What’s Your Number: The Case Against Social Media Visa Screening

By Jonathan T. Helton

***Resolved:* *The United States federal government should substantially reduce its restrictions on legal immigration to the United States.***

Summary: The Trump administration has called for tougher vetting of immigrants into the U.S., so the Department of Homeland Security instituted a program that required applicants from select nations to disclose their social media information (usernames, email addresses, past phone numbers, etc.). The department now seeks to make that program mandatory for all visa applicants. The Affirmative case is to repeal these programs because they unnecessarily intrude on the privacy of immigrants, slow the process of immigration down, and waste government resources. Claims of terrorism from advocates of the program are overblown. The immigration process has had a stellar track record when it comes to admitting terrorists. These increased requirements are irrelevant and wasteful.

What’s Your Number: The Case Against Social Media Visa Screening 1

What’s Your Number: The Case Against Social Media Visa Screening 3

OBSERVATION 1. INHERENCY: Legal Immigration Restricted by Social Media Screening Requirements 3

FACT 1. Social Media Vetting 3

The federal government has started a huge social media vetting system for immigration 3

FACT 2. Millions Affected. 3

Social media vetting will affect nearly 15 million immigrants per year 3

OBSERVATION 2. We offer the following PLAN to be implemented by Congress and the President 3

OBSERVATION 3. JUSTIFICATIONS 4

JUSTIFICATION 1. Wasted Resources and Higher Risk 4

A. Minimal Terrorist Risk. System was working fine before the new rules. 4

B. Wasted Resources. Miniscule risk means no benefit from the additional requirements, just a waste of money. 4

C. Dangerous Distraction. Most terrorism is committed by U.S. citizens. Social media vetting distracts us from real threats. 4

JUSTIFICATION 2. HUMAN RIGHTS 5

A. Dampens Free Speech. New rules = government censorship and violate human rights. 5

B. Discrimination. Social media vetting leads to discrimination. 5

JUSTIFICATION 3. ECONOMIC DAMAGE 5

A. Burdens Immigrants. Extra paperwork + fear of discrimination = decrease in immigration. 5

B. Substantial economic losses. 6

2A Evidence: Social Media Visa Screening 7

DEFINITIONS & BACKGROUND 7

Purpose of the original rule: Extreme vetting of immigrants 7

Media organizations covered under rule 7

Definition of immigrant visa 7

Definition of non-immigrant visa 7

INHERENCY 8

Background: The first set of immigration social media requirements went into effect May 2017. 8

Social media vetting is expanding to take in 14 million per year. 8

Social media vetting is ramping up 8

A/T “Tourism decline unrelated” – Burdens applicants, which dissuades them from coming to the U.S. 8

A/T “Application process retains speed” – Officers will take more time to evaluate the information or the program isn’t doing anything. 9

SOLVENCY / ADVOCACY 9

Facebook 9

Anil Kalhan “Beyond ridiculous” 9

Organizations supporting plan (May want to print out) 9

JUSTIFICATIONS 10

Additional Justification 4: Retaliation. Other countries will do the same to us 10

JUSTIFICATION 1 – Waste / Distraction 10

No net benefits to extra screening – the risk is so miniscule that you can’t really reduce it any omre 10

DHS pilot programs never showed any real effectiveness to social media screening 10

JUSTIFICATION 2 – HUMAN RIGHTS / DISCRIMINATION 11

Subjective screening leaves the door open for discrimination or silly interpretations of harmless words 11

Chilling effect on speech and violation of privacy 11

Abuse is real and documented 11

Punishes journalists 12

Examples of controversial opinion-holders/speakers denied visas under the new vetting rules 12

Social media information expanding to be used to deport immigrants already here 12

Punishes the innocent – with that much data requested, it’s easy to make an honest mistake 12

JUSTIFICATION 3 – Economic Impact 13

Social media vetting blocks inflow of talented immigrants, harming the US economy 13

New immigration restrictions will hurt US economy 13

Social media vetting will reduce legal immigration 13

DISADVANTAGE RESPONSES 14

A/T – “Terrorist infiltration” – Terrorists aren’t honest. They can just erase their histories and look innocent online. 14

A/T “Terrorist infiltration” – Creates a black market, no problem for terrorists to circumvent 14

A/T “Terrorist infiltration” – They can radicalize after arrival 14

A/T “Terrorist infiltration” – Minimal risk. Our system was improving without these new rules 15

A/T “9/11” – Back then officers weren’t trained correctly, but things have changed 15

A/T “San Bernardino” – Good example of how social media screening FAILS 15

A/T “San Bernardino” – They used private communication, didn’t express radical views on social media 15

Works Cited: Social Media Visa Screening 16

What’s Your Number: The Case Against Social Media Visa Screening

New rules requiring immigrants to divulge their social media information violate civil rights and divert resources away from blocking genuine threats. Please join my partner and me as we affirm that: The United States federal government should substantially reduce its restrictions on legal immigration to the United States.

OBSERVATION 1. INHERENCY: Legal Immigration Restricted by Social Media Screening Requirements

FACT 1. Social Media Vetting

The federal government has started a huge social media vetting system for immigration

Ethan Baron 2019. (journalist) 17 Jan 2019 “ Lawsuit links ramped-up surveillance of foreign and U.S. citizens to Trump’s immigration crackdown” https://www.mercurynews.com/2019/01/17/lawsuit-links-ramped-up-surveillance-of-foreign-and-u-s-citizens-to-trumps-immigration-crackdown/

Foreign citizens are a focus for the government’s surveillance, the lawsuit suggested. The agencies “are investing in technology and systems that enable the programmatic and sustained tracking of U.S. citizens and non-citizens alike,” the suit claimed, adding that the government has increased monitoring of immigrants’ and visa applicants’ social media use in part to conduct the Trump administration’s ‘extreme vetting’ or ‘visa life cycle vetting.’ A 2017 public notice shows ICE, Border Protection and Citizenship and Immigration “retain records in immigrants’ files that include ‘social media handles, aliases, associated identifiable information, and search results,'” according to the suit. “Federal contract notices also reflect that ICE has spent millions of dollars in the past year alone on social media surveillance technologies,” the lawsuit alleged.

FACT 2. Millions Affected.

Social media vetting will affect nearly 15 million immigrants per year

CNN 2018. “US to require would-be immigrants to turn over social media handles” 29 March 2018 ttps://www.cnn.com/2018/03/29/politics/immigrants-social-media-information/index.html

According to [notices](https://s3.amazonaws.com/public-inspection.federalregister.gov/2018-06496.pdf) [submitted](https://s3.amazonaws.com/public-inspection.federalregister.gov/2018-06490.pdf) by the State Department on Thursday, set for formal publication on Friday, the government plans to require nearly all visa applicants to the US to submit five years of social media handles for specific platforms identified by the government -- and with an option to list handles for other platforms not explicitly required. The administration expects the move to affect nearly 15 million would-be immigrants to the United States, according to the documents. That would include applicants for legal permanent residency. There are exemptions for diplomatic and official visas, the State Department said.

OBSERVATION 2. We offer the following PLAN to be implemented by Congress and the President

1. The Immigration regulations implemented since May 2017 requiring visa applicants to divulge social media information and 15 years of travel history are canceled.

2. Enforcement through Department of Homeland Security.

3. No funding needed – net reduction in federal spending with less for the government to do.

4. Plan takes effect the day after an Affirmative ballot.

5. All Affirmative speeches may clarify.

OBSERVATION 3. JUSTIFICATIONS

JUSTIFICATION 1. Wasted Resources and Higher Risk

A. Minimal Terrorist Risk. System was working fine before the new rules.

Zack Beauchamp 2018 (Senior Reporter at Vox) 20 April 2018 “Why you should be more scared of your oven than of terrorists sneaking into America” <https://www.vox.com/world/2018/4/20/17253328/terrorism-trump-immigration-study-vetting>

After 9/11, the US conducted a massive overhaul of its visa screening procedures — retraining visa officers, strengthening databases on terrorism suspects, and adding biometric information (like fingerprints) to keep people from simply lying about whether they’d been denied a visa under another name. The result was a massive decline in vetting failure rate; between 2002 and 2016, there were a total 13 people who qualified as vetting failures; a rate of one failure for every 29 million admissions.

B. Wasted Resources. Miniscule risk means no benefit from the additional requirements, just a waste of money.

[David Bier](https://www.cato.org/people/david-bier) 2018 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity; expert on visa reform, border security, and interior enforcement) 17 April 2018 “Extreme Vetting of Immigrants: Estimating Terrorism Vetting Failures” <https://www.cato.org/publications/policy-analysis/extreme-vetting-immigrants-estimating-terrorism-vetting-failures>

“The reality is that no vetting regime will ever catch every bad actor. The goal should be to identify the most dangerous, and the post-9/11 vetting system has proven especially capable of doing so. Because 9/11-style attacks are complex conspiracies, identifying even a single member as a conspirator in the plot would unravel it, making 100 percent accuracy unnecessary. The government has already responded to 9/11 and the visa vetting failures over the last 15 years in targeted ways, addressing the specific shortcoming that those failures revealed. Blindly enacting new requirements without any evidence that these standards are capable of protecting the country will only create unnecessary costs. The United States benefits greatly from immigrants and other foreign travelers, and further restrictions will simply harm Americans without any benefit.”

C. Dangerous Distraction. Most terrorism is committed by U.S. citizens. Social media vetting distracts us from real threats.

David Inserra 2017 (Policy Analyst for Homeland Security and Cyber Security at Heritage Foundation.) 12 April 2017 “The U.S. Should Tread Carefully on Social Media Vetting” <https://www.heritage.org/terrorism/report/the-us-should-tread-carefully-social-media-vetting>

A final unintended consequence of such an action is that it consumes limited counterterrorism and vetting funding. Finding accurate social media information for visitors will either require more funding or take away some resources from existing vetting and counterterrorism operations. Given that since the start of 2015, all 30 Islamists plots and attacks against the U.S. homeland have involved a homegrown terrorist, the U.S. must not shift resources away from countering such threats in order to start broad social media vetting efforts.

JUSTIFICATION 2. HUMAN RIGHTS

A. Dampens Free Speech. New rules = government censorship and violate human rights.

Harsha Panduranga, Faiza Patel, and Michael W. Price 2017 “EXTREME VETTING & THE MUSLIM BAN” 2017 (The Brennan Center for Justice at NYU School of Law is a nonpartisan law and policy institute.) (**Harsha Panduranga** is a fellow in the Brennan Center’s Liberty and National Security program; B.A., Phi Beta Kappa, and a J.D., cum laude, from Univ of Michigan. **Faiza Patel** - co-director of the Brennan Center’s Liberty and National Security Program (**Michael W. Price** - Senior Counsel for the Brennan Center’s Liberty and National Security Program.) (brackets and ellipses in original) <https://www.brennancenter.org/sites/default/files/publications/extreme_vetting_full_10.2.pdf>

Beyond interpretative issues, the accumulation and analysis of social media information corrodes the fundamental freedoms of speech and faith, as well as privacy. The State Department claims that it will not use social media information to deny visas “based on...religion [or] political views.” This seems like a rule that begs to be broken. While social media can be used verify identity, it also easily reveals information on political and religious views, as discussed further below. Anyone thinking of coming to the United States will almost certainly either refrain from expressing views on controversial political or religious matters or sanitize their online personas. Such self-censorship should not be the end result of policies pursued by a democracy committed to the values embodied in the First Amendment to the U.S. Constitution and the International Covenant on Civil and Political Rights, which guarantees “the right to freedom of expression,” including the “freedom to seek, receive and impart information and ideas of all kinds.”

B. Discrimination. Social media vetting leads to discrimination.

[Manar Waheed](https://www.aclu.org/bio/manar-waheed) 2018 (Legislative and Advocacy Counsel for the ACLU) 3 January 2018 “New Documents Underscore Problems of ‘Social Media Vetting’ of Immigrants” <https://www.aclu.org/blog/privacy-technology/internet-privacy/new-documents-underscore-problems-social-media-vetting>

“The newly obtained DHS documents highlight concerns that civil rights groups have been [voicing](https://www.aclu.org/blog/national-security/discriminatory-profiling/extreme-vetting-visitors-poses-extreme-threat-our) with [increasing](https://www.aclu.org/letter/aclu-comment-supplemental-questions-visa-applicants) [alarm](https://www.brennancenter.org/analysis/ice-extreme-vetting-initiative-resource-page): The “vetting” program is ripe for discrimination and profiling, lacks safeguards to protect against arbitrary implementation, and is ineffective and wasteful. Additionally, the documents contain no hint of the impact of social media surveillance on U.S. citizens and others living in the United States, including the chilling effect on their free speech and expression.”

JUSTIFICATION 3. ECONOMIC DAMAGE

A. Burdens Immigrants. Extra paperwork + fear of discrimination = decrease in immigration.

Human Rights Watch, letter to the State Department, signed by over 40 organizations 2017 (Human Rights Watch is a non-profit international human rights advocacy group) “Joint letter to State Dept raising concerns over visa applicants data collection” 2 October 2017 <https://www.hrw.org/news/2017/10/11/joint-letter-state-dept-raising-concerns-over-visa-applicants-data-collection#_ftn49>

“Perhaps more significantly, it is unclear how collecting extensive personal and travel histories would be helpful for national security purposes, particularly since many current terrorist threats like ISIS did not even emerge until 2013. Indeed, the questions for even a short visit to the U.S. require more personal information than the standard forms required to get a Top Secret security clearance. In any event, one consequence of this policy is clear: the heavy burdens discussed above will mean less people coming to the U.S., whether because they find visa application requirements prohibitive or too invasive, or fear making application errors that could give rise to false suspicions of fraud.”

B. Substantial economic losses.

[David Bier](https://www.cato.org/people/david-bier) 2018 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity. He is an expert on visa reform, border security, and interior enforcement.) 17 April 2018 “Extreme Vetting of Immigrants: Estimating Terrorism Vetting Failures” <https://www.cato.org/publications/policy-analysis/extreme-vetting-immigrants-estimating-terrorism-vetting-failures>

“The potential losses are substantial. Immigration produces an economic boon to U.S. natives of between $35 billion and $230 billion annually, and tourism adds another almost $200 billion. These figures exclude benefits to the immigrants themselves. According to the National Academy of Science’s 2016 report on the fiscal effects of immigration, immigrants, on average, pay between $92,000 and $173,000 more in taxes than they receive in benefits in net present value over their lifetime. The fiscal and economic gains pay, in part, for infrastructure, health care, and policing that improve-and even save-lives elsewhere.”

2A Evidence: Social Media Visa Screening

DEFINITIONS & BACKGROUND

Purpose of the original rule: Extreme vetting of immigrants

Yeganeh Torbati 2017 (journalist for [Reuters](http://www.reuters.com/)) 1 June 2017 “The Trump administration is rolling out tougher screening for visa applicants — including social media checks”<http://www.businessinsider.com/r-trump-administration-approves-tougher-visa-vetting-including-social-media-checks-2017-5>

The Trump administration has rolled out a new questionnaire for U.S. visa applicants worldwide that asks for social media handles for the last five years and biographical information going back 15 years.

The new questions, part of an effort to tighten vetting of would-be visitors to the United States, was approved on May 23 by the Office of Management and Budget despite criticism from a range of education officials and academic groups during a public comment period.

Media organizations covered under rule

Sewell Chan 2018 (international news editor at The New York Times, degrees from Harvard and Oxford. He is a member of the Council on Foreign Relationd.) 30 March 2018 “14 Million Visitors to U.S. Face Social Media Screening” [https://www.nytimes.com/2018/03/30/world/americas/travelers-visa-social media.html?module=ArrowsNav&contentCollection=Americas&action=keypress&region=FixedLeft&pgtype=article](https://www.nytimes.com/2018/03/30/world/americas/travelers-visa-social%20media.html?module=ArrowsNav&contentCollection=Americas&action=keypress&region=FixedLeft&pgtype=article)

The proposal covers 20 social media platforms. Most of them are based in the United States: Facebook, Flickr, Google+, Instagram, LinkedIn, Myspace, Pinterest, Reddit, Tumblr, Twitter, Vine and YouTube. But several are based overseas: the Chinese sites Douban, QQ, Sina Weibo, Tencent Weibo and Youku; the Russian social network VK; Twoo, which was created in Belgium; and Ask.fm, a question-and-answer platform based in Latvia.

Definition of immigrant visa

Customs and Borden Protection 2017 “What is the difference between an Immigrant Visa vs. Nonimmigrant Visa?” Page updated 3 September 2017 <https://help.cbp.gov/app/answers/detail/a_id/72/~/what-is-the-difference-between-an-immigrant-visa-vs.-nonimmigrant-visa-%3F>

An immigrant visa (IV) is issued to a person wishing to live permanently in the U.S.

Definition of non-immigrant visa

Customs and Borden Protection 2017 “What is the difference between an Immigrant Visa vs. Nonimmigrant Visa?” Page updated 3 September 2017 <https://help.cbp.gov/app/answers/detail/a_id/72/~/what-is-the-difference-between-an-immigrant-visa-vs.-nonimmigrant-visa-%3F>

A nonimmigrant visa (NIV) is issued to a person with permanent residence outside the United States, but wishes to be in the U.S. on a temporary basis for tourism, medical treatment, business, temporary work or study, as examples.

INHERENCY

Background: The first set of immigration social media requirements went into effect May 2017.

Chase Gunter 2018 (staff writer covering civilian agencies, workforce issues, health IT, open data and innovation.) FCW provides federal technology executives with the information, ideas, and strategies necessary to successfully navigate the complex world of federal business. ) 30 March 2018 “State Department wants to ask all visa applicants about their social media activity” (Brackets added) <https://fcw.com/articles/2018/03/30/state-department-wants-social-media-details.aspx>

“In May [2017], the Office of Management and Budget approved State’s [request](https://fcw.com/articles/2017/06/02/visa-social-media-rockwell.aspx) to begin asking about up to 15 years of social media history of applicants deemed to pose a potential risk of terrorism, which the department estimated would affect about 65,000 — or 0.5 percent — of all U.S. visa applicants.

Social media vetting is expanding to take in 14 million per year.

Sewell Chan 2018 (international news editor at The New York Times; degrees from Harvard and Oxford; member of the Council on Foreign Relations.) 30 March 2018 “14 Million Visitors to U.S. Face Social Media Screening” [https://www.nytimes.com/2018/03/30/world/americas/travelers-visa-social media.html?module=ArrowsNav&contentCollection=Americas&action=keypress&region=FixedLeft&pgtype=article](https://www.nytimes.com/2018/03/30/world/americas/travelers-visa-social%20media.html?module=ArrowsNav&contentCollection=Americas&action=keypress&region=FixedLeft&pgtype=article)

Nearly all applicants for a visa to enter the United States — an estimated 14.7 million people a year — will be asked to submit their social media user names for the past five years, under proposed rules that the State Department issued on Friday. Last September, the Trump administration announced that applicants for immigrant visas would be [asked for social media data](https://www.nytimes.com/2017/09/28/us/politics/immigrants-social-media-trump.html), a plan that would affect 710,000 people or so a year. The new proposal would vastly expand that order to cover [some 14 million people](https://s3.amazonaws.com/public-inspection.federalregister.gov/2018-06496.pdf) each year who apply for nonimmigrant visas.

Social media vetting is ramping up

Ethan Baron 2019. (journalist) 17 Jan 2019 “ Lawsuit links ramped-up surveillance of foreign and U.S. citizens to Trump’s immigration crackdown” https://www.mercurynews.com/2019/01/17/lawsuit-links-ramped-up-surveillance-of-foreign-and-u-s-citizens-to-trumps-immigration-crackdown/

The federal government has ramped up its surveillance of the social media feeds of citizens and non-citizens amid an immigration crackdown, and won’t disclose what it’s doing, a new lawsuit claims. Migration of communication onto social media, and the concentration of that communication in a small number of social media platforms, has allowed the federal government to monitor speech and people’s personal associations “to an unprecedented degree,” the lawsuit by the American Civil Liberties Union alleged.

A/T “Tourism decline unrelated” – Burdens applicants, which dissuades them from coming to the U.S.

Human Rights Watch, letter to the State Department, signed by over 40 organizations 2017 (Human Rights Watch is a non-profit international human rights advocacy group) “Joint letter to State Dept raising concerns over visa applicants data collection” 2 October 2017 <https://www.hrw.org/news/2017/10/11/joint-letter-state-dept-raising-concerns-over-visa-applicants-data-collection#_ftn49>

First, the additional disclosures are overly onerous, given that visa applicants under the current system are already required to provide a significant amount of documentation and information. For example, gathering fifteen years’ worth of travel history in addition to what is already required – even assuming it were available and recorded – could require weeks’ worth of time and substantial resources, involve tracking down accommodation and transportation providers, and finding credible people to corroborate trip details. The State Department’s estimate that the “Average Time Per Response” will be 60 minutes per applicant, resulting in a “Total Estimated Burden Time” of 65,000 hours, seems an implausible guess.

A/T “Application process retains speed” – Officers will take more time to evaluate the information or the program isn’t doing anything.

Ana Campoy 2018 (Journalist for Quartz) 31 March 2018 “The U.S. Just Found a New Way to Delay Visa Applications” <https://qz.com/1241916/the-us-just-found-a-new-way-to-delay-visa-applications/>

“This is an indirect way that the Trump administration is trying to limit immigration to the US that does not require for them to go to Congress,” said Stephen Yale-Loehr, an immigration law professor at Cornell University, of the proposed rules.

**END QUOTE. Later in the article they continue QUOTE:**

The extra information has the potential of significantly increasing the workload of consular officers, says Yale-Loehr, and reducing the number of visas the U.S. issues. The rules could also have economic consequences. People going to the U.S. on vacation might ditch their plans rather than divulging five-years’ worth of personal details.

SOLVENCY / ADVOCACY

Facebook

Sewell Chan 2018 (international news editor at The New York Times, where he helps to direct global news coverage and to reach audiences worldwide; received degrees from Harvard and Oxford; member of the Council on Foreign Relations.) 30 March 2018 “14 Million Visitors to U.S. Face Social Media Screening” [https://www.nytimes.com/2018/03/30/world/americas/travelers-visa-social media.html?module=ArrowsNav&contentCollection=Americas&action=keypress&region=FixedLeft&pgtype=article](https://www.nytimes.com/2018/03/30/world/americas/travelers-visa-social%20media.html?module=ArrowsNav&contentCollection=Americas&action=keypress&region=FixedLeft&pgtype=article)

Facebook said its position had not changed since last year, when it said: “We oppose any efforts to force travelers at the border to turn over their private account information, including passwords.”

Anil Kalhan “Beyond ridiculous”

Sewell Chan 2018 (international news editor at The New York Times, where he helps to direct global news coverage and to reach audiences worldwide; received degrees from Harvard and Oxford; member of the Council on Foreign Relations.) 30 March 2018 “14 Million Visitors to U.S. Face Social Media Screening” [https://www.nytimes.com/2018/03/30/world/americas/travelers-visa-social media.html?module=ArrowsNav&contentCollection=Americas&action=keypress&region=FixedLeft&pgtype=article](https://www.nytimes.com/2018/03/30/world/americas/travelers-visa-social%20media.html?module=ArrowsNav&contentCollection=Americas&action=keypress&region=FixedLeft&pgtype=article)

Anil Kalhan, an associate professor of law at Drexel University who works on immigration and international human rights, [wrote on Twitter](https://twitter.com/kalhan/status/979703782975123457), “This is unnecessarily intrusive and beyond ridiculous.”

Organizations supporting plan (May want to print out)

<http://www.nafsa.org/_/file/_/amresource/DS5535Comment051817.pdf>

<https://www.brennancenter.org/sites/default/files/analysis/State%20Dept%20Information%20Collection%20Comments%20-%2051817_3.pdf>

<https://www.aclu.org/letter/aclu-comment-supplemental-questions-visa-applicants>

<https://cdt.org/files/2016/08/CDT-comments-DHS-social-media-identifier-proposal.pdf>

JUSTIFICATIONS

Additional Justification 4: Retaliation. Other countries will do the same to us

Tony Romm 2016 (Tony Romm is the senior editor for policy and politics at Recode)“Tech slams Homeland Security on social media screening” 22 August 2018 [Quoting the Internet Association] <https://www.politico.com/story/2016/08/social-media-screening-privacy-227287>

"Should the U.S. Government advance with the DHS proposal it is probable that other countries will make similar requests of visitors entering their country, including U.S. citizens," the companies wrote in comments to the agency. "This will be true for democratic and non-democratic countries alike, including those that do not have the same human rights and due process standards as the U.S."

JUSTIFICATION 1 – Waste / Distraction

No net benefits to extra screening – the risk is so miniscule that you can’t really reduce it any omre

[David Bier](https://www.cato.org/people/david-bier) 2018 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity. He is an expert on visa reform, border security, and interior enforcement.) 17 April 2018 “Extreme Vetting of Immigrants: Estimating Terrorism Vetting Failures” <https://www.cato.org/publications/policy-analysis/extreme-vetting-immigrants-estimating-terrorism-vetting-failures>

“Even modest restrictions will impose costs that fail to equal the benefits. That is partly because the possible benefits-a reduction of less than one death per year-are so miniscule, but also because, as research from other risk-reduction domains has shown, attempts to reduce risk below already negligible levels becomes exponentially more expensive since all the easiest fixes have already been completed. The risk of vetting failures is already approaching zero. Further investments will yield few benefits.”

DHS pilot programs never showed any real effectiveness to social media screening

Department of Homeland Security, Office of Inspector General 2017 “DHS' Pilots for Social Media Screening Need Increased Rigor to Ensure Scalability and Long-term Success” 27 February 2017 <https://www.oig.dhs.gov/sites/default/files/assets/2017/OIG-17-40-Feb17.pdf>

DHS has established a task force for using social media to screen applicants for immigration benefits. In connection with that effort, U.S. Citizenship and Immigration Services (USCIS) began pilots to expand social media screening of immigration applicants. Additionally, Immigration and Customs Enforcement (ICE) independently began a pilot to use social media screening during the visa issuance process. However, these pilots, on which DHS plans to base future department-wide use of social media screening, lack criteria for measuring performance to ensure they meet their objectives. Although the pilots include some objectives, such as determining the effectiveness of an automated search tool and assessing data collection and dissemination procedures, it is not clear DHS is measuring and evaluating the pilots’ results to determine how well they are performing against set criteria. Absent measurement criteria, the pilots may provide limited information for planning and implementing an effective, department-wide future social media screening program.”

JUSTIFICATION 2 – HUMAN RIGHTS / DISCRIMINATION

Subjective screening leaves the door open for discrimination or silly interpretations of harmless words

Harsha Panduranga, Faiza Patel, and Michael W. Price 2017 “EXTREME VETTING & THE MUSLIM BAN” 2017 (The Brennan Center for Justice at NYU School of Law is a nonpartisan law and policy institute.) (**Harsha Panduranga** is a fellow in the Brennan Center’s Liberty and National Security program, funded by Simpson Thacher & Bartlett, where he was a litigation associate; J.D. from Univ of Michigan. **Faiza Patel** - co-director of the Brennan Center’s Liberty and National Security Program. **Michael W. Price** - Senior Counsel for the Brennan Center’s Liberty and National Security Program.) (brackets in original) <https://www.brennancenter.org/sites/default/files/publications/extreme_vetting_full_10.2.pdf>

“Social media platforms amplify issues of subjectivity inherent in many human communications. This is for two reasons. First, as with other communications, context is important. Both humans and computers have trouble properly contextualizing social media communications in order to detect sarcasm or other features of local parlance. A few examples illustrate this problem. In 2012, a U.K. citizen was detained for hours at Los Angeles International Airport and denied entry into the U.S. after telling a friend on Twitter, “[f]ree this week, for quick gossip/prep before I go and destroy America,” slang for partying; he also said he would “dig[] Marilyn Monroe up,” a reference to a popular television show. Rap lyrics have been wrongly interpreted as threatening messages in criminal cases. Further exacerbating these issues, officials will often be looking at posts in different languages, governed by different linguistic conventions. It is not obvious that computers will fare better. For example, DHS’s foray into using tone analysis software to identify national security threats has been questioned for defining terms statically, without accounting for historical or linguistic nuances. Second, social media platforms contain many kinds of non-verbal communications: Facebook has “likes” and other emoji reactions; Twitter users can “heart” or “re-tweet” communications.” There is no interpretive consensus on whether many of these kinds of acts count as endorsements. As the Brennan Center and 34 other civil rights and liberties groups explained in a letter to the State Department:

Chilling effect on speech and violation of privacy

Human Rights Watch, letter to the State Department, signed by over 40 organizations 2017 “Joint letter to State Dept raising concerns over visa applicants data collection” 2 October 2017 <https://www.hrw.org/news/2017/10/11/joint-letter-state-dept-raising-concerns-over-visa-applicants-data-collection#_ftn49>

“As with the emergency collection that was put in place in May, the additional requirements impose significant burdens on visa applicants; are apt to chill speech and reveal private information about travelers that is irrelevant to their suitability for entry to the United States; and expose information about their families, friends and business associates in the U.S. Further, the context in which these policies are being developed raises concerns that the populations targeted for additional scrutiny will be identified by their shared religion, nationality, or ideology. Lastly, the data collection will facilitate the bulk mining and analysis of information about travelers and U.S. citizens, amplifying the concerns above, all in exchange for speculative national security benefits in light of the vanishingly small number of foreign-born persons who commit terrorist attacks on U.S. soil.

Abuse is real and documented

David Bennion (immigration attorney) quoted by Alex Nowrasteh 2015 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity) 15 December 2015 “Secret Policy to Ignore Social Media? Not So Fast” (Brackets added) <https://www.cato.org/blog/secret-policy-ignore-social-media-not-so-fast>

The federal government absolutely reviews social media postings in adjudicating immigration benefit applications. A client of mine a few years ago was placed into removal proceedings, supposedly for a Facebook post the client wrote about immigrant rights activism. In reality, the action was taken to intimidate my client and retaliate for my client’s political activism in the U.S. This shows that the risk of abuse with programs of social media surveillance is real.

Punishes journalists

Human Rights Watch, letter to the State Department, signed by over 40 organizations 2017 “Joint letter to State Dept raising concerns over visa applicants data collection” 2 October 2017 <https://www.hrw.org/news/2017/10/11/joint-letter-state-dept-raising-concerns-over-visa-applicants-data-collection#_ftn49>

This concern may be amplified for journalists, particularly those writing on conflict zones. Take the example of a foreign journalist who “favorites” a provocative tweet from an ISIS follower in order to find it again more easily for a piece of writing – will that be taken as support for the poster’s positions? If so, will he or she be called to account for every “heart” and “like”? Political scientists and other scholars who follow or interact with individuals with provocative or even reprehensible views for purposes of research and public education will face similar quandaries. In light of the multitude of possible interpretations of both speech and non-verbal communication, consular officers will be in a position to exercise enormous, unchecked discretion when it comes to assessing foreign residents’ suitability to enter the country, potentially quizzing them about the meaning and significance of a range of expression.

Examples of controversial opinion-holders/speakers denied visas under the new vetting rules

Carrie DeCell 2018 (She is a staff attorney at the Knight First Amendment Institute) 20 April 2018 “Trump's 'extreme vetting' is muzzling activists and shutting them out” <https://www.theguardian.com/commentisfree/2018/apr/20/trump-extreme-vetting-activists-censorship-immigration>

Earlier in April, a Toronto-based Syrian trans activist named Ziva Gorani was [reportedly](https://twitter.com/mollycrabapple/status/984217675172851712) denied a visa to speak at an LGBTQ conference in New Jersey. In February, the producer of the Academy Award nominated film Last Men in Aleppo, [Kareem Abeed](http://variety.com/2018/film/in-contention/last-men-in-aleppo-film-academy-solidarity-visa-1202705913/), was denied a visa to attend the ceremony. And in January, the Iran-born and London-based neuroscience PhD student [Arman Eshaghi](https://twitter.com/es_arman/status/950301036245381120) was denied entry to the United States to participate in a scientific conference.

Social media information expanding to be used to deport immigrants already here

Carrie DeCell 2018 (She is a staff attorney at the Knight First Amendment Institute) 20 April 2018 “Trump's 'extreme vetting' is muzzling activists and shutting them out” <https://www.theguardian.com/commentisfree/2018/apr/20/trump-extreme-vetting-activists-censorship-immigration>

American activists, too, have confronted increased government scrutiny at the border. Also this month, border agents interrogated the journalist and civil rights advocate [Shaun King](https://twitter.com/shaunking/status/983418121808760833?s=12) upon his return from a family trip to Cairo. Along with his exhausted wife and children, King fielded questions about his reasons for traveling to Egypt and his role in the Black Lives Matter movement. King reported that the officer who questioned him had “clearly been reading my tweets and knew all about me”.

And there is mounting evidence that even within US borders, non-citizen activists now face a significant threat of deportation in retaliation for their advocacy on issues relating to immigration. [Ravi Ragbir](https://www.nytimes.com/2018/01/12/nyregion/immigration-activist-deportation.html), [Jean Montrevil](http://www.miaminewtimes.com/news/new-york-immigrant-activists-ragbir-montrevil-held-in-miamis-krome-processing-center-face-deportation-9996632), [Maru Mora-Villalpando](https://www.seattletimes.com/seattle-news/immigrant-targeted-for-deportation-came-to-ices-attention-after-protests-and-newspaper-interview-document-shows/), and [Alejandra Pablos](https://www.independent.co.uk/news/world/americas/us-politics/immigrant-rights-activist-alejandra-pablos-targeted-detained-arizona-trump-ice-a8246536.html) are among [a growing number of activists](https://www.nyclu.org/en/press-releases/nyclu-aclu-challenge-ravi-ragbir-arrest-cite-ice-targeting-activists)whom US Immigration and Customs Enforcement (Ice) has targeted in the past few months.

Punishes the innocent – with that much data requested, it’s easy to make an honest mistake

Yeganeh Torbati 2017 (A writer for [Reuters](http://www.reuters.com/)) 1 June 2017 “The Trump administration is rolling out tougher screening for visa applicants — including social media checks” <http://www.businessinsider.com/r-trump-administration-approves-tougher-visa-vetting-including-social-media-checks-2017-5>

Immigration lawyers and advocates say the request for 15 years of detailed biographical information, as well as the expectation that applicants remember all their social media handles, is likely to catch applicants who make innocent mistakes or do not remember all the information requested.

JUSTIFICATION 3 – Economic Impact

Social media vetting blocks inflow of talented immigrants, harming the US economy

Harsha Panduranga, Faiza Patel, and Michael W. Price 2017 “EXTREME VETTING & THE MUSLIM BAN” 2017 (The Brennan Center for Justice at NYU School of Law is a nonpartisan law and policy institute.) (**Harsha Panduranga** is a fellow in the Brennan Center’s Liberty and National Security program, funded by Simpson Thacher & Bartlett, where he was a litigation associate; J.D. from Univ of Michigan. **Faiza Patel** - co-director of the Brennan Center’s Liberty and National Security Program. **Michael W. Price** - Senior Counsel for the Brennan Center’s Liberty and National Security Program) <https://www.brennancenter.org/sites/default/files/publications/extreme_vetting_full_10.2.pdf>

As a group of over 50 academic and scientific groups explained, the new visa policies promulgated by the State Department would not only prevent specific individuals from coming to the United States, but their “undefined and unclear” nature would have “negative indirect impacts in other areas” as well. “The amount of information that could be collected, the lack of knowledge about what will be done with this additional information, and concerns about their privacy may well lead many to look to other countries for scientific partnerships or higher education pursuits.” This would deprive the United States of a wealth of talent and opportunities for collaboration in the fields of science, technology, engineering, and mathematics, all of which are key drivers of our economy.

New immigration restrictions will hurt US economy

[Nahal Toos](http://www.politico.com/staff/nahal-toosi)i, [Ted Hesson](http://www.politico.com/staff/ted-hesson), and [Sarah F](http://www.politico.com/staff/sarah-frostenson)rostenson 2018 ([Nahal Toos](http://www.politico.com/staff/nahal-toosi)i: Foreign Affairs Correspondent. [Ted Hesson](http://www.politico.com/staff/ted-hesson): master’s degree from the Columbia University Graduate School of Journalism. [Sarah F](http://www.politico.com/staff/sarah-frostenson)rostenson: Graphics Editor) 3 April 2018 “Foreign visas plunge under Trump” <https://www.politico.com/interactives/2018/trump-travel-ban-visas-decline/>

Evidence plainly indicates that Trump’s desire to restrict foreigners’ access to the U.S. has become a reality. Critics say that, by imposing new procedural and security hurdles, Trump and his aides are building a figurative wall to keep people out of America, even those who just want to come for a brief visit. The critics fear the drop in visas could damage industries, ranging from tourism to higher education.

Social media vetting will reduce legal immigration

Harsha Panduranga, Faiza Patel, and Michael W. Price 2017 “EXTREME VETTING & THE MUSLIM BAN” 2017 (The Brennan Center for Justice at NYU School of Law is a nonpartisan law and policy institute.) (**Harsha Panduranga** is a fellow in the Brennan Center’s Liberty and National Security program, funded by Simpson Thacher & Bartlett, where he was a litigation associate; J.D. from Univ of Michigan. **Faiza Patel** - co-director of the Brennan Center’s Liberty and National Security Program. **Michael W. Price** - Senior Counsel for the Brennan Center’s Liberty and National Security Program) <https://www.brennancenter.org/sites/default/files/publications/extreme_vetting_full_10.2.pdf>

Two consequences of this policy are, however, clear. First, it will enable the collection of more information for government databases, potentially for use in data mining, as discussed below. Second, it imposes a sufficiently heavy burden that people wanting to come to the U.S. will find gathering required supplemental application materials difficult, and many others will be discouraged from even applying for a visa.

DISADVANTAGE RESPONSES

A/T – “Terrorist infiltration” – Terrorists aren’t honest. They can just erase their histories and look innocent online.

Ana Campoy 2018 (Journalist for Quartz) 31 March 2018 “The U.S. Just Found a New Way to Delay Visa Applications” <https://qz.com/1241916/the-us-just-found-a-new-way-to-delay-visa-applications/>

Marisa Cianciarulo, a law professor at Chapman University, said anyone active on social media should assume that their posts could be inspected at some point. But she questioned the effectiveness of the questions in screening dangerous visitors. “What trained terrorist, intent on getting into the country to do harm, would honestly answer those questions?” she added.

A/T “Terrorist infiltration” – Creates a black market, no problem for terrorists to circumvent

Zachary C. Steinert-Threlkeld and Jesse Driscoll 2015 ([Steinert-Threlkeld](http://www.zacharyst.com/): a PhD candidate in the department of political science at the University of California at San Diego. Driscoll: assistant professor at the School of Global Policy and Strategy at the University of California at San Diego.) 29 December 2015 “Can we prevent terrorism by checking immigrants’ social media accounts? No.” <https://www.washingtonpost.com/news/monkey-cage/wp/2015/12/29/no-we-cant-prevent-terrorism-by-checking-immigrants-social-media-accounts-heres-why/?utm_term=.1e55d2e2644c>

Yes, the [Boston Marathon bombers](https://en.wikipedia.org/wiki/Boston_Marathon_bombing) were hiding in plain sight, but it will not be like that every time. Imagine a regime in which every visa applicant was required to provide his or her social media screen names. This is not synonymous with giving the government access to an applicant’s social media history. An applicant could easily provide a false screen name or keep multiple screen names and identities — some encrypted, some not — and just not report all of them. If “clean accounts” become a valued commodity, it is easy to foresee a secondary market in the creation and sale of banal social media histories. (“$30,000 buys you “iluvusa1132@hotmail.com, including a 8-year backlog of NBA score searches with no tagged words.”)

A/T “Terrorist infiltration” – They can radicalize after arrival

[David Bier](https://www.cato.org/people/david-bier) 2018 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity. He is an expert on visa reform, border security, and interior enforcement) 17 April 2018 “Extreme Vetting of Immigrants: Estimating Terrorism Vetting Failures” <https://www.cato.org/publications/policy-analysis/extreme-vetting-immigrants-estimating-terrorism-vetting-failures>

Following DHS, this analysis does not consider anyone who entered before the age of 16 or who lived in the United States for at least a decade before their charge to be a vetting failure. This presumption resulted in the exclusion of 75 offenders who entered before 9/11 and 2 offenders who entered after 9/11. A longer residency presumption of, for example, 15 years could potentially increase the number of vetting failures, but only for the pre-9/11 period. The evidence indicates that the two post-9/11 entrants who committed their offenses after 10 years of U.S. residency radicalized after their entry and would be excluded regardless. Gufran Ahmed Kauser Mohammed, who committed his offense in 2013, came to the United States in 2003 at the age of 20 and radicalized after he moved to Saudi Arabia in 2011. Tamerlan Tsarnaev, one of the 2013 Boston Marathon bombers who immigrated to the United States as a 16-year-old in 2003, radicalized around the time of his 2012 trip to Russia.

A/T “Terrorist infiltration” – Minimal risk. Our system was improving without these new rules

[David Bier](https://www.cato.org/people/david-bier) 2018 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity. He is an expert on visa reform, border security, and interior enforcement.) 17 April 2018 “Extreme Vetting of Immigrants: Estimating Terrorism Vetting Failures” <https://www.cato.org/publications/policy-analysis/extreme-vetting-immigrants-estimating-terrorism-vetting-failures>

A terrorism vetting failure occurs when a foreigner is granted entry to the United States who had terrorist associations or sympathies and who later committed a terrorism offense including support for terrorist groups abroad. This analysis defines vetting failure broadly to include individuals who had privately held extremist views before entry. Moreover, unless evidence exists to the contrary, it assumes that anyone who entered the United States legally either as an adult or older teenager, and who was charged with a terrorism offense within a decade of entry, entered as a result of a vetting failure, even without any evidence that he or she was radicalized prior to entry. By this definition, only 13 people — 2 percent of the 531 individuals convicted of terrorism offenses or killed while committing an offense since 9/11 — entered due to a vetting failure in the post-9/11 security system. There were 52 vetting failures in the 15 years leading up to 9/11, four times as many as in the 15 years since the attacks. From 2002 to 2016, the vetting system failed and permitted the entry of 1 radicalized terrorist for every 29 million visa or status approvals. This rate was 84 percent lower than during the 15-year period leading up to the 9/11 attacks. Only 1 of the 13 post-9/11 vetting failures resulted in a deadly attack in the United States. Thus, the rate for deadly terrorists was 1 for every 379 million visa or status approvals from 2002 through 2016.

A/T “9/11” – Back then officers weren’t trained correctly, but things have changed

Zack Beauchamp 2018 (Senior Reporter at Vox) 20 April 2018 “Why you should be more scared of your oven than of terrorists sneaking into America” <https://www.vox.com/world/2018/4/20/17253328/terrorism-trump-immigration-study-vetting>

Bier found that, between 1986 and 2001, there were 52 vetting failures — a rate of about one vetting failure for every 4.7 million grants of entry. The most notorious of such failures were the 9/11 hijackers themselves, who took advantage of the fact that State Department visa officers had zero training in identifying terrorists during interviews as well no access to law enforcement files on suspected terrorists.

A/T “San Bernardino” – Good example of how social media screening FAILS

[Evan Perez](https://www.cnn.com/profiles/evan-perez-profile) and [Dana Ford](https://www.cnn.com/profiles/dana-ford-profile) 2015 (Writers for CNN) 14 December 2015 “San Bernardino shooter's social media posts on jihad were obscured” <https://www.cnn.com/2015/12/14/us/san-bernardino-shooting/index.html>

The New York Times reported on Sunday that U.S. immigration officials conducted three background checks on Malik when she emigrated from Pakistan but allegedly did not uncover social media postings in which she said she supported violent jihad and wanted to be a part of it. According to the law enforcement officials, because Malik used a pseudonym and privacy controls, her postings would not have been found even if U.S. authorities had reviewed social media as part of her visa application process.

A/T “San Bernardino” – They used private communication, didn’t express radical views on social media

Reuters 2015 (Reuters, the news and media division of [Thomson Reuters](https://thomsonreuters.com/), is the world’s largest international multimedia news provider reaching more than one billion people every day.) 16 December 2015 “No evidence California shooters were part of cell: FBI director”(Brackets added) <https://www.reuters.com/article/us-california-shooting-comey/no-evidence-california-shooters-were-part-of-cell-fbi-director-idUSKBN0TZ2B920151216>

“Syed Rizwan Farook, 28, and Tashfeen Malik, 29, expressed support for “jihad and martyrdom” in private communications but never did so on social media, [FBI director James] Comey said at a press conference in New York City.”

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