

*Questions for the Record following hearing on Wednesday, July 12, 2017 entitled:  
“Examining the Problem of Visa Overstays: A Need for Better Tracking and Accountability”*

**Senator Mazie K. Hirono**

**John Roth (Inspector General DHS):**

1) DHS expressed that it has no intention of merging the numerous databases ICE personnel rely on into a single database that consolidates the various pieces of information: biometric data, biographic data, arrival and departure information. Instead, DHS will integrate the databases to ensure more frequent updates but continue to keep them separate. Some IT systems that ICE relies on are owned by other federal agencies, some of which are not designed to be integrated with other systems.

a. How will DHS overcome these factors to create an integrated database system?

**Answer:** We are unaware of any specific plans within the Department to integrate relevant databases for ICE visa overstay tracking. We recognize that some IT systems that ICE relies on are owned by other Federal agencies, some of which are not designed to be integrated with other systems. Given this limitation, the Department has taken steps to consolidate data sources and streamline search and query capabilities. For example, in 2012 CBP consolidated data from over 30 disparate data sources into its existing Unified Passenger system. This effort was meant to integrate data on visa applicants planning to travel to the United States maintained in numerous systems owned by CBP, USCIS, ICE, and the Department of State, thereby reducing the time required to gather such information.<sup>1</sup> However, at the time of our audit, none of the Homeland Security Investigations agents or Enforcement and Removal Operations field officers we interviewed had access to the Unified Passenger system. A similar effort was completed in 2006 when USCIS created a consolidated search capability, the Person Centric Query Service, to enable users to query all immigration and naturalization applications and transactions for an individual. Although several ICE agents and officers we spoke with during our audit found the service beneficial, personnel at several field locations were either unaware of the service, lacked access, or questioned the completeness of the data returned when using this query service.

2) The May 2017 OIG Report states that ICE did not ensure proper training to its field personnel, specifically, training to use the present visa overstay tracking systems. Field personnel interviewed for the OIG’s audit on DHS stated that they were not trained to use all of the databases and IT systems required to track visa overstays and therefore could not perform their duties effectively.

a. Does DHS have the resources to provide proper training to field personnel?

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<sup>1</sup> [DHS Tracking of Visa Overstays Is Hindered by Insufficient Technology, OIG-17-56 \(May 2017\).](#)

**Answer:** The ICE CIO concurred with our recommendation to address training gaps for ICE personnel and did not relay any concerns regarding a lack of resources to provide the training. The CIO estimated they would complete actions to address our recommendation to ensure that ICE users have the opportunity to receive training before April 30, 2018. Specifically, the ICE CIO planned to coordinate with Homeland Security Investigations and Enforcement and Removal Operations to identify current training gaps and notify users of training options for ICE systems.

b. Will field personnel receive additional training under an integrated database system?

**Answer:** As stated in our response to Question 1, we are unaware of any departmental efforts to create an integrated database system. We will continue to monitor the progress from the DHS CIO and ICE CIO in implementing our recommendations and encourage ICE to ensure that personnel are trained on existing systems and any new systems as needed.

3) ICE field personnel further expressed concerns over redundant information, manually extracting data, getting locked out of systems, and having to memorize over 10 different passwords and usernames to access information from various databases and IT systems. These setbacks greatly contributed to the backlog of cases and delayed investigations.

a. How will integrating the existing databases ensure real-time updates when these databases currently contribute to issues ICE personnel face when tracking visa overstays?

**Answer:** As stated in our response to Question 1, we are unaware of any departmental efforts to create an integrated database system. Efforts to consolidate data and streamline search capabilities could potentially reduce time spent searching across a number of systems. However, this is only part of the solution; having access to real-time information is vital. During our audit, we found that ICE agents and officers faced challenges obtaining real-time access to information about the immigration status of potential overstays, which is critical to properly validate whether or not a subject is in the United States legally at the time of investigation.<sup>2</sup> For instance, ICE needs to know when a foreign national under investigation files a petition or application to change his or her nonimmigrant status (extend the time allowed in the country) or requests to remain in the country through permanent resident status, citizenship, or employment authorization. In order to retrieve the most current information, ICE personnel must have access to all needed data and systems.

4) In lieu of a comprehensive biometric exit system, DHS uses third-party departure data from commercial carriers to confirm visitors' departures from the U.S. despite their fluctuating inaccuracies. This data is cross-examined with biographic and biometric data collected at air,

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<sup>2</sup> [DHS Tracking of Visa Overstays Is Hindered by Insufficient Technology, OIG-17-56 \(May 2017\).](#)

sea and land ports of entry, however, there is a lack of checkpoints at which to collect biometric data resulting in limited amounts of data.

- a. Why was visa overstay information collected from this data distributed to Congress if there were serious issues of accuracy?

**Answer:** The Department has monitored passenger manifest data from commercial and sea departures since 2014. From this, it concluded that the accuracy rates were high enough to report on over 96 percent of all nonimmigrant admissions at U.S. air and sea ports of entry in the FY 2016 overstay report. The OIG did not validate the accuracy of the FY 2015 overstay report as part of its audit and the FY 2016 report was completed after our fieldwork had ended.

### **Senator John Cornyn**

#### *Questions for DHS OIG*

- A. You indicate in your testimony that the visa overstay data reported by DHS to Congress is incomplete. What additional data should be included?

**Answer:** Neither the FY 2015 nor FY 2016 overstay reports included visitors who exited the country through land ports of entry; one of the largest categories for visitors to enter the United States. Additionally, several visa classes, including those used by student visitors, were not included in the FY 2015 overstay report. Until all traveler data, regardless of port of entry and class of visa, is captured, the overstay report will be incomplete.

The overstay data reported to Congress is also dependent on the accuracy of the records DHS obtains from third-party commercial carriers, which occasionally provide incorrect departure or arrival status on individuals. Specifically, CBP receives notification of passenger's biographical data directly through the passenger information system prior to their arrival in or departure from the United States. At times, the records may incorrectly indicate that an individual is still in the country after the person has already departed, or that the individual has left the country when that person is still physically present. Incorrect departure status can occur when commercial carriers incorrectly list all individuals on board. In 2014 CBP acknowledged concerns with airline data and estimated the accuracy of matching commercial carrier airline data in the passenger information system was only 94 percent. CBP claims that the passenger system accuracy rate has improved since that time.

- B. What do you think DHS should do to better track in-country visa overstays?

**Answer:** We made four recommendations to address shortcomings in the current visa tracking process and to expedite implementation of the biometric solution:

- We recommend the DHS CIO continue to work with components to further eliminate duplication, improve information sharing, and properly align system access, especially for system modernization efforts, across DHS according to visa tracking mission requirements.
- We recommend that the ICE CIO assess and address the visa IT training needs of ICE users, including coordinating with system owners in other components to ensure that ICE users have the opportunity to receive official, hands-on training on these components' visa IT systems as well.
- We recommend that the ICE CIO compile an up-to-date inventory of all IT systems across the Department that ICE agents and officers can use for visa tracking and provide documented guidance on potential uses of each system to accomplish the various visa overstay tracking responsibilities.
- We recommend the DHS CIO continue to assess current plans to expedite development and implementation of a biometric exit system and ensure continued progress through dedicated reviews, acquisition oversight, and corrective action plans, as appropriate.

C. Are you planning to conduct a follow-up audit to check on DHS' progress in response to your recommendations?

**Answer:** As part of our standard audit process we receive an update from the Department every 90 days on the progress made in completing actions to address our recommendations.

D. Do you plan on conducting an audit in the near future that will examine the internal and operational impediments to implementing biometric exit at land ports of entry?

**Answer:** We are planning to conduct a new audit in FY 2018 focused specifically on Customs and Border Protection's biometric exit system pilot efforts. As part of this audit, we will determine whether data collected through recent facial recognition pilot efforts has resulted in more reliable departure matching. We will also review existing internal and operational impediments to implementing a biometric exit system at land ports of entry.