

# STATEMENT OF RANKING MEMBER SHEILA JACKSON LEE

## “Visa Security and Overstays: How Secure is America?”

### Subcommittee on Border and Maritime Security

**May 21, 2013**

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I thank Chairman Miller for holding this hearing today to examine the issue of visa overstays – those who enter this country through the proverbial front door but fail to depart in a timely way – and their effect on our Nation’s security.

We had a very active, bi-partisan discussion about this issue during our recent Subcommittee markup of H.R. 1417, the Border Security Results Act of 2013.

Last week, I was pleased to support an amendment at the full committee markup of the bill to require the Department of Homeland Security to develop an implementation plan for a biometric exit capability at ports of entry, which is an essential part of our effort to address overstays.

I am committed to working with my colleagues on this very important issue.

So far this Congress, the Subcommittee has focused much of its oversight and legislative efforts on what DHS must do to better secure our land borders, and the southern border in particular.

While this is a critically important matter, it represents only one part of the broader border security and immigration enforcement issue.

Addressing visa overstays is certainly equally important.

Indeed, finding a way to deal with the overstay issue will likely be essential to any immigration reform and border security package considered in Congress.

Just this week, an amendment to address this issue was accepted at the markup of the Senate immigration bill.

We have examined this issue regularly in the Judiciary Committee, where I am also a member.

It is important to note that overstays are than an immigration control concern.

A small handful of those who overstay their visas may also pose a threat to our homeland security, like several of the 9/11 hijackers.

There are many important questions to be answered regarding visa overstays, and I hope we can have a productive dialogue about some of those questions here today.

For example, what security issues do individuals who overstay their visas pose to the U.S.?  
What is DHS doing to identify and locate individuals who may pose such a threat?

What can be done to prioritize enforcement resources and enhance efforts to address overstays?

I will say that I am encouraged by the recent shift of overstay analysis and exit operations responsibilities from US-VISIT to ICE and CBP.

I am hopeful that this new configuration of responsibilities will help ICE and its DHS partners address potential overstays in a more efficient way.

We know that DHS currently has over a million “unmatched records” representing potential overstays.

While these individuals have been and continue to be vetted against national security and criminal databases, we have no record of them exiting the country.

DHS has reduced the number of unmatched records significantly from just a couple of years ago, but the problem persists.

I want to hear from ICE and GAO today about what more can be done to reduce the number of unmatched records, allowing DHS to focus on locating individuals who we have confidence are still in the country.

I am cautiously optimistic that giving CBP responsibility for developing and deploying a biometric exit system will help DHS make progress on this long-overdue mandate.

Congress first mandated an entry-exit system for visitors to the U.S. in 1996.

While DHS has made significant progress by implementing a biometric *entry* system, a solution for biometric *exit* has been far more difficult to come by.

We have seen the troubled history of this effort, from a system of kiosks located in inconvenient and inconsistent locations in airports, to two pilots involving CBP and TSA, each of which had advantages and disadvantages.

What is needed now is a clear path forward on biometric exit, and I hope to hear more from our witnesses today on what that path will be.

While not a substitute for biometric exit, I am pleased to see recent efforts to enhance *biographic* exit, particularly for individuals crossing the northern border.

However, addressing biographic exit at the southern border is more problematic and will take more resources and ingenuity to develop a workable solution.

America’s borders will only be secure when we address not only those who walk through the desert to come here, but also those who arrived in this country through our front door.