006, U.S. Immigration and Customs Enforcement (ICE), the principle DHS component responsible for overstay enforcement, has allocated about 3 percent of its investigative work hours to overstay investigations and its Counterterrorism and Criminal Exploitation Unit (CTCEU), which prioritizes and investigates possible overstays, has arrested approximately 8,100 overstays. ICE is considering assigning some responsibility for noncriminal overstay enforcement to its Enforcement and Removal Operations (ERO) directorate, which has responsibility for apprehending and removing illegal aliens from the United States. However, ERO does not plan to assume this responsibility until ICE assesses the funding and resources doing so would require. ICE has not established a time frame for completing this assessment. By developing such a time frame and utilizing the assessment findings, as appropriate, ICE could strengthen its planning efforts and be better positioned to hold staff accountable for completing the assessment. In addition, CTCEU does not have mechanisms to assess program performance in accordance with leading performance management practices. By establishing such mechanisms, CTCEU could better ensure that managers have information to assist in making decisions for strengthening overstay enforcement efforts and assessing performance against CTCEU's goals.

In the absence of a biometric entry and exit system, DHS uses various methods for identifying overstays, primarily biographic data, and sharing of overstay information; however, DHS faces challenges in collecting departure data and does not share information about all categories of suspected overstays among its components. For example, U.S. Customs and Border Protection (CBP), the DHS component charged with inspecting all people who enter the United States, does not provide a standard mechanism for nonimmigrants departing the United States through land ports of entry to remit their arrival and departure forms. These forms contain information, such as arrival and departure dates, used by DHS to identify overstays. CBP officials stated that establishing such a mechanism could help the agency increase its collection of departure data, but could also result in costs related to, for example, physical modifications to land ports of entry. If the benefits outweigh the costs, such a mechanism could help DHS obtain more complete and reliable departure data for identifying overstays. DHS also shares overstay information among its components through various mechanisms. For example, DHS creates electronic alerts for certain categories of overstays, such as those who overstay by more than 90 days, but does not create alerts for those who overstay by less than 90 days to focus efforts on more egregious overstay violators, as identified by CBP. Expanding the categories of overstays assigned an alert to the extent that benefits outweigh costs could improve the chance that these individuals are identified as overstays during subsequent encounters with federal officials, such as when they apply for readmission to the United States.