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Aliens Are Illegally Entering The U.S. Mainland Through Puerto Rico And The U.S. Virgin Islands

Immigration and Naturalization Service
Department of Justice

Many aliens illegally enter the U.S. mainland through Puerto Rico and the U.S. Virgin Islands. The Immigration and Naturalization Service is aware of the problem but says it is hampered by manpower limitations.

The Service could help control illegal entry by determining the magnitude of the problem and by improving certain management techniques.

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UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

GENERAL GOVERNMENT
DIVISION

B-125051

The Honorable
The Attorney General ⁴¹⁰

Dear Mr. Attorney General:

We have completed a limited review of the Immigration and Naturalization Service's (INS') procedures for controlling the entry of illegal aliens into the United States from Puerto Rico and the U.S. Virgin Islands. Our objectives were to (1) ascertain whether a problem of any magnitude exists in this area and (2) if so, examine the effectiveness of INS' procedures for coping with it.

As part of our review, we interviewed INS officials at the Washington headquarters; Puerto Rico; the U.S. Virgin Islands; the New York City district office; and the southeast regional office in Richmond, Virginia, and Department of State officials. We also had discussions with local government officials of the two territories. We analyzed available documentation at these locations and did limited work at the Social Security Administration.

We found--and INS is aware--that aliens are using these territories to illegally enter the mainland. However, because INS had not measured the number of aliens so entering the United States, we could not evaluate the effectiveness of INS' efforts to control this problem. It follows, therefore, that INS must first determine how many aliens are entering illegally from these locations. With this information, the agency will then be in a position to better allot a share of its resources to combat this problem.

We believe that INS could better control illegal entry by improving certain management techniques. INS officials generally agreed but pointed out that their ability to fully implement needed improvements is limited by manpower constraints.

BACKGROUND

Many aliens admitted to Puerto Rico and the U.S. Virgin Islands under the visa waiver or "annotated visa" issued at the Embassy in Santo Domingo, Dominican Republic, proceed illegally to the mainland.

INS has procedures for inspecting passengers boarding aircraft destined for the mainland from those two territories to identify and apprehend aliens attempting unauthorized entry. Flights leaving these territories are not inspected upon arriving in the mainland.

Federal regulations provide that residents of British, French, and Netherlands territories, and nationals of certain adjacent islands of the Caribbean which are independent countries may enter Puerto Rico and the U.S. Virgin Islands without obtaining a visa (visa waiver). Aliens admitted under this provision may not, however, proceed to the mainland. If an alien so admitted attempts to enter the mainland, the authorized period for which he was admitted is automatically terminated.

For political and humanitarian reasons and because of the proximity of Puerto Rico, the Santo Domingo Embassy in July 1964 began annotating the visas issued to certain aliens destined solely to Puerto Rico. The requirements, particularly the financial requirements, necessary for issuing annotated visas are less stringent than those for an alien destined for the mainland. The annotated visa alerts INS that the visa was issued only for travel to Puerto Rico.

INS representatives in Puerto Rico and the U.S. Virgin Islands estimated that there are between 10,000 and 50,000 illegal aliens in Puerto Rico and over 8,000 in the U.S. Virgin Islands. They also estimated that about 50,000 aliens annually enter those territories under the visa waiver provision. According to Department of State officials, about 25 percent of the approximately 20,600 visas issued for business or pleasure by the Santo Domingo Embassy in fiscal year 1974 were annotated visas.

Territorial government officials believe that illegal aliens are a significant problem. They say the illegal aliens have an adverse effect on (1) the economy, especially by increasing unemployment, (2) health conditions, and (3) law enforcement. Aliens primarily violate their status to get employment.

EXTENT OF ILLEGAL ENTRY

INS does not inspect all flights going to the mainland; for more than 8 years it has attributed its inability to do so to manpower shortages. Although INS feels that many aliens

may have entered the U.S. mainland illegally because of inadequate inspection coverage, it has made only limited attempts to measure the magnitude of this problem to determine if additional manpower is warranted or if other alternatives can be implemented to adequately combat the problem.

Puerto Rico and the U.S. Virgin Islands have large numbers of aliens in apparent illegal status from visa waiver countries and the Dominican Republic. INS admission-departure records show that, for September 1973 through March 1974, such aliens from the visa waiver islands and the Dominican Republic numbered 1,300 and 3,500, respectively.

Available evidence indicates that illegal entry into the mainland is a problem. For example:

1. In 1974 INS apprehended 574 aliens attempting to enter the mainland illegally from St. Croix in the U.S. Virgin Islands and Puerto Rico.
2. INS' southeast regional commissioner estimated that about 2,000 to 4,000 aliens illegally enter the mainland annually through these territories.
3. Between October 1973 and February 1974, INS' New York district office investigators apprehended 55 aliens who had entered the mainland illegally through these territories. Of these aliens, 51 were employed when apprehended.
4. Through Social Security records we were able to identify aliens from visa waiver countries and the Dominican Republic who had entered the mainland illegally through these territories, had obtained social security cards, and were working in fiscal year 1974.

The Commissioner of INS said that he was fully aware of the illegal entry problem through these territories. Even though INS has been aware of this illegal entry problem, it has only made limited attempts to rectify the problem. INS believes that many are able to enter because of inadequate departure inspection coverage. We believe INS needs to measure the magnitude of the problem so appropriate action can be taken.

MANAGEMENT OF INSPECTION COVERAGE

Except for a 19-month period, INS has placed a relatively low priority on inspecting aliens departing from these

territories for the mainland. From August 1967 through November 1970, it only spot-checked departing flights. In December 1970 the Associate Commissioner, Operations, said that INS was facing severe enforcement problems in the San Juan district and that the most immediate problem was the departure control of aliens admitted under either the visa waiver or annotated visa. He concluded that many aliens used this means to proceed illegally to the mainland, where they obtained employment.

The INS San Juan district director informed us that, for a 19-month period ending June 30, 1972, the district gave special attention to inspecting all departing flights. INS records show that 1,362 aliens were apprehended in travel during a 38-month period when the normal spot-check inspection procedures were in effect, and 1,123 were apprehended during the 19-month period when special attention was given to inspection coverage. The San Juan district director said, however, that because of the lack of funds and personnel the all-out emphasis on departure controls was discontinued.

In 1974 about 67 percent of the scheduled departing flights from Puerto Rico to the mainland were checked and 533 aliens were apprehended; 77 percent from St. Croix were checked and 41 aliens were apprehended. The Commissioner said that, due to a serious lack of resources, he was unable to provide effective departure coverage and that he realized the spot-check method of controlling illegal departures to the mainland left much to be desired.

Lack of resources may adversely affect inspection coverage, but INS' management of its existing inspection coverage operation could be improved. For example:

1. INS did not know the number of daily departing flights; consequently, it could not determine the extent of inspection coverage or which flights would be the best ones to check, assuming that limited manpower prevented 100-percent checking. We believe that a comparison between flights checked and actual departures, detailing such information as the airline, destination, date, and time of departure, would greatly help INS improve the effectiveness of departure control.
2. No uniform inspection practice existed. The degree to which investigators or inspectors conversed with

passengers and sought identification varied. Inspection practices were primarily geared only to observation.

3. The limited data available was not analyzed or reviewed to try to detect trends that could help management improve its inspection operation.

We believe that INS should evaluate its existing spot-check practices so that immediate improvements can be made. Establishing effective departure controls and investigations in the territories is more practicable and less costly than apprehending and removing illegal aliens from the mainland. Furthermore, once these aliens enter the mainland, the likelihood is greater that they will acquire equities and eventual grounds for permanent resident status.

AGENCY ACTIONS

Under an amendment to the Federal regulations, effective October 7, 1975, residents of visa waiver islands (except those of the British Virgin Islands and certain temporary workers) destined for Puerto Rico and the U.S. Virgin Islands will have to apply for visas. The amendment was intended to eliminate the abuse of the visa waiver by which many aliens proceeded illegally to the U.S. mainland.

According to a State Department official, aliens will apply for visas at the Embassy in Barbados or by mail. Interviews might sometimes be required for visa-by-mail applications. A visa issued an alien applying for admission only to Puerto Rico or the U.S. Virgin Islands would be annotated in a manner similar to that now used at the Santo Domingo Embassy. As previously mentioned, the requirements, particularly financial, are less stringent than those for an alien destined to the mainland.

Since we found--and Department of State and INS officials have said--that aliens with annotated visas attempt to enter the U.S. mainland illegally, effective departure inspection coverage is still essential. Also, effective coverage will still be necessary to prevent British Virgin Islanders and temporary workers from illegally entering the mainland.

CONCLUSIONS

INS has not been able to adequately control illegal entry to the mainland from Puerto Rico and the U.S. Virgin

Islands. This problem has existed for more than 8 years and INS, except to cite its insufficient manpower, has done little to adequately solve it. INS needs to determine how many aliens are illegally entering the mainland so it can better allot a share of its resources to combat this problem or identify other alternatives to deal with it. Also, INS could better control illegal entry by improving certain management techniques.

We recognize that the amendment of the visa waiver provision and the institution of an annotated visa system, including visa applications by mail, may reduce the number of aliens entering the U.S. mainland illegally through these territories. But effective inspection coverage will still be essential to deter British Virgin Islanders, temporary workers, and aliens with annotated visas from illegally entering the mainland. We believe that INS should establish a close liaison with the Department of State to monitor the effectiveness of this annotated visa system.

RECOMMENDATIONS

We recommend that you direct the Commissioner of INS to:

- Develop an approach or method for identifying data which, if accumulated and analyzed, could provide INS with (1) a yardstick to measure the problem of illegal entry through the territories and (2) a basis for taking corrective action.
- Improve the management of the existing spot-check inspection procedures in Puerto Rico and the U.S. Virgin Islands. Actions should include identifying the number, time, and date of departing flights not being inspected, so coverage can be determined and improvements identified.

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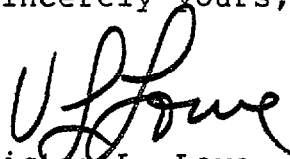
As you know, section 236 of the Legislative Reorganization Act of 1970 requires the head of a Federal agency to submit a written statement on actions taken on our recommendations to the House and Senate Committees on Government Operations not later than 60 days after the date of the report and to the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 60 days after the date of the report.

B-125051

Copies of this report are being sent to interested House and Senate committees and Members of Congress; the Secretary of State; the Director, Office of Management and Budget; and the Commissioner, INS.

We appreciate the cooperation and assistance provided our representatives by INS.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "V. Lowe".

Victor L. Lowe
Director

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