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# Border initiatives miss huge group The Boston Globe

## Millions overstay; security risk seen

By Rick Klein, Globe Staff | May 20, 2006

WASHINGTON -- The crackdowns on illegal immigration proposed by President Bush and Congress would do virtually nothing to stop the millions of immigrants who come to the country on legal visas but do not return home, a group some specialists contend poses a greater threat to national security than border-jumpers.

Government estimates suggest that foreign visitors who have overstayed their visas account for roughly 40 percent of the estimated 12 million undocumented immigrants now in the United States. Immigration analysts say visa violators represent a greater portion of undocumented immigrants in the Boston area, with its huge student population and large concentration of European immigrants.

The plans outlined by President Bush and Congress focus heavily on sealing the Mexican border -- by deploying National Guard troops, building fences, and using new technologies.

But no amount of border enforcement will have an impact on "visa overstays," because they don't cross the border illegally in the first place, said Deborah Meyers, a senior analyst at the Migration Policy Institute, a Washington think tank.

"The overstay component has been overlooked," Meyers said. "It's very important to make sure you're actually trying to solve the whole problem, not just the most visible parts of the problem. . . . From a security perspective, in some ways the overstay population is a bigger threat."

A potential terrorist who can obtain a valid visa is more likely to enter the United States legally than to risk apprehension by trying to sneak across the border with Mexico, Meyers said. Two of the 19 Sept. 11 hijackers were in the United States on expired visas. At least six others had otherwise violated immigration laws but were nonetheless able to stay in the United States, according to the 9/11 Commission report.

To obtain a visa to enter the United States, applicants must go to the US embassy or consulate in their native country. Visas are given for a variety of reasons -- travel, study, business, for example -- and for varying lengths of time.

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To critics of the border crackdowns embraced by the House and the president, the fact that the plans essentially overlook 40 percent of the problem suggests that political pressure, not national security concerns, is driving the push to seal the borders.

"These proposals were put forth because of politics, pure and simple," said Representative William D. Delahunt, a Quincy Democrat who serves on the House Judiciary Committee. "It reflects to me a lack of understanding of what the problem is."

Of the \$1.95 billion border security request Bush filed last week, only \$30 million will go toward tracking down and monitoring those who overstay legally obtained visas, said Michael P. Jackson, deputy secretary of Homeland Security. Administration officials say proposed tamper-proof identification cards will also crack down on those who stay in the country with expired visas by making it harder for them to get work.[Continued...](#)

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Jackson said "interior enforcement," going after immigration violators who are now in the nation illegally, is important, but the administration considers it a lesser priority than sealing the border.

"The predominant focus of this emergency supplemental request is on the border," he said.

But immigration specialists and independent observers have long identified significant shortcomings in the government's efforts to find and prosecute those who have stayed in the country on expired visas.

A September report by the Department of Homeland Security's inspector general found "deficiencies" in resources and bureaucracy that "result in a minimal impact in reducing the number of overstays in the United States." The agency had only 51 full-time agents assigned to track down the more than 4 million people who overstayed visas and were in the country in 2004, the report said.

Immigration specialists say that a comprehensive crackdown on those who overstay visas would require thousands of additional investigators, as well as an enhanced system to track every visitor who enters and leaves the country.

The report also found that, of the 301,046 leads the Immigration and Customs Enforcement agency received in a one-year period on possible visa violations, fewer than half were investigated. Only 4,164 were referred to field agents to pursue, and 671 apprehensions were made.

"We're nowhere near where we need to be," said John Keeley, a spokesman for the Center for Immigration Studies in Washington. "I don't know that a policy of crossing your fingers and holding your breath is wise in a post-9/11 world."

The paths to legalization embraced by Bush and in the Senate bill could persuade many visa overstays to make themselves known to authorities, so they have a chance at obtaining citizenship. But as some conservative lawmakers have pointed out, another aspect of their plans -- "guest worker" permits for those who now live in other countries -- could eventually increase the number of visa overstays, because it allows more foreigners to come to the United States legally.

The terrorist attacks of Sept. 11, 2001, focused political attention on visa overstays and spurred Congress to beef up efforts to track them. Since Sept. 11, the State Department has conducted more rigorous background checks on those who are seeking visas, and immigration enforcement officers check to make sure that those in the United States on student visas are actually pursuing education at a certified institution.

In addition, since 2004, most visitors to the United States have been photographed and fingerprinted upon entry, through the US-VISIT program. The data allow agents to track them down if authorities receive information that suggests they are security threats.

"It's not a silver bullet, but it's at least helpful to have people check in," said Michael Keegan, a spokesman for Immigration and Customs Enforcement.

But officials acknowledge that US-VISIT has serious limitations. It tracks everyone entering the country, but it is a pilot program, tracking only those leaving through 12 airports and two seaports. Expanding that program nationwide is several years off. That means that government officials have nowhere near a complete picture of the visitors who have overstayed their visas, since they don't know for certain who has left, said Janice L. Kephart, a former counsel to the 9/11 Commission.

"They can stay as long as they want, since there is no follow-up," said Kephart, who is now a private security consultant.

Kimberly Weissman, spokeswoman for the US-VISIT program, said the effectiveness of exit tracking is being evaluated. Homeland Security officials hope to have an integrated and comprehensive tracking system for all visitor entries and exits "within the next few years," Weissman said.

Meyers, of the Migration Policy Institute, argues that the government has been lax on enforcing visa overstays because there is no political clamor for it. The vast investments in technology and workers that would be needed to stem the tide of visa violators are not as reassuring as the image of a giant fence and National Guard troops patrolling the border.

Representative Dan Lungren, a California Republican who has been critical of the lack of enforcement against visa overstays, said lawmakers should be just as concerned about those who overstay their visas as they are about border crossers.

He said solutions like border fencing and using the National Guard are a "down payment" to convince Americans that Congress is serious about cracking down. He said he and other House Republicans will work to make sure that visa violators are also dealt with as part of any comprehensive immigration measure.

"We've got to go back to that issue," Lungren said. "We need to be doing more interior enforcement. . . . It is as worrisome as the border issue."

Rick Klein can be reached at [rklein@globe.com](mailto:rklein@globe.com). ■

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