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Checking Out! A Proposal for Land Border Exit Checks to Improve Visa Management

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The United States Visitor and Immigration Status Indicator Technology (US-VISIT) program was established by the Department of Homeland Security (DHS) to record foreign visitors and workers leaving the country. Intended to track a person's immigration and visa status and alert authorities to expired visas, US-VISIT has yet to be fully implemented. DHS has found it particularly difficult to determine how to put the system in place at U.S. land borders with points of exit scattered over thousands of miles where hundreds of millions enter every year.

Establishing a system of voluntary land border exit checks for selected temporary worker programs could be an important first step in implementing an effective and cost-efficient program. It also could serve as an invaluable management tool for ensuring these types of visas are not abused.

On the Border. Congressional requirements for better means to monitor visa programs and reduce "overstays" (individuals who remain in the country unlawfully after the terms of their visas have expired) are not new. Congress first demanded entry-exit checks in law in 1996, and for good reason. By some estimates, overstays account for 40 percent or more of the unlawfully present population. It was not, however, until after 9/11 and creation of DHS that this mandate was taken seriously.

Yet, six years after 9/11, the system is not fully implemented. DHS has found putting a system in place at the land border especially problematic. Part

of the problem is the potential cost of slowing traffic at busy border crossings even further. In 2007, for example, a report by the San Diego Association of Governments found that delays cost \$5.1 billion in lost output and 51,500 lost jobs in that year alone. DHS has also encountered a myriad of other infrastructure and technical issues.

Value of Exit. Despite the challenges and costs involved in implementing exit on the land border, it is a system still worth doing—but not because it will be particularly helpful in tracking specific individuals (such as suspected terrorists). With hundreds of millions of potential transactions every year, even a small error rate will mean tens of thousands of false reports.

Additionally, even indicating that an individual may have remained unlawfully in the United States is not very useful information for law enforcement in and of itself. That individual would be just one of the 12 million–15 million foreigners unlawfully here or might have just exited the border in a location other than an exit transit point.

On the other hand, the overall numbers (even accounting for an acceptable error rate) would be very useful to DHS for auditing compliance with

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U.S. visa programs, particularly for identifying which categories of visas and what countries may be guilty of excessive overstay rates.

A Proposal. One option may be for DHS to establish voluntary checkout stations or processes for certain visa categories. These might not have to be at the border points of exit. Voluntary stations could be established in a manner to minimize concerns about congestion and requirements for extensive infrastructure. Processes for exit could be established to provide incentives for maximum compliance. These would include:

- **Incentives for employers.** Require employers of workers holding temporary visas to post bonds, returnable when the worker checked out. Employers would encourage workers to check out both to get back their bond and to ensure that the worker could return the following year.
- **Incentives for temporary workers.** Workers who did not check out would be barred from partici-

pating in future worker programs. Those that did comply would be automatically eligible to participate in future worker programs (absent other disqualifying factors such as contagious diseases or criminal convictions).

- **Incentives for countries.** Countries whose citizens participated in the visa programs and who exceeded a 2 percent overstay rate would find their citizens barred from participating in these visa programs.

Putting Exit Checks in Place. Congress and the Administration should work together to reform existing visa programs and create pilot temporary worker programs employing a voluntary land-border exit component.

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