THE MEDIA: Speech

WHO SAID IT: Jeb Bush

TITLE: Former governor of Florida

PARTY: Republican

THE RACE: President of the United States

THE COMMENT: "Forty percent of the people who come here that are here illegally today came on a legal visa."

THE FORUM: Aug. 24 speech in McAllen, Texas.

WHAT WE'RE LOOKING AT: Whether 40 percent of undocumented immigrants entered the country legally but are overstaying visas.

ANALYSIS: Studies of the portion of undocumented immigrants who arrived legally are scarce.

The Congressional Research Service, which provides Congress with data to help with drafting legislation, published a report by an immigration policy expert in January that called for government to better research and report on the number of people overstaying visas.

The U.S. Government Accountability Office expressed similar sentiments in a July 2013 report to Congress, in which the office wrote, "Federal law requires (Department of Homeland Security) to report overstay estimates, but DHS or its predecessor has not regularly done so since 1994."

An earlier GAO report, published in 2004, said the portion of visa overstays could be 27, 31 or 57 percent, depending on the methodology used.

The 40 percent figure, which has been widely referenced by politicians and the media, comes from a 2006 fact sheet by the nonpartisan Pew Research Center. The fact sheet broadly states that the portion of undocumented immigrants who arrived legally ranged from 33 to 50 percent but settles on 40 to 45 percent, or about 4 to 5.5 million.

The Bush campaign didn't respond to a request for comment.

The estimate is based on 1997 findings by demographer Robert Warren from the now-obsolete U.S. Immigration and Naturalization Services, which Pew applied to the 2006 estimate of undocumented immigrants.

"There's not really good data on visa overstays and there wasn't at the time (of the 2006 report) either," said Jeff Passel, a senior demographer at Pew. "DHS has still not been able to come up with data for overstay rates, so there's no good way to update this."

He said the government has difficulty collecting overstay information because people leaving the U.S. aren't required to check with immigration officials.

"When you come into the country you … have to see an Immigration officer; when you leave the country you don't," Passel said.

Experts on immigration, however, said the 40 percent estimate still rings true, despite the report's age.

"If anything the number might be a little higher now for visa overstays," Passel said. "It's still probably between 40 and 50 percent."
John Skrentny, co-director of University of California San Diego's Center for Comparative Immigration Studies, said based on his research of immigration history, the 40 percent statistic likely remains accurate. "I don't think the incentives and the dynamics of immigration have changed that much," he said.

Skrentny said calculating visa overstays would be greatly facilitated by processing people as they leave the U.S., not just when they enter. "Most countries know the exact number of visa overstayers in their country at a particular time and we don't," he said.

Lisa Magaña, who specializes in immigration public policy at ASU's School of Transborder Studies, said the public hasn't demanded new data on visa overstaying until recently. "(Visa overstaying) is not as sexy as people coming across the desert. It's much more difficult and much more nuanced and doesn't create as good of sound bites," Magaña said.

Edward Alden, a senior fellow who specializes in visa and immigration policy at the independent, nonpartisan Council on Foreign Relations, said it's possible the 40 percent figure holds true, though the lack of government data means it's difficult to confirm. He pointed to a 2013 report, also by Warren, which found that from 2000 to 2009 visa overstays dropped 73 percent. Illegal entries also dropped, though not quite to the extent of overstays.

Alden contested the idea that DHS isn't doing enough to gather data about visa overstays, saying the department is taking steps to measure this population by comparing raw exit data from airlines to entry information. The department simply hasn't reported their results, he said.

"They're letting the perfect be the enemy of the good," Alden said. "They don't have the information yet to report with 100 percent accuracy on every overstayer and because they can't do that, they've been reluctant to make the information public."

**BOTTOM LINE:** Bush's statement that 40 percent of all undocumented immigrants living in the U.S. are overstaying their visas is based on the most recent data, which is nearly a decade old.

There is general expert agreement on the continuing reliability of Pew's 2006 research, and that the ability of the various groups to update this information is limited by what some called slow action on the part of the government to publish this information.

**THE FINDING:** Three stars: Mostly true