Question#:	1
Topic:	H-2A and H-2B Overstays
Hearing:	Why is the Biometric Tracking System Still Not in Place?
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: USCIS regulations require employers of H-2A and H-2B workers to inform USCIS if the workers never show up for work, are fired, or abscond from the workplace. See 8 CFR 214.2(h)(5)(vi)(B) and 214.2(h)(6)(i)(F)(1).

Does USCIS transmit this information to ICE?

Response: Generally, in cases where a petitioner reports that an H-2 worker has absconded, and U.S. Citizenship and Immigration Services (USCIS) determines that the H-2 worker has not left the country, is not in valid immigration status, or is not otherwise authorized to remain in the United States, USCIS creates a record in the TECS database to that effect. TECS is the updated and modified version of the former Treasury Enforcement Communications System. TECS is owned and managed by the U.S. Department of Homeland Security's (DHS) component U.S. Customs and Border Protection (CBP). TECS is the principal system used by officers at the border to assist with screening and determinations regarding admissibility of arriving persons. U.S. Immigration and Customs Enforcement (ICE), along with other DHS components, has access to TECS.

However, should ICE request such information, the information may also be shared directly with ICE under USCIS's Routine Uses policy. Under USCIS's Routine Uses policy, USCIS may share information with other federal, state, local, and foreign government agencies and authorized organizations following approved routine uses described in the published system of records notices [DHS-USCIS-007 – Benefits Information System which can be found at www.dhs.gov/privacy]. The information may also be made available, as appropriate, for law enforcement purposes or in the interest of national security. This permitted practice includes sharing such information with ICE, if requested for law enforcement purposes.

Question: How many absconders has USCIS told ICE about for each year since Fiscal Year 2009?

Response: As noted above, to inform ICE or other DHS components about absconders, USCIS generally creates records in the TECS database, rather than directly communicating with these components.

Question: For each year since Fiscal Year 2009, how many of the H-2A and H-2B absconders that USCIS told ICE about were arrested? removed by ICE?

Question#:	1
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Primary:	The Honorable Charles E. Grassley
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Response: As USCIS does not directly transmit this information to ICE, please see the chart below for total H-2A and H-2B arrests and removals since fiscal year (FY) 2009.

Question: How many H-2A and H-2B overstays are there in the United States?

Response: H-2A and H-2B leads are received by ICE through the normal overstay reporting process, mostly from CBP's Arrival and Departure Information System. From FY 2009 to the present, ICE received approximately 240,000 H-2A and H-2B leads (142,067 H-2A nonimmigrants and 97,973 H-2B nonimmigrants). Approximately 54,008 H-2A and H-2B leads were closed for compliance (e.g. Adjustment of Status, Departures, etc.). The leads that did not meet ICE's national security and public safety criteria for Homeland Security Investigations were referred to Enforcement and Removal Operations (ERO) within ICE, which amounted to approximately 125,934 referrals for appropriate action in accordance with DHS's civil enforcement priorities.

Question: How many H-2A and H-2B overstays have been arrested since Fiscal Year 2009? removed?

Response:

H-2A & H-2B Overstay Arrests & Removals[1, 2]

Fiscal Year	Arrests			Arrests with a Subsequent Removal		
	H-2A	H-2B	Total	H-2A	H-2B	Total
FY2009	4	3	7	0	0	0
FY2010	4	7	11	0	4	4
FY2011	0	1	1	0	0	0
FY2012	0	0	0	0	1	1
FY2013	0	2	2	0	1	1
FY2014	0	0	0	0	0	0
FY2015	46	83	129	22	22	44

[1] Due to ICE data system operating capabilities, these figures represent only aliens who have been charged with being subject to removal under section 237(a)(1)(B) of the Immigration and Nationality Act (INA), and thus do not include individuals who may have overstayed their period of authorized admission, but were charged with other INA grounds of removal. Furthermore, also due to ICE data system operating capabilities and the reordering of relevant statutes that occurred over time, ICE cannot reliably report on the number of aliens arrested for overstay violations pursuant to former INA section 241.

[2] ICE Enforcement and Removal Operations (ERO) arrests include all ERO enforcement programs such as the Criminal Alien Program, 287g, Fugitive Operations, and others.

Question#:	1
Topic:	H-2A and H-2B Overstays
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FY2016 YTD	18	29	47	9	15	24
Total	**72**	**125**	**197**	**31**	**43**	**74**

Question#:	6
Topic:	Actions Taken Against Overstays
Hearing:	Why is the Biometric Tracking System Still Not in Place?
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: How many overstays were actually arrested for each of the last 5 fiscal years? And how many of those were actually removed?

Response: In fiscal year (FY) 2011, U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) made 6,852 arrests of aliens with an overstay violation pursuant to section 237(a)(1)(B) of the Immigration and Nationality Act.[3] Of these 6,852 cases, 6,847, or over 99%, were subsequently removed from the United States.

In FY 2012, ICE ERO made 5,003 arrests of aliens with an overstay violation noted above. In all 5,003 of these cases the aliens were subsequently removed from the United States.

In FY 2013, ICE ERO made 2,450 arrests of aliens with an overstay violation noted above. Of these 2,450 cases, 2,442, or 99%, were subsequently removed from the United States.

In FY 2014, ICE ERO made 2,152 arrests of aliens with an overstay violation noted above. Of these 2,152 cases, 2,133, or over 99%, were subsequently removed from the United States.

In FY 2015, ICE ERO made 1,492 arrests of aliens with an overstay violation noted above. Of these 1,492 cases, 1,491, or over 99%, were subsequently removed from the United States.

[3] Due to ICE data system operating capabilities, these figures represent only aliens who have been charged with being subject to removal under INA section 237(a)(1)(B), and thus do not include individuals who may have overstayed their period of authorized admission, but were charged with other grounds of removal under the INA. Furthermore, also due to ICE data system operating capabilities and the reordering of relevant statutes that occurred over time, ICE cannot reliably report on the number of aliens arrested for overstay violations pursuant to former INA section 241.

Question#:	7
Topic:	Visa Revocations
Hearing:	Why is the Biometric Tracking System Still Not in Place?
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: In your testimony, you include recommending to the Department of State to revoke a visa as one possible course of action when you determine that an alien has overstayed a visa.

For each year since Fiscal Year 2009, how many times has the Department asked the Department of State to revoke a visa held by an alien present in the United States?

Response: Below are the numbers of recommended visa revocations submitted to the Department of State (DOS) by the U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations Visa Security Program (VSP), as captured in the VSP Tracking System (VSPTS), from Fiscal Year (FY) 2009 through FY 2015. These numbers denote the number of visa revocations recommended to DOS, not necessarily the number of visa revocations ultimately revoked.

Fiscal Year:	**ICE Recommended Visa Revocations in VSPTS:**
2009	0
2010	1
2011	44
2012	71
2013	110
2014	64
2015	16

Question: In how many of the occasions described in your answer to question #1 did the Department of State actually revoke the visa per the Department's request?

Response: DHS respectfully defers to DOS to advise on the number of visa revocations effectuated following a request from the Department of Homeland Security.

Question: In how many of the cases in which the Department of State revoked the visa of an alien present in the United States did the Department of State carry out the revocation while the alien was still in the United States?

Question#:	7
Topic:	Visa Revocations
Hearing:	Why is the Biometric Tracking System Still Not in Place?
Primary:	The Honorable Charles E. Grassley
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Response: DHS respectfully defers to DOS to advise on the number of visa revocations effectuated while the alien was still in the United States.

Question: Does the Department of Homeland Security interpret section 428 of the Homeland Security Act to give the Secretary of Homeland Security the authority to not only refuse, but also revoke visas?

Response: The Department of Homeland Security and DOS interpret section 428 of the Homeland Security Act as authorizing the Secretary of Homeland Security to direct the revocation of a visa that has already been issued. This interpretation is reflected in the 2003 Memorandum of Understanding Between the Secretaries of State and Homeland Security Concerning Implementation of Section 428 of the Homeland Security Act of 2002 ("Memorandum"). Please find attached a copy of the Memorandum for your convenience.

Question: What official or officials within the Department of Homeland Security may exercise the section 428 authority to refuse or revoke visas?

Response: The Secretary and Deputy Secretary of Homeland Security may exercise the authority to direct the refusal or revocation of visas. This authority may be delegated. *See* 6 U.S.C. § 112(b)(1); 8 U.S.C. § 1103(a)(4); 8 C.F.R. § 2.1.

Question#:	8
Topic:	Recurrent Vetting of Aliens in the United States
Hearing:	Why is the Biometric Tracking System Still Not in Place?
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: In your testimony, you state that U.S. Customs and Border Protection "conducts continuous vetting of nonimmigrant U.S. visas that have been recently issued, revoked, and/or denied." You further say that this recurrent vetting ensures that new information that impacts a traveler's admissibility is identified in near real-time. Recurrent vetting is very important to ensuring that those who have been admitted to the United States are eligible to remain.

Does the recurrent vetting of visa holders in the United States include checks against criminal and terror databases, i.e. not just against databases relating to immigration status, benefits, or violations of status?

Response: Yes, recurrent vetting of visa holders includes checks against the Terrorist Screening Database managed by the Terrorist Screening Center (TSC), criminal, and other law enforcement records.

Question: Could you please identify the specific visa categories of aliens in the United States that are subject to recurrent vetting?

Response: U.S. Customs and Border Protection (CBP) conducts recurrent vetting on visas captured in the DOS Consular Consolidated Database (CCD). CBP defers to DOS for a specific listing of visa categories in the CCD.

Question: Does the Department have any plans to recurrently vet all lawfully present aliens in the United States? If not, why not?

Response: CBP conducts continuous vetting of nonimmigrant visas and Electronic System for Travel Authorization (ESTA) travel authorizations for Visa Waiver Program travelers to ensure that changes in a traveler's eligibility are identified in near real-time. CBP matches travelers' information against risk-based criteria that are developed based on actionable intelligence derived from current Intelligence Community reporting or other law enforcement information available to CBP. This allows CBP to immediately determine whether to provide a "no board" recommendation to a carrier in imminent travel situations, to recommend that DOS revoke the visa, to deny an ESTA, or whether additional notification should be made for individuals determined to be present in the United States.

In the event that an individual is identified in-country and matches to derogatory information, CBP will take any actions necessary (e.g., request revocation of visa, denial

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of ESTA) and alert the appropriate agency (e.g., Federal Bureau of Investigation, U.S. Immigration and Customs Enforcement/Homeland Security Investigations) for action.

Additionally, USCIS vets lawfully present foreign nationals as each individual requests additional immigration benefits, such as changes or extensions to their lawful status, adjustment of status to lawful permanent resident, or requests for naturalization.

Question#:	9
Topic:	Visa Waiver Program Participation
Hearing:	Why is the Biometric Tracking System Still Not in Place?
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: The overstay report provides a breakdown of overstays for visa waiver countries. To be a member of the program, a country's visa refusal rate cannot exceed 3%. The law says the Department may only use refusal rates, not overstay rates, at least until the Secretary certifies that a biometric exit system is in place at airports.

In light of that, I'm very concerned about this line in the overstay report presented to Congress: "DHS is in the process of evaluating whether and to what extent the data presented in this report will be used to make decisions on the VWP country designations."

What is meant by this line in the report?

Can you agree that the law does not allow the Department to unilaterally consider overstay rates as a criteria for eligibility to be in the Visa Waiver Program until a biometric exit system is fully in place?

Response: The Fiscal Year 2015 Entry/Exit Overstay Report notes that the Department of Homeland Security (DHS) is evaluating whether to use the data in the report for decisions regarding Visa Waiver Program (VWP) country designations. Specifically, this language refers to enforcement action regarding ***continuing*** designations in the VWP and is **not** a reference to the requirement that a country's visa refusal rate cannot exceed three percent for ***initial*** designation. DHS included that language in the report to clarify that, given the limitations associated with the data in the report, country overstay rates would not immediately lead to enforcement action regarding a country's ***continuing*** designation in the Program. The overstay rates and visa refusal rates are discrete statistics, and although overstay rates could potentially be considered as part of the totality of a country's characteristics, it is not a statutory factor required for consideration in initial designation in the VWP.

DHS acknowledges that, given the expiration of the Secretary of Homeland Security's authority to waive the low nonimmigrant visa refusal rate requirement, overstay rates are not utilized as any form of substitute to overcome a disqualification related to a country's visa refusal rate, with regards to an ***initial*** designation in the VWP. In addition to the other statutory and policy requirements, a country must have a low nonimmigrant visa refusal rate of less than three percent to qualify for ***initial*** designation into the VWP.

Question#:	10
Topic:	Duration of Status
Hearing:	Why is the Biometric Tracking System Still Not in Place?
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: In your testimony you say, regarding applicants for admission to the United States, "If admission is granted, the CBP officer will stamp the traveler's passport with a date indicating his or her authorized period of admission." But this isn't entirely accurate. As Mr. Wagner noted during his oral testimony, foreign students are not given a specific end date for their status when they are admitted; instead, the Form I-94 that they receive just says that the student is admitted for "duration of status."

When did DHS, or the predecessor Immigration and Naturalization Service (INS), begin admitting foreign students for "duration of status" and why did the Department or INS make that change? Prior to that, were foreign students admitted for specific periods of time?

Response: U.S. Customs and Border Protection (CBP) administers the provisions relating to admission of aliens under each visa classification as articulated in controlling regulations, including Title 8 Code of Federal Regulations Part 214 – Nonimmigrant Classes. Admission terms for nonimmigrants are broadly divided into two distinct types. The first is associated with a timeframe that is generated from the date of actual admission, such as a visitor for business or pleasure who is being admitted for 180 days. This is a fixed timeframe and the traveler is provided a date by which he or she is required to depart, unless he or she obtains authorization to remain beyond that date, such as through an approved extension of stay or change of status request. The second type of admission is tied to a particular program, such as an academic course of study or exchange visitor program, which has varying and uncertain temporal boundaries. Individuals admitted to engage in such programs are admitted for "Duration of Status." When individuals are admitted for duration of status, they are able to maintain nonimmigrant status in the United States as long as they properly participate in the programs for which they were admitted and do not otherwise violate their status. An example is a student admitted for duration of status into a 4-year academic program as an F-1 nonimmigrant student. If the student were to drop out of the program, he or she generally would violate his or her student status and would be expected to depart the United States. This could occur anytime within the 4 years of the academic program. Conversely, if the student maintains F-1 status but ultimately requires 5 years to complete the course of study, the period of authorized admission as an F-1 nonimmigrant would extend as well. The student would not have to depart the United States and seek readmission or request an extension of stay at the end of the initial 4 years.

Nonimmigrant students have not always been admitted for duration of status. Prior to January 1979, nonimmigrant students were admitted to the United States for a period of 1

Question#:	10
Topic:	Duration of Status
Hearing:	Why is the Biometric Tracking System Still Not in Place?
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year and were required to apply annually to extend their stay to continue their studies and accept employment.

In 1978, the former Immigration and Naturalization Service (INS) published a final rule, effective January 1, 1979, to permit nonimmigrant students to be admitted for duration of status with certain limitations.[4] INS cited increased efficiencies and savings to the government as reasons for the change.

In 1981, the former INS amended the rule, eliminating duration of status effective February 23, 1981, due to issues related to control over foreign students and record keeping problems.[5]

In 1983, the former INS reinstituted duration of status for F-1 students, effective August 1, 1983, with certain limitations.[6] The former INS cited reducing its workload, eliminating paperwork for the public, more control over F-1 students, and the introduction of a new computerized recordkeeping system as some reasons for the change.

In 1987, the former INS published a final rule expanding duration of status for F-1 students, effective May 22, 1987, citing further elimination of burdensome paperwork while maintaining control over the students.[7] Today, duration of status remains fundamentally the same.

Question: Since foreign students aren't given an end date for their period of stay, at what point does DHS consider a foreign student who has been granted "duration of status" to be an "overstay"? What office makes that determination?

Response: A foreign student is considered to be an overstay at the time he or she fails to enroll in school or maintain enrollment in school, completes the term of study of training period, and/or the grace period has expired, and the student has taken no action to apply for a change of status. U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations Counterterrorism and Criminal Exploitation Unit receives system-generated suspected student overstay records from the Arrival and Departure Information System (ADIS), as well as information from the Student and Exchange Visitor Information System (SEVIS). ICE researches and analyzes the information to further develop a lead. If the lead is viable, meaning the student can be located, has not adjusted

[4] *Federal Register*, v. 44, November 22, 1978, p. 54618
[5] *Federal Register*, v. 46, January 23, 1981, p. 7267
[6] *Federal Register*, v. 48, April 5, 1983, p. 14575
[7] *Federal Register*, v. 52, April 22, 1987, p. 13223.

status, or departed the country, and ICE has reason to believe the individual falls within DHS enforcement priorities as a risk to national security or public safety, the lead is sent to the field for enforcement action.

Question: Does a foreign student who has been determined by the Department to have violated his or her status immediately start accruing unlawful presence for purposes of section 212(a)(9)(B)(i) of the Immigration and Nationality Act?

Response: No, Department of Homeland Security (DHS) policy on this issue is set forth in the U.S. Citizenship and Immigration Services' (USCIS) Adjudicator's Field Manual. Under this policy, if an individual admitted for duration of status violates his or her nonimmigrant student status, the individual does not begin to accrue "unlawful presence" for purposes of section 212(a)(9)(B)(i) of the Immigration and Nationality Act (INA) until an immigration judge sustains a removal charge or DHS finds a status violation in adjudicating some benefit application. However, a nonimmigrant student who fails to maintain his or her student status is subject to removal from the United States under INA section 237(a)(1)(C)(i).

Question: Aside from foreign students, what other categories of foreign travelers to the United States do not receive a fixed end date to their status when they are admitted and are instead allowed to remain for "duration of status"?

Response: A number of categories of foreign travelers to the United States, depending on their Class of Admission (COA), do not receive a fixed end date when admitted into the country. These include:

- Most diplomatic ("A") COAs
- Most foreign government ("G") COAs
- Most NATO ("N") COAs
- Foreign media representatives ("I") COAs
- Exchange visitors ("J") COAs

Question: Why is DHS granting applicants for admission "duration of status" at all? Why isn't DHS giving every applicant for admission a specific end date for their authorized period of stay? In the case of foreign students, that end date could just be the academic program end date on the student's Form I-20 issued by the school or Form DS-2019.

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Topic:	Duration of Status
Hearing:	Why is the Biometric Tracking System Still Not in Place?
Primary:	The Honorable Charles E. Grassley
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Response: Admission of nonimmigrant students (F-1) and exchange visitors (J-1) is managed as described above.

Admission for "duration of status" ties the legal status of an individual seeking admission to the United States to the purpose of the intended visit. In these cases, this legal term of art allows for changes in a student's course of study or an exchange visitor's program that may lengthen, or shorten, their stay. Educational and exchange visitor programs may span multiple years and their duration often is fluid. Individuals entering under an M student visa are admitted for a specific purpose. As long as they continue to be within the bounds of their purpose and visa category, they are permitted to stay lawfully in the United States. Although the Form I-20 lists a specific date, the date indicated on those forms serves as an estimate based on expectations for completion of a given academic program or educational exchange, but is not controlling.

Question#:	1
Topic:	enforcement priorities
Hearing:	Why is the Biometric Tracking System Still Not in Place?
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: How many of the 416,500 aliens who overstayed their visa in FY 2015, and who were in the United States as of January 6, constitute enforcement priorities under the guidelines established by Secretary Johnson on November 20, 2014?

Response: The November 2014 memorandum entitled "Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants," not only sets forth Department of Homeland Security (DHS)-wide civil immigration enforcement priorities focused on national security, border security, and public safety, but also establishes guidelines for the exercise of prosecutorial discretion. Aliens who overstay their terms of admission may be considered enforcement priorities within the Secretary's priorities framework, particularly pursuant to Priority 2(d), which prioritizes aliens who have significantly abused visa or visa waiver programs. A DHS Field Responsible Official considers, on a case-by-case basis, the totality of the circumstances in making a decision as to whether an alien has significantly abused such programs.

When U.S Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) receives a lead related to a potential visa overstay, the HSI Counterterrorism and Criminal Exploitation Unit individually reviews the lead and utilizes an internal prioritization process in order to categorize leads that are sent to the field for investigation. Remaining leads are then sent to ICE Enforcement and Removal Operations (ERO) for vetting at ERO targeting centers, where they are prioritized utilizing DHS's current enforcement priorities and referred to ERO field offices for action when appropriate.

Question#:	2
Topic:	monitoring visa overstays
Hearing:	Why is the Biometric Tracking System Still Not in Place?
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: At the hearing, you admitted that U.S. Immigration and Customs Enforcement does not track all aliens who have overstayed their visas who are present in the United States. I would like to know more information about ICE's track record when it comes to monitoring visa overstays:

a. For each fiscal year since FY 2009, how many visa overstays has ICE removed from the United States? Please break down the data between criminal and non-criminal aliens.

Response: Please see the below data on U.S. Immigration and Customs Enforcement (ICE) removals of overstays (including for aliens who were admitted to the United States under the Visa Waiver Program) from Fiscal Year (FY) 2009 through FY 2016 year-to-date (through December 12, 2015). This information is based upon those who were charged with a violation of INA 237(a)(1)(B).

FY 2009 – FY 2016 YTD Visa Overstay Removals

Fiscal Year	Criminal Overstay Removals	Non-Criminal Overstay Removals	All Overstay Removals
FY2009	2,218	10,320	12,538
FY2010	2,833	8,426	11,259
FY2011	3,234	7,192	10,426
FY2012	2,921	3,935	6,856
FY2013	2,214	2,026	4,240
FY2014	1,904	1,660	3,564
FY2015	1,477	979	2,456
FY2016 YTD	243	122	365
Total	**17,044**	**36,660**	**51,704**

Question#:	2
Topic:	monitoring visa overstays
Hearing:	Why is the Biometric Tracking System Still Not in Place?
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question (Part b): Of those identified in (a), how many were being actively investigated by ICE prior to the encounter that led to their removal from the United States? Please break down the data between criminal and non-criminal aliens.

Response: ICE does not track this information.

Question#:	3
Topic:	active removal proceedings
Hearing:	Why is the Biometric Tracking System Still Not in Place?
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: How many aliens who overstayed a visa are currently in active removal proceedings? Please break down the data between criminal and non-criminal aliens.

Response: See chart below.

Unique Individuals (With Visa Overstay Charges[1]) Currently in Removal Proceedings[2][3]	
Disposition	**Total**
Currently Detained	**532**
Currently Non-Detained	**79,982**
Total	**80,514**

These figures represent only aliens who have been charged with being subject to removal under the Immigration and Nationality Act (INA) § 237(a)(1)(B). Furthermore, also due to U.S. Immigration and Customs Enforcement (ICE) data system operating capabilities and the reordering of relevant statutes that occurred over time, ICE cannot reliably report on the number of aliens arrested for overstay violations pursuant to former INA § 241, prior to the passage of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

[1] A Visa Overstay is defined here as an ICE Enforcement and Removal Operations arrest linked to a removal case with an associated charge section of 237(a)(1)(B) of INA.
[2] "In Removal Proceedings" is defined as any active detained or active non-detained case, pending a final order—of either removal or grant of relief. Given the definition of "In Removal Proceedings," this data can only be provided as a snapshot in time.
[3] Detention data is a snapshot in time and is updated through February 6, 2016.

Question#:	4
Topic:	current population of illegal aliens
Hearing:	Why is the Biometric Tracking System Still Not in Place?
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: What is ICE's best estimate as to the current population of illegal aliens inside the United States? Please break down your estimate between the number of individuals who entered the United States illegally, and those who overstayed a visa**.**

Response: In March 2013, the Department of Homeland Security Office of Immigration Statistics published a report titled "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2012." The report can be found at: https://www.dhs.gov/sites/default/files/publications/ois_ill_pe_2012_2.pdf. The report does not distinguish between those who entered the United States illegally and those who overstayed a visa.