



BEYOND THE NUMBERS: VISA OVERSTAYS OF ASIAN NATIONALS

Introduction

A visa holder who was lawfully admitted to the United States (e.g., an international student on an F-1 visa) but remains beyond the authorized period of admission, with no extension to their period of stay or adjustment to another immigration status, is considered as overstaying.¹ Overstayers are estimated to account for 40% of the immigrants in the United States without lawful immigration status.² This report examines overstayers from Asian countries and explores the challenges they face.

According to the U.S. Customs and Border Protection (CBP), there are two types of overstayers: 1) suspected in-country overstayers, for whom no departure was recorded, and 2) out-of-country overstayers, for whom have departed but departure was recorded after their authorized period of admission expired.³ This report focuses on suspected in-country overstayers—those who remain in the U.S. in violation of immigration laws and are

therefore subject to potential enforcement actions.

Data Analysis

Data analysis focused on nationals from countries in East, South, Southeast, and Central Asia (see Appendix A) who entered by air and sea. Visitors from Canada and Mexico are excluded from the analysis as the majority of this group of visitors entered by land, and the air and sea entry data only represents a small portion of the total travel population from these countries.

CBP's Entry/Exit Overstay Report recorded a total of 565,155 overstay events during Fiscal Year 2023 (October 1, 2022 - September 30, 2023), of which 510,363 are suspected in-country overstays.⁴ The in-country overstay rate, which is calculated as the total number of in-country overstays divided by the total number of expected departures (39,005,712), is 1.31%.ⁱ

An Overstayer's Journey

Maribelⁱⁱ grew up in the Philippines, graduated with her bachelors degree, and worked as a resident assistant for older adults. In her 30s, she came to the United States on a tourist (B-2) visa to visit family. Faced with limited job opportunities in the Philippines, she made the difficult decision to overstay. She found a full-time job as a home caregiver, where she worked in a very demanding position for many years, bathing her clients, providing toileting assistance, cleaning homes, and assisting with personal care, all to make a living and send money back home to support her family.

Maribel is one of the over 400,000 Filipino Americans employed in service occupations.⁵ The service sector employs approximately 20% of Filipino workers.⁵ Women, workers of color, and immigrants make up a disproportionate share of the 2.3 million home health care workforce.^{7,8} Increasing demand is projected to create millions of home care worker job openings over the next decade.⁹ Overstayers like Maribel, help to fill the critical gap in the caregiving labor market.

ⁱ Overstays are measured by the count of occurrences. If a visa holder enters the United States three times within a fiscal year, departs on time twice, and overstays once, this would be recorded as three expected departures and one overstay. In this case, the overstay rate is 33%, calculated as one (overstay) divided by three (expected departures).

ⁱⁱ To protect privacy and safeguard confidentiality, the story synthesizes the experiences of multiple individuals. No individual can be identified based on the information provided.

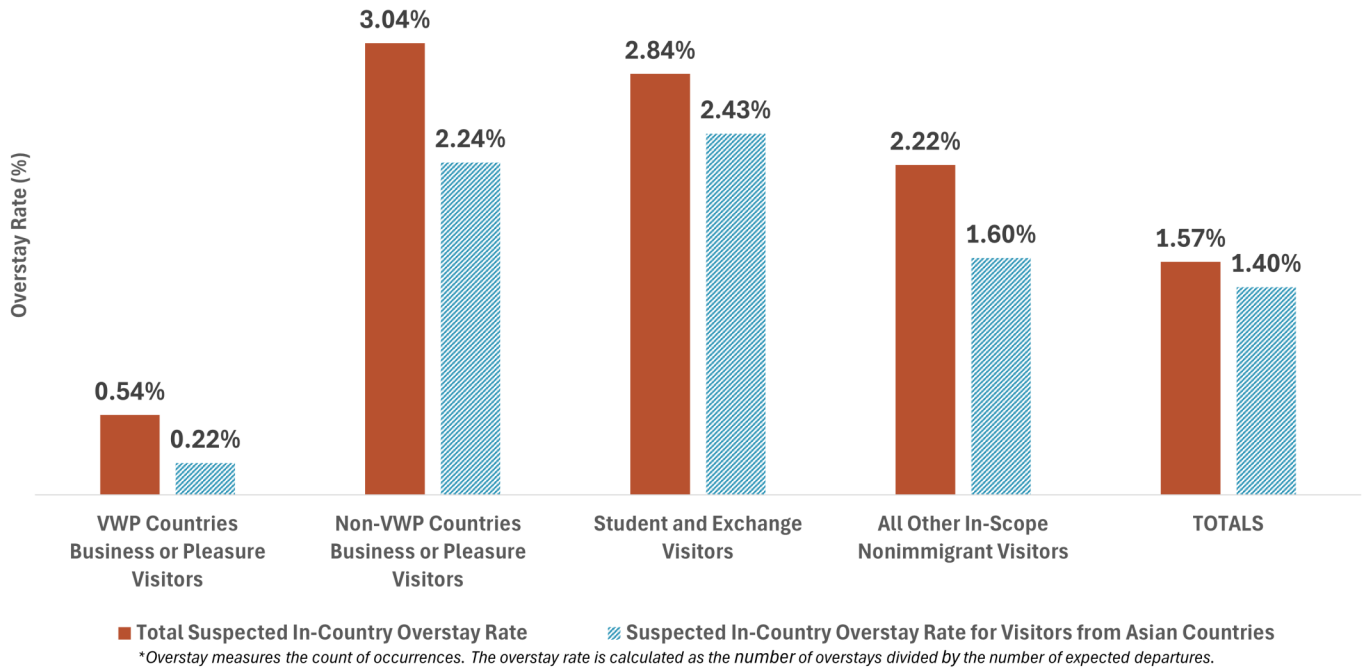


Figure 1. Total Suspected In-Country Overstay Rate* v. Suspected In-Country Overstay Rate for Visitors from Asian Countries, FY 2023

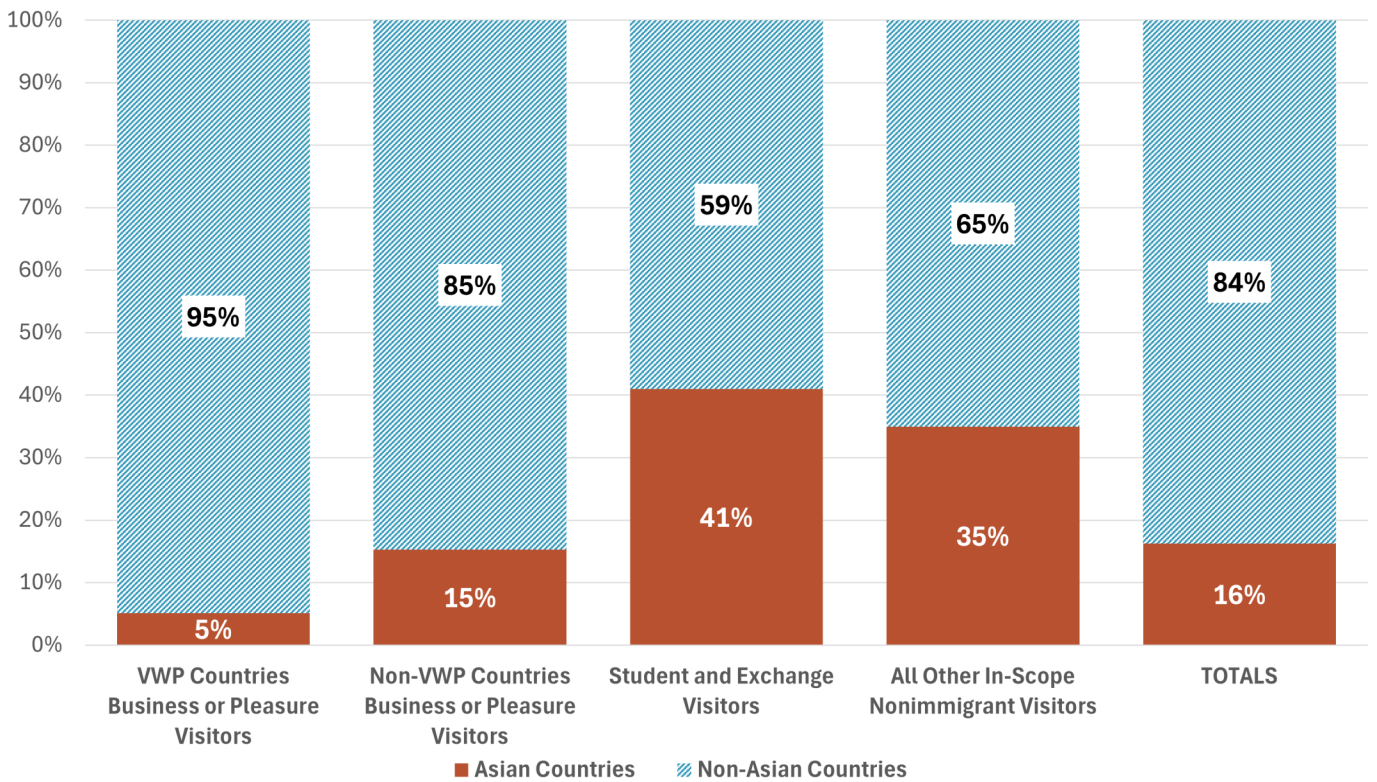


Figure 2. Suspected In-Country Overstays* by Percentage of Total Count for Visitors from Asian Countries v. Non-Asian Countries, FY 2023

Challenges for F-1 Visa Holders

After graduating from a U.S. university as a student on an F-1 visa, Kimⁱⁱ sought to extend his lawful stay as his Optional Practical Training period was about to expire. He enrolled in a school certified by the Student and Exchange Visitor Program to maintain his visa status, only to later discover that the institution was fraudulent and existed primarily to help international students enter and remain in the United States. Fearing the loss of his visa and potential enforcement consequences, Kim remained silent. His experience illustrates how F-1 visa overstays can result from systemic gaps that leave international students with few options to maintain lawful status. The case also highlights the need for stronger oversight of schools and clearer guidance to help students recognize and avoid fraudulent programs.

Results

Figure 1 shows that in-country overstay rates vary across admission categories and countries. The suspected in-country overstay rates of visitors from Asian countries are lower than rates of visitors from all countries across all admission categories, indicating that Asian visitors are less likely to overstay than overall visitors.

Figure 2 shows that overstays by Asian nationals contribute to approximately 16% of the total suspected in-country overstays. A closer look at individual admission categories reveals that visitors from Asian countries contribute to a large portion of suspected in-country overstays among both student and exchange visitors (41%) and other in-scope nonimmigrant visitors (35%). This large proportion of overstayers from Asian countries face considerable risk of immigration enforcement.

Student and Exchange Visitors

Figure 1 indicates student and exchange visitors from Asian countries (2.43%) are slightly less likely to overstay than those visitors from all countries (2.84%). Yet in Figure 2, Asian visitors account for about 41% of all suspected in-country overstays in this visa category. Of the top 10 countries with highest counts of student and exchange overstays, three Asian countries (India (5,818), China (3,012), and the Philippines (1,023)) make up 26% of all suspected in-

country overstays. Despite student and exchange visitors from Asian countries being less likely to overstay, they account for a substantial share of the total number of overstays in this category because Asian countries are a major source of international students. In FY 2023, the U.S. Department of Homeland Security (DHS) reported a total of 2,243,560 admissions of student and exchange visitors, 47% of whom are from Asian countries.¹⁰

All Other In-Scope Non-immigrant Visitors

Data on all other in-scope non-immigrant visitors reveal a similar pattern. The overstay rate of Asian nationals is relatively low compared to visitors from all countries (1.60% vs 2.22%), yet they account for a substantial share (35%) of the total number of suspected other in-scope overstays. Among the top 10 countries with the highest numbers of all other in-scope non-immigrant visitor overstays, two are Asian countries: India (2,830) and the Philippines (1,834), which make up a combined 28% of all suspected in-country overstays. Despite visitors from Asian countries in this category being overall less likely to overstay, they make up a large portion of overstays in total. Similar to student and exchange visitors, this is likely to be the result of a high volume of visas issued to Asian countries in these categories. In FY 2023, about 25% of admissions of other in-scope non-immigrant visitors were from Asian countries.¹¹



Overstayers as Victims of Human Trafficking

Not all overstayers intentionally remain beyond their authorized period of stay. In 2019, the U.S. Department of Homeland Security issued a notice to ban Filipino workers from entering the United States on H2B and H2A work visas, and expressed concerns that H2B visas had been used as pathways for human trafficking.¹² Their review of certain T-1 and T-2 recipients (victims of severe human trafficking and their spouses) indicated that approximately 60 percent of them had been trafficked to the United States on H2B visas. These findings suggest overstaying can occur against visa holders' will, and in the case of human trafficking, overstayers are victims rather than beneficiaries of such misconduct. The Philippines was subsequently redesignated to the H2B program eligible list in 2021.¹³

Limitations

Overstay data need to be interpreted with caution as reported numbers can be unreliable due to the lack of infrastructure and staffing in collecting exit information.¹⁴ CBP's data do not accurately capture the size of the overstaying population because overstays are measured by events rather than individuals. Although improvements by cross-referencing non-immigrant applications and expanding the collection of data have been made, the system still has limitations in tracking visa holders who do or do not depart via air or change their status.^{15,16}

Implications

The estimated 5 million visitors who overstay their visa face considerable risks of detection and detention by Immigration and Customs Enforcement (ICE).¹⁷ Since overstayers entered the U.S. legally, DHS has detailed personal and biometric records on them, such as name, date of birth, fingerprints and photographs, as well as contact information and addresses. When entry and exit records indicate an overstay, ICE can use these records for identification and tracking. Unlike individuals who cross the border without inspection, the reliable information provided by visa holders during background checks and consular interviews eliminates the identity ambiguity that often complicates enforcement against those without official documentation.

As a result, overstaying violations are easily verifiable, enabling ICE to issue Notices to Appear and

begin removal proceedings. This heightened vulnerability illustrates enforcement risks that overstayers bear, despite their compliance with immigration requirements at entry. Immigrant rights groups, along with voices from the Asian American community, have urged reforms to the U.S. immigration system, calling for more efficient processes that allow unauthorized individuals to adjust their status, and for the expansion of legal avenues for foreign nationals to enter and stay in the United States.^{18,19} For overstayers who have built their lives in the U.S. through school, work, and family, the system should offer more viable solutions, rather than forcing them to live hidden in constant uncertainty, risk and fear.

Overstaying becomes the last resort for many international visitors who are seeking to remain in the U.S. in pursuit of educational, professional, or economic opportunities. As heightened immigration restrictions and enforcement actions during the Trump administration narrow available legal pathways, visitors are left with few options to adjust their status or remain lawfully in the country, despite their long-standing ties and contributions to their local communities and the U.S.

Asian Americans Advancing Justice Southern California (AJSOCAL) is a social justice organization that protects and strengthens the rights and dignity of Asian American and Pacific Islander (AAPI) communities, especially those that are most disadvantaged. AJSOCAL's Demographic Research Project promotes a better understanding of AAPI communities by making data on AAPIs more accessible through research, technical assistance, and training. To learn more about AJSOCAL's research, please visit: <https://ajsocal.org/our-reports-and-research/>

Authors: Yannan (Lukia) Li and Zheng (Zenny) Sun

Contributors: June Lim, Joseph Navales and Steven Zhang

Appendix A: Asian Countries Included in Analysis

Afghanistan	Kazakhstan	Singapore
Bangladesh	Korea	Sri Lanka
Bhutan	Kyrgyzstan	Taiwan
Brunei	Laos	Tajikistan
Burma	Malaysia	Thailand
Cambodia	Maldives	Timor-Leste
China	Mongolia	Turkmenistan
India	Nepal	Uzbekistan
Indonesia	Pakistan	Vietnam
Japan	Philippines	



Appendix B: Key Definitions

Visa Waiver Program (VWP) Country: A country whose citizens or nationals are eligible to travel to the United States for business or pleasure for stays of 90 days or less without obtaining a visa, as long as they meet the requirements of the Visa Waiver Program. Participation in the VWP can be terminated if the country's overstay rate exceeds a certain threshold, such as 3%.

Non-VWP Country: A country whose citizens or nationals must obtain a visa before traveling to the United States for business or pleasure.



Appendix C: Categories of Non-immigrant Classes of Admission

Class of Admission Description	Code	Admission Category
Academic students	F1	Student or exchange visitor visa
Spouses and children of F1	F2	
Vocational students	M1	
Spouses and children of M1	M2	
Exchange visitors	J1	
Spouses and children of J1	J2	
Temporary visitors for pleasure	B2	Business and pleasure visa
Visa Waiver Program – temporary visitors for pleasure	WT	
Temporary visitors for business	B1	
Visa Waiver Program – temporary visitors for business	WB	
Commonwealth of the Northern Mariana Islands-only transitional workers	CW1	All Other In-Scope Nonimmigrant Classes of Admission
Spouses and children of CW1	CW2	
Temporary workers in specialty occupations	H1B	
Chile and Singapore Free Trade Agreement noncitizens	H1B1	
Registered nurses participating in the Nursing Relief for Disadvantaged Areas	H1C	
Agricultural workers	H2A	
Nonagricultural workers	H2B	
Returning H2B workers	H2R	
Trainees	H3	
Spouse and unmarried child(ren) under 21 years of age of H1B, H1B1, H1C, H2A, H2B, H2R, or H3	H4	
Workers with extraordinary ability or achievement	O1	
Workers accompanying and assisting in performance of O1 workers	O2	
Spouses and children of O1 and O2	O3	
Internationally recognized athletes or entertainers	P1	
Artists or entertainers in reciprocal exchange programs	P2	
Artists or entertainers in culturally unique programs	P3	
Spouses and children of P1, P2, or P3	P4	
Workers in international cultural exchange programs	Q1	
Workers in religious occupations	R1	
Spouses and children of R1	R2	
North American Free Trade Agreement professional workers	TN	
Spouses and children of TN	TD	
Intracompany transferees	L122	
Spouses and children of L1	L2	
Treaty traders and their spouses and children	E1	
Treaty investors and their spouses and children	E2	
Treaty investors and their spouses and children Commonwealth of the Northern Mariana Islands-only	E2C	
Australian Free Trade Agreement principals, spouses, and children	E323	
Fiancé(e)s of U.S. citizens	K1	
Children of K1	K2	
Spouses of U.S. citizens, visa pending	K3	
Children of U.S. citizens, visa pending	K4	
Spouses of permanent residents, visa pending	V1	
Children of permanent residents, visa pending	V2	
Dependents of V1 or V2, visa pending	V3	
Attendants, servants, or personal employees of A1 and A2 and their families	A3	
Attendants, servants, or personal employees of diplomats or other representatives	G5	
Attendant, servant, personal employer of North Atlantic Treaty Organization (NATO) NATO-1 through NATO-6 or Immediate Family	NATO-7	

END NOTES

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⁵ U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates, Data Profiles DP03

⁶ U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates, Data Profiles DP03

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¹⁰ Admissions measure the number of arrival events. If an individual enters the country multiple times in one day, those entries are reported as one single admission. For more information, see Yearbook of Immigration Statistics: Table 28. Nonimmigrant Admissions (I-94 Only) by Selected Category of Admission and Region and Country of Citizenship: Fiscal Year 2023. Retrieved from: <https://ohss.dhs.gov/topics/immigration/yearbook/2023/table28>

¹¹ The numbers combine admissions of temporary workers and their families, diplomats and other representatives, and all other classes. For more information, see Yearbook of Immigration Statistics: Table 28. Nonimmigrant Admissions (I-94 Only) by Selected Category of Admission and Region and Country of Citizenship: Fiscal Year 2023. Retrieved from: <https://ohss.dhs.gov/topics/immigration/yearbook/2023/table28>

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