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Opening Statement

Rep. John F. Tierney, Ranking Member

**Subcommittee on National Security
Committee on Oversight and Government Reform**

Hearing on "Border Security Oversight, Part III: Border Crossing Cards and B1/B2 Visas"

November 14, 2013

Thank you, Chairman Chaffetz, and thank you to all of our witnesses here today.

Today's hearing is the third in a series of Subcommittee hearings focused on our nation's immigration system. I thank the Chairman for his commitment to this topic as our country continues to debate the need for serious reform to our nation's immigration laws, and I similarly hope the Chairman would encourage his leadership to undertake serious consideration of reform if not this year, then early next year.

Our focus today is on the Border Crossing Cards and B-1 and B-2 visas, more commonly known as business and tourist visas. These visas allow tourists and business visitors from around the world to enter the U.S. for legitimate purposes, such as seeking medical treatment. Border Crossing Cards allow certain Mexican nationals to enter the U.S. temporarily if they stay within a certain distance of the border, which helps support border communities.

However, as with other types of visas, these programs can be abused. Border Crossing Cards can be used fraudulently to allow unauthorized persons to enter the U.S. Tourists can overstay their period of admission. As we all now know, four of the 9/11 hijackers entered the U.S. and overstayed their visas. In May this year, we learned that one person arrested after the Boston Marathon bombings had been able to return to the U.S. on an expired visa. It is imperative that the Departments and the interagency continue to improve their collective efforts to protect our country against public safety and national security threats.

Today's hearing seems to be focused on a broader topic: the challenges with identifying and taking action against *all* visa overstays. As we consider this topic, it is important to first seek to understand the nature and scope of the problem and avoid the rhetoric that often substitutes for serious discussion.

First, contrary to some rhetoric, visa overstays appear to be a shrinking problem. According to Robert Warren, a prominent demographer and the former Director of Statistics at the Immigration and Naturalization Service for nearly a decade, and John Robert Warren, a Professor at the University of Minnesota, the number of annual nonimmigrant visa overstays in the U.S. has dropped 73% over nearly a decade! The chart [**SLIDE #1**] plainly shows that visa overstays, while still an ongoing challenge for enforcement, is a shrinking problem. The study is important not only for its result, but because its authors developed the methodology for estimating overstays that is widely accepted and used by other entities such as the Pew Hispanic Center.

Second, identifying visa overstays seems to be largely a data collection problem. We are talking about a problem of record collecting and recordkeeping, essentially matching records of people who enter with records of people who leave.

As far back as 2003, the Government Accountability Office has reported that the Department lacked an accurate list of visa overstays. The Government Accountability Office has reported that the data on overstays has inherent limitations due to the challenges of collecting departure information, particularly at U.S. land ports of entry. The reason? Our border control systems are simply not geared towards the “exit” side as much as they are towards the “entry” side. I look forward to learning more about how the entry-exit system can be improved in light of these challenges.

Nonetheless, in April 2011, GAO reported that the Department of Homeland Security’s Arrival and Departure Information System contained 1.6 million unmatched records. While the Department reviewed and resolved 863,000 records, it prioritized just over 1,900 cases based on public safety or national security concerns. In 266 cases, the individuals just could not be located. This may be a small figure relative to the number of border crossings and potential overstays, but it is important nonetheless, and shows the importance of pre-screening and vetting.

This is not a problem that will be solved by more guards, guns, and gates, as we so often hear in the context of border security. The solution will require sound strategy, interagency coordination, and proper oversight, which is the role of this Subcommittee. The Department appears to have taken some steps to improve the entry-exit system, and the Senate-passed comprehensive immigration reform bill would require the Department to take additional steps, including stepped up enforcement. It is a shame that Speaker Boehner has so far refused to take up consideration of this and other measures.

Thank you, Mr. Chairman.