

April 23, 2002

MEMORANDUM FOR JAMES W. ZIGLAR
COMMISSIONER
IMMIGRATION AND NATURALIZATION SERVICE

FROM: GLENN A. FINE
INSPECTOR GENERAL

SUBJECT: Follow-up Report on INS Efforts to Improve the Control of Nonimmigrant Overstays, Report Number I-2002-006

The Office of the Inspector General (OIG) has completed a follow-up review of the Immigration and Naturalization Service's (INS) efforts to improve the control of nonimmigrant overstays. Our follow-up review focused on the security concerns identified in the OIG's 1997 report, "Inspection of Immigration and Naturalization Service Monitoring of Nonimmigrant Overstays" (I-97-08).

In this follow-up review, we concluded that the INS has made little progress in addressing the important issue of nonimmigrant overstays since we issued our 1997 report. The terrorist attacks of September 11, 2001, focused renewed attention on the importance of knowing when nonimmigrant visitors enter and depart the United States. It is critical for the INS to be able to identify individual overstays, collect aggregate information on overstays, and develop an effective interior enforcement strategy for pursuing overstays who are identified as representing the greatest potential risk to the security of the United States.

Our original report focused on the weaknesses of the NIIS system that was, and still is, the INS's principal means of identifying overstays. At the time of our original report, the INS expected that its Automated I-94 System would provide the necessary arrival and departure information to identify overstays and help in the development of an effective enforcement strategy to address the problem. However, we understand that the INS has terminated the Automated

I-94 System because it concluded that the system would not be able to identify overstays or meet the requirements of the USA Patriot Act, which mandates development of an integrated entry-exit control system.

As a result, the findings from our 1997 report still apply today. The INS does not have a reliable system to track overstays, does not have a specific overstay enforcement program, and cannot perform its responsibilities under the Visa Waiver Program to provide accurate data on overstays.

It is clear that the key to the timely identification of overstays is an integrated entry-exit control system. The INS and other federal agencies are now working together in a task force to develop such a system, with provisions for biometric identifiers and machine-readable documents. However, completion of the entire entry-exit system will take years.

In the interim, we believe the INS should consider taking steps to help address the issue of nonimmigrant overstays, such as implementing the recommendations from our 1997 report regarding the improvement of collection of departure records by working with airlines to promote carrier compliance, monitoring carrier compliance, and fining non-compliant airlines.

We recognize that these steps are limited and will not address the need for a reliable entry-exit system. The success of the INS in developing such a system is essential to addressing the overstay issue. Because of its importance, the OIG intends to continue to monitor and evaluate the INS's progress in developing this critical system.

We provided INS Headquarters officials with a draft of this report and received some comments, which we incorporated where appropriate.

If you have any questions about this report, please contact me or Paul A. Price, Assistant Inspector General for Evaluation and Inspections, on (202) 616-4600.

Attachment

cc: Kathleen Stanley
Liaison
Immigration and Naturalization Service

Vickie L. Sloan
Director
Audit Liaison Office