**Statement of Subcommittee Chairwoman Martha McSally (R-AZ)**
**Border and Maritime Security Subcommittee**

*"Visa Overstays: A Gap in the Nation's Border Security"*

May 23, 2017

Remarks as Prepared

Conversations about the best way to secure the Southern land border have been the principal focus of the media, Congress, and the Administration for the last few months. Today, I want to transition to an equally important, but often overlooked, aspect of our border and national security: visa overstays.

Yesterday, DHS released the official fiscal year 2016 overstay numbers and this year they expanded the number of visa overstay categories to include students and other non-immigrant visa holders. I want to commend DHS for producing a more accurate picture of the challenge, but the numbers are stark.

CBP calculated that we had nearly 740,000 people overstay their visa at some point in Fiscal Year 2016. Even using CBP's more generous numbers that account for some of those overstays who eventually leave, albeit late, we had almost 630,000 overstays still in the country at the end of the last Fiscal Year.

Over time, as more and more overstays leave that number gets smaller, and by January of this year we still had 544,000 overstays from FY16 suspected of being in the country—still an incredibly large number.

To put that number into context we only apprehended 310,000 unique individuals crossing the land border illegally last year.  Meaning we had almost twice as many overstays as people apprehended at the land border.

It's probably time to jettison the conventional wisdom that visa overstays make up about 40% of the illicit flow. With this year's number of apprehensions at record lows, visa overstays are a much, much bigger problem than it has been historically.

So, why does closing this gap in our border security defenses matter?

There are unidentified national security and public safety risks in a population that large, and visa overstays have historically been the primary means for terrorist entry into the United States.

Time and time again, terrorists have exploited the visa system by legally entering America. The 9/11 Commission put it this way: "For terrorists, travel documents are as important as weapons." The Commission's focus on travel documents was not surprising. Since the 1993 World Trade Center bombing, terrorists have abused the hospitality of the American people to conduct attacks here at home.

Mahmud Abouhalima, an Egyptian convicted of the 1993 World Trade Center bombing, worked illegally in the US as a cab driver after his tourist visa had expired.

At least four of the 9/11 hijackers overstayed their visas, or were out of status—a missed opportunity to disrupt the attacks that killed nearly 3,000 of our fellow Americans.

And among the most important weaknesses the attackers exploited was the porous "outer ring of border security." The hijackers passed through U.S. border security a combined total of 68 times without arousing suspicion.

More recently, Amine el-Khalifi attempted to conduct a suicide attack on the U.S. Capitol in 2012. He had been in the country since 1999 on a tourist visa, but never left.

That is why I wanted to hold this hearing today.

I do not want the threat posed by visa overstays to get drowned out by the challenges we face on the Southern land border.

We can chew gum and walk at the same time.

We have to keep the DHS focused on both problem sets—illicit traffic that crosses the land border and the growing problem of visa overstays.

In order to tackle this challenge, the Department has to first identify those who overstay their visa in the first place.

A mandate to electronically track entries and exits from the country has been in place for more than 20 years, and a mandate for a biometrically-based entry-exit system has been a requirement for 12 years.

CBP has made, in fits and starts, only marginal progress when it comes to biometric exit. There have been a series of exit pilot projects at the nation's air, land and sea ports over the last 10 years, but no plan to ever implement a biometric exit capability was seriously considered by CBP and the Department.

Recent Executive Orders make it clear that finally finishing the exit system is a priority for this Administration.

Building on previous testing and pilots, CBP will engage in a series of operational demonstrations with a planned roll-out of a facial recognition exit system at some of the nation's largest airports.

The previous Administration committed to a 2018 roll out of a fully operational biometric exit system at the nation's highest volume airports—I look forward to hearing about the plans for exit beyond the operational demonstrations.

Putting a biometric exit system in place is, as the 9/11 Commission noted, "an essential investment in our national security," because without a viable biometric exit system, visa holders can overstay their visa, and disappear into the United States; just as four of the 9/11 hijackers were able to do.

In the current high-risk threat environment, it is imperative that we place greater emphasis on the visa process as a counterterrorism tool.

And once we identify overstays, especially those who present national security and public safety threats, we must dedicate the resources necessary to promptly remove those in the country illegally—otherwise we put our citizens at risk unnecessarily.

The recent report by DHS's Office of Inspector General cast significant doubt on ICE's ability to do just that. Multiple IT systems, stovepipes, and lack of training have appeared to hamper the work of our agents.

According to the IG, we have a backlog of 1.2 million visa overstay cases and we have wasted manpower chasing leads that have either already left the country, or have changed their immigration status.

In one instance an ICE agent spent 50 hours tracking down a lead that turned out not to be an overstay, or we are closing cases thinking that a public safety threat has left, but in reality they are still here.

We have to do better.

Adding a reliable exit system will be an immediate force multiplier that allows national security professionals to focus their efforts on preventing terrorist attacks, and only spending time tracking down people who are still in the country.

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