Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Subcommittee on Border Security and Immigration hearing on "Examining the Problem of Visa
Overstays: A Need for Better Tracking and Accountability"
July 12, 2017

Chairman Cornyn, Ranking Member Durbin, thank you for agreeing to have this important hearing today. As I noted back in May at this Subcommittee's border security hearing, effective border security has been one of the most persistent and difficult challenges facing the federal government for years. This is especially true when we give someone permission to enter the country legally, but they stay beyond the time permitted. Many of these "visa overstays" disappear into our country, and never leave.

While much of this Committee's focus over the last few years has rightly been on the physical border, particularly the land border with Mexico, the simple fact is that the unauthorized immigrant crisis isn't fueled only by illegal border crossings.

According to the Center for Migration Studies, in 2014, of the 11 million unauthorized immigrants in this country approximately 42 percent—or 4.5 million—arrived on a visa and overstayed the time granted them by DHS. This same report found that from 2007 to 2014, more people joined the unauthorized immigration population through visa status overstay than through border crossings.

This trend peaked in 2014 and has held true ever since, with overstays accounting for 66 percent of all new unauthorized immigrants in 2014 and beyond. According to the Department of Homeland Security's own "Fiscal Year 2016 Entry/Exit Overstay Report," in that year alone 628,799 individuals remained in the country as suspected overstays.

But, worry not the Department tells us. By January 10, 2017, the number of overstays from fiscal year 2016 decreased to a mere 544,676, representing an overstay rate of "just" 1.07 percent. Let me put that number in perspective for you.

The 545,000 unauthorized individuals who remain in this country unlawfully just from fiscal year 2016 alone is larger than the population of the following major American cities:

- Des Moines, Iowa;
- Sacramento, California;
- Salt Lake City, Utah;
- Burlington, Vermont;
- Charleston and Columbia, South Carolina, combined;
- Arlington, Texas;
- Providence, Rhode Island;
- Minneapolis, Minnesota;

- Lincoln City, Nebraska;
- Wilmington, Dover, and Newark Delaware, combined;
- Tucson, Arizona;
- Bridgeport, New Haven, and Stamford, Connecticut, combined;
- Boise, Idaho;
- Urban Honolulu, Hawaii;
- Raleigh City, North Carolina; and
- New Orleans City, Louisiana.

That's a huge number of people. When put in context, a "mere" 1.07 percent overstay rate is actually quite an astounding number, and nothing to be proud of.

Clearly, if the federal government is going to get unauthorized immigration under control it's going to have to find an effective way to deal with visa overstays. This requires a multi-part strategy.

The first part—which has been discussed ad nauseam—is the implementation of an effective biometric entry/exit system. We have to know who is here in the country and who has already departed.

Twenty years ago, Congress first required the establishment of a comprehensive entry and exit control system that would collect a record of departure for every person leaving the United States.

After 9/11, Congress went further than it had in 1996 and required the administration to rapidly implement a full biometric entry and exit system. This mandate was reiterated in 2007, and Congress required such a system be in place by August 2008. Unfortunately, deadlines have come and gone, and today there is still no comprehensive exit system in place.

Congress has been abundantly clear, but both Republican and Democratic Administrations have consistently failed to implement this mandate.

To be fair, it is encouraging to hear that the Trump Administration is expanding a biometric exit "pilot project" at several major airports across the United States, and I look forward to hearing more about that project and its implementation during today's hearing.

However, the federal government has had more than twenty years to do tests and demonstrations.

Time is of the essence, and national security is at stake. The Department of Homeland Security should expedite this process and fully implement biometric exit at all points of entry as soon as possible. Further delay isn't acceptable.

While implementation of biometric exit across the United States is a major step towards ending visa overstays, it is only the first step. The fact that 628,799 people remained in the country as suspected overstays in fiscal year 2016 shows that stronger interior enforcement is also needed.

Just last year, Homeland Security officials told us that visa overstay cases are rarely investigated and almost never result in prosecution. According to a report by the *Washington Times* from this May, the Department has built up a caseload of almost 1.2 million unauthorized immigrants who are presumed visa overstays, but has only arrested 3,400 of them. This represents an arrest rate of 0.002%.

Clearly, if the federal government can ever get to a place where it knows conclusively who is in this country, where they are, and if they have left, then interior enforcement will play a key role in reducing the number of people who overstay their legal status.

Again, I want to thank Chairman Cornyn and Ranking Member Durbin for holding this hearing. I hope that the government witnesses will provide some actual answers to our questions, and will not just give us the standard bureaucratic obfuscation we've heard for years.

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