

Highlights of [GAO-11-910T](#), a testimony before the Subcommittee on Border and Maritime Security, Committee on Homeland Security, House of Representatives.

Why GAO Did This Study

The attempted bombing of an airline on December 25, 2009, by a Nigerian citizen with a valid U.S. visa renewed concerns about the security of the visa process. Further, unauthorized immigrants who entered the country legally on a temporary basis but then overstayed their authorized periods of admission—overstays—could pose homeland security risks. The Department of Homeland Security (DHS) has certain responsibilities for security in the visa process and for addressing overstays. DHS staff review visa applications at certain Department of State overseas posts under the Visa Security Program. DHS also manages the Visa Waiver Program through which eligible nationals from certain countries can travel to the United States without a visa. This testimony is based on GAO products issued in November 2009, August 2010, and from March to May 2011. As requested, this testimony addresses the following issues: (1) overstay enforcement efforts, (2) efforts to implement a biometric exit system and challenges with the reliability of overstay data, and (3) challenges in the Visa Security and Visa Waiver programs.

What GAO Recommends

GAO has made recommendations in prior reports that, among other things, call for DHS to strengthen management of overstay enforcement efforts, mechanisms for collecting data from foreign nationals departing the United States, and planning for addressing certain Visa Security and Visa Waiver programs' risks. DHS generally concurred with these recommendations and has actions planned or underway to address them.

View [GAO-11-910T](#). For more information, contact Richard M. Stana at (202) 512-8777 or stanar@gao.gov.

VISA SECURITY

Additional Actions Needed to Strengthen Overstay Enforcement and Address Risks in the Visa Process

What GAO Found

Federal agencies take actions against a small portion of the estimated overstay population, but strengthening planning and assessment of overstay efforts could improve enforcement. Within DHS, U.S. Immigration and Customs Enforcement's (ICE) Counterterrorism and Criminal Exploitation Unit (CTCEU) is the lead agency responsible for overstay enforcement. CTCEU arrests a small portion of the estimated overstay population in the United States because of, among other things, ICE's competing priorities, but ICE expressed an intention to augment its overstay enforcement resources. From fiscal years 2006 through 2010, ICE reported devoting about 3 percent of its total field office investigative hours to CTCEU overstay investigations. ICE was considering assigning some responsibility for noncriminal overstay enforcement to its Enforcement and Removal Operations directorate, which apprehends and removes aliens subject to removal from the United States. In April 2011, GAO reported that by developing a time frame for assessing needed resources and using the assessment findings, as appropriate, ICE could strengthen its planning efforts. Moreover, in April 2011, GAO reported that CTCEU tracked various performance measures, but did not have a mechanism to assess the outcomes of its efforts. GAO reported that by establishing such a mechanism, CTCEU could better ensure that managers have information to assist in making decisions.

DHS has not yet implemented a comprehensive biometric system to match available information (e.g., fingerprints) provided by foreign nationals upon their arrival and departure from the United States and faces reliability issues with data used to identify overstays. GAO reported that while the United States Visitor and Immigrant Status Indicator Technology Program's biometric entry capabilities were operating at ports of entry, exit capabilities were not, and DHS did not have a comprehensive plan for biometric exit implementation. DHS conducted pilots to test two scenarios for an air exit solution in 2009, and in August 2010, GAO concluded that the pilots' limitations, such as limitations not defined in the pilot evaluation plan like suspending exit screening at departure gates to avoid flight delays, curtailed DHS's ability to inform a decision for a long-term exit solution. Further, in April 2011, GAO reported that there is not a standard mechanism for nonimmigrants departing the United States through land ports of entry to remit their arrival and departure forms. Such a mechanism could help DHS obtain more complete departure data for identifying overstays.

GAO identified various challenges in the Visa Security and Visa Waiver programs related to planning and assessment efforts. For example, in March 2011, GAO found that ICE developed a plan to expand the Visa Security Program to additional high-risk posts, but ICE had not fully adhered to the plan or kept it up to date. Further, ICE had not identified possible alternatives that would provide the additional security of Visa Security Program review at those high-risk posts that do not have a program presence. In addition, DHS implemented the Electronic System for Travel Authorization (ESTA) to meet a statutory requirement intended to enhance Visa Waiver Program security and took steps to minimize the burden on travelers to the United States added by the new requirement. However, DHS had not fully evaluated security risks related to the small percentage of Visa Waiver Program travelers without verified ESTA approval.