May 29, 2018

Department of State Desk Officer
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street, N.W.
Washington, DC 20503

RE: Application for Immigrant Visa and Alien Registration, OMB Control Number 1405-0185, DS-260, Docket Number: DOS-2018-0003

To Whom It May Concern:

The American Civil Liberties Union (ACLU) submits these comments in response to the Department of State (Department) *60-Day Notice of Proposed Information Collection: Application for Immigrant Visa and Alien Registration*.[1] The Department plans to require immigrant visa applicants to disclose social media handles, and plans to add new questions seeking phone numbers, email addresses, international travel for the last five years, and certain family members' involvement in vague and undefined "terrorist activities." These proposed questions needlessly expand personal information sought from approximately 710,000 people annually without adequate reason or information, slowing the visa application process and raising constitutional concerns regarding the rights to due process, freedom of speech and expression, and privacy of millions living in the United States, including U.S. citizens. The ACLU opposes the proposed information collection and urges the Department to abandon it entirely.

I. The Department proposes to collect social media identifiers for an arbitrary list of media platforms and identifies no limits on how the collected information will be used, retained, and shared.

The Department's proposal requires applicants to submit their social media identifiers used over the last five years for twenty enumerated social media platforms. The Department makes clear that a response to this question is mandatory and proposes an "optional" question, seeking identifiers for other platforms "on any other websites or applications" used within the last five years. The notice identifies no limits on how the collected information will be stored, retained, or used. That is true for the information collected from applicants themselves, as well as information concerning individuals living in the United States, including U.S. citizens, who are connected to applicants.

Other government agencies have raised concerns about the ineffectiveness of, and lack of guidelines for, evaluating social media data. In February 2017, the Office of the Inspector General (OIG) of the Department of Homeland Security (DHS) issued a report concluding that DHS's social media screening pilot programs lacked "well-defined, clear, and measurable

[1] 60-day Notice of Proposed Information Collection: Application for Immigrant Visa and Alien Registration, 83 Fed. Reg. 13,806 (March 30, 2018).

objectives and standards," and that the programs were of little value in determining the effectiveness of such screening.[2] Additionally, documents obtained in January 2018 through the Freedom of Information Act indicate that DHS had provided no guidance to officers to determine how to evaluate social media data.[3]

The Department's proposal continues to expand its collection of social media information without measurable objectives, standards, training, or guidance in place. This collection will increase the risk that the Department will violate the civil rights and liberties of millions of people, including U.S. citizens and residents.

A. Officer assessments will be subjective and based upon unreliable or circumstantial evidence, increasing the likelihood of arbitrary, inconsistent, and ineffective determinations.

Despite the government's own concerns that officers do not have guidance on how to review or "vet" social media, the State Department proposes to expand these procedures to more applicants and to apply them to all immigrant visa applicants.

1. The premise and language of the proposal is rooted in discrimination and unlawful profiling.

The Department's proposal is infected with the same anti-Muslim bias that prompted Executive Order 13780[4] and the corresponding memorandum regarding screening and vetting. Additionally, the notice and proposed questions do not provide any guidance regarding the interpretation of social media, making it likely that officer determinations will be arbitrary, inconsistent, ineffective, and result in discrimination and bias-based profiling.

According to the notice, the purpose of these questions is "identity resolution" and "vetting" to determine eligibility. The Supporting Statement explains the notice's connection to Executive Order 13870, which barred individuals from six Muslim-majority countries and refugees.[5] The President issued that executive order in an attempt to single out, condemn, and ban Muslims from the United States, which the Fourth Circuit stated "drips with religious intolerance, animus, and discrimination."[6] The Supporting Statement also references the President's Memorandum for

[2] Office of Inspector General, *DHS' Pilots for Social Media Screening Need Increased Rigor to Ensure Scalability and Long-Term Success (Redacted)*, OIG-17-40 (Feb. 27, 2017) *available at* https://www.oig.dhs.gov/sites/default/files/assets/2017/OIG-17-40-Feb17.pdf.

[3] Aliya Sternstein, *Obama Team Did some 'Extreme Vetting' of Muslims Before Trump, New Documents Show* (January 2, 2018) *available at* https://www.thedailybeast.com/obama-team-did-some-extreme-vetting-of-muslims-before-trump-new-documents-show.

[4] Executive Order Protecting the National from Foreign Terrorist Entry into the United States (March 6, 2017) *available at* https://www.whitehouse.gov/the-press-office/2017/03/06/executive-order-protecting-nation-foreign-terrorist-entry-united-states.

[5] State Department, *Supporting Statement for Paperwork Reduction Act Submission Electronic Application for Immigrant Visa and Alien Registration, OMB Number 1405-0185, DS-260* (March 30, 2018) *available at* https://www.regulations.gov/document?D=DOS-2018-0003-0001.

[6] International Refugee Assistance Project v. Trump, 857 F. 3d 554 (4th Cir. 2017).

the Secretary of State, the Attorney General, and the Secretary of Homeland Security and its purpose to prevent entry for individuals who "may aid, support, or commit violent, criminal or terrorist acts." [7] The notice proposes a new question regarding whether certain family members have been "involved in terrorist activities." Neither "involved" nor "terrorist activities" are defined, and this vague language provides no guidance regarding their meaning or how an officer should interpret them.

Given the discriminatory premise of the executive order and corresponding memorandum, and the vague language in the notice, the proposed questions heighten the likelihood of discriminatory profiling in visa determinations and the unjust targeting of people of particular faiths or national origins. Executive Order 13780 and its predecessor, Executive Order 13769, were an attempt to implement President Trump's pledge to target Muslims, using national origin as a proxy.[8] President Trump has repeatedly called for "ideological certification" and "extreme vetting" while making specific reference to Islam, Muslims, or people from Muslim-majority countries, falsely associating these groups as a whole with terrorism.[9] Additionally, when other government programs and policies, such as those used to conduct surveillance and watchlist people, use similarly vague terminology, they result in the unjust and discriminatory treatment of Muslim, Arab, Middle Eastern, and South Asian communities. Adding an unjustified layer of screening without any basis or standard will stigmatize these communities further and subject them to yet more unwarranted scrutiny.

2. No criteria or indicators exist to reliably predict "criminal or terrorist acts."

The Department's proposed questions require applicants to provide identifiers for certain platforms; officers will review that data without any parameters or understanding of what speech or conduct indicates a likelihood of support or commit "criminal or terrorist acts." This is likely because no such indicators can be found through a review of social media content. According to researchers, there are no identified reliable criteria that can predict who will commit a terrorist

[7] Memorandum for the Secretary of State, the Attorney General, and the Secretary of Homeland Security, *Implementing Immediate Heightened Screening and Vetting of Applications for Visas and Other Immigration Benefits, Ensuring Enforcement of All Laws for Entry into the United States, and Increasing Transparency among Departments and Agencies of the Federal Government and for the American People* (March 6, 2017) *available at* https://www.whitehouse.gov/the-press-office/2017/03/06/memorandum-secretary-state-attorney-general-secretary-homeland-security.

[8] *See also* Presidential Proclamation Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats (September 24, 2017) (indefinitely barring certain individuals from six Muslim-majority countries as well as a small number of individuals from two additional countries), available at https://www.whitehouse.gov/the-press-office/2017/09/24/enhancing-vetting-capabilities-and-processes-detecting-attempted-entry.

[9] *See* Los Angeles Times Staff, *Transcript: Donald Trump's Full Immigration Speech* (Aug. 31, 2017) *available at http://www.latimes.com/politics/la-na-pol-donald-trump-immigration-speech-transcript-20160831-snap-htmlstory.html*; Rebecca Shabad, *Donald Trump Calls for "Extreme" Ideological Screening Test for New Immigrants* (Aug. 15, 2016) *available at http://www.cbsnews.com/news/donald-trump-proposes-ideological-test-immigration-u-s/*.

act.[10] Numerous empirical studies have concluded that a person's decision to engage in political violence is a complex one, involving myriad environmental and individual factors, none of which is necessary or sufficient in every case, and none of which falls into a linear path or process resulting in violence.[11] The absence of known, valid predictors of violence, including religiosity,[12] reinforces that the government's "extreme vetting" of Muslims is not only discriminatory, but also ineffective.

3. Decision-making based on social media information will be subjective, inconsistent, and ineffective.

There is no clarity regarding how the Department will use the information it collects, making abuse and subjective decision making even more likely. In evaluating applicants' responses to the social media question, officers will determine whether applicants are worthy of visas without limitations or guidelines regarding how to interpret such information. This standardless decision-making process provides applicants little or no opportunity to learn the basis for a denial and no transparency about the information being collected on them and their U.S.-based contacts and correspondents. In sum, it would add a layer of scrutiny of visa applicants without a reasoned basis, yielding capricious, politically charged, and highly subjective assessments without providing detail or standards as to how the assessments will be carried out.

By failing to articulate standards for imposing such additional questioning or how the information will be used, the Department creates an unacceptable risk of inconsistent and ineffective determinations and heightens the threat of discriminatory profiling of visa applicants.

B. By collecting and reviewing a broad swath of social media information about potentially millions of individuals, the Department's vetting program will chill the exercise of First Amendment rights.

By asking hundreds of thousands of individuals for their social media identifiers as a precondition for an immigrant visa, the Department will impermissibly chill the exercise of First Amendment rights, including freedom of speech and association. Social media identifiers will enable the Department to identify an applicant's contacts and associations, including their connections to U.S. citizens and residents, and vice versa. It will also potentially deny applicants and their associates the right to speak anonymously if applicants are forced to reveal social media accounts that they operate pseudonymously.

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[10] *See, e.g.*, Decl. of Marc Sageman, *Latif. V. Holder*, No. 3:10-cv-00750, 2015 WL 1883890 (D. Or. Aug. 7, 2015) *available at* https://www.aclu.org/legal-document/latif-et-al-v-holder-et-al-declaration-marc-sageman; *See* Jamie Bartlett, Jonathan Birdwell, and Michael King, *The Edge of Violence: A Radical Approach to Extremism*, DEMOS (2010) *available at* https://www.demos.co.uk/files/Edge_of_Violence_-_web.pdf.

[11] Nat's Defense Research Institute, *Social Science for Counterterrorism* (2009) *available at* https://www.rand.org/content/dam/rand/pubs/monographs/2009/RAND_MG849.pdf.

[12] Faiza Patel, *ReThinking Radicalization*, The Brennan Center for Justice (2011) *available at* http://www.brennancenter.org/sites/default/files/legacy/RethinkingRadicalization.pdf.

Collecting social media identifiers will enable the Department to search the internet for an applicant's contacts, and to view communications between applicants and their contacts. Inevitably, this information will include the identities and communications of those living in the United States, including U.S. citizens, who are connected—even loosely—to the visa applicant.

According to the notice, approximately 710,000 applicants will be affected annually, which means there are likely to be millions of U.S.-based contacts, the vast majority of whom have done nothing to justify government scrutiny of their actions and communications, and none of whom will have consented to the search or review of their personal information. The Department's proposed questions require information regarding immigrant visa applicants' social media identifiers on specific platforms. Any use of this information by the Department will result in the review and collection of a massive amount of personal communications and information about the individuals with whom the applicants are communicating. It will result in the Department deriving data on millions of contacts—many of them U.S. citizens—who happen to be connected to the applicant on social media, whether as a friend on Facebook, a follower on Twitter, or even a "like" on Pinterest. Through this mechanism, information could be searched and reviewed on anyone living in the United States, including U.S. citizens, without their knowledge.

Incredibly, the Department fails to sufficiently address these overwhelming constitutional and civil rights concerns. It refuses to simply prohibit the review or collection of third-party information; instead, it brushes these concerns away, stating that staff will be directed to "take particular care to avoid collection of third-party information."[13] Yet the notice provides no detail or guidance with respect to what "collection" means, how such collection will be avoided, or how any collection of such information that does occur will be addressed. To the extent the Department plans to make use of the identifiers it collects by visiting social media platforms to view statements and associates of the applicant, it would be near-impossible for the Department to avoid viewing and collecting third-party information. Indeed, the entire function of social media platforms is to allow connection and communication between an individual user and third parties.

Collection of this information raises several First Amendment concerns. First, it will chill freedom of association by allowing the government to chart and amass connections between individuals living in the United States, including U.S. citizens, and applicants. This is a particular concern when people are expressing and associating online concerning political viewpoints that the government might consider controversial. It also threatens to impinge on the right to engage in anonymous speech and association. Individuals may use non-identifying or pseudonymous handles on social media for many reasons, including to protect their privacy or to shield themselves from retaliation or persecution for espousing unpopular views or supporting controversial causes. Indeed, individuals often anonymously partake in online communities when the nature of the community itself could reveal private details about the individual or their views—such as discussion groups about LGBT issues, or medical or health issues, or particular

[13] State Department, *Supporting Statement for Paperwork Reduction Act Submission Electronic Application for Immigrant Visa and Alien Registration, OMB Number 1405-0185, DS-260* (March 30, 2018) *available at* https://www.regulations.gov/document?D=DOS-2018-0003-0001.

religious beliefs. When an applicant provides information about a handle that they have used without previously disclosing their actual identity, their contacts, who may not have otherwise been known to have been communicating or associating with the applicant, may become targets of government scrutiny.

Second, even when the Department is collecting and viewing information that is publicly available on social media platforms, the ability to aggregate and review all connections and communications of applicants across multiple social media platforms raises unique concerns that may chill individuals in the United States from engaging in association and dialogue online. This scrutiny may encourage U.S. citizens and others living in the United States to avoid connecting with those outside the United States.[14] To the extent an individual can control to whom they are connected online, anyone who is concerned about personal privacy, or anyone who is reluctant to share personal beliefs or comments with government investigators, will be less likely to engage online and will self-censor. Whether in large or small degree, it will chill law-abiding individuals in the United States, including U.S. citizens, from engaging in online activity. Instructing officers to "avoid collection" of third-party data will do little to protect against this chilling effect, particularly since the notice lacks an explanation of what it means to avoid collection or whether the information of U.S. citizens or residents will be searched, reviewed, retained, or shared with other agencies or components.

The Department's proposal provides no safeguards or limits on the collection of information regarding protected speech and association of millions of social media users, and it impermissibly chills the exercise of First Amendment rights.

C. The Department has provided no information about how the collected social media information might be shared or used by other agencies or their components.

The Department has provided no information or assurance regarding how the information provided by the applicant or any third party's information might be used by other agencies or their components, denying applicants the ability to make informed decisions about their submission and creating constitutional concerns for everyone living in the United States, including U.S. citizens.

As mentioned previously, applicants have not been provided guidance regarding the impact of omitting certain information on their applications. It is not clear whether, for example, forgetting to include an identifier for a platform—perhaps because several years have passed since its use—might result in a denial. Notably, unlike previous social media vetting notices, the Department clearly stated in this notice that this information was required, so failing to respond would prevent an application from moving forward. This poses a Hobson's choice, against which an applicant must weigh the potentially urgent necessity for a visa—e.g., to attend school, to attend

[14] *See* PEN America, Chilling Effects: NSA Surveillance Drives U.S. Writers to Self-Censor (Nov. 12, 2013); Karen Turner, Mass Surveillance Silences Minority Opinions, According to Study, Wash. Post, (Mar. 28, 2016) *available at* https://www.washingtonpost.com/news/the-switch/wp/2016/03/28/mass-surveillance-silences-minority-opinions-according-to-study/?utm_term=.2ac61c2bfb25 (last accessed May 10, 2017).

a business meeting, or to visit or join family in the United States. The Department has not provided information sufficient for an applicant to make that decision or for the public to understand and comment on the government's reach into applicants' lives. Based upon this notice, applicants also have no idea how the information they provide might be used by other agencies or components—such as the Federal Bureau of Investigation (FBI), Immigration and Customs Enforcement (ICE), or even local law enforcement—once the applicants enter the United States. They do not know how their information will be shared or used to monitor or conduct surveillance of themselves, their families or friends, or other third parties, and therefore, they cannot make an informed decision about whether to submit the information, state that they are declining to submit the information, or withdraw the application for admission.

Additionally, third parties do not know their information is being searched, reviewed, and possibly shared with other agencies and components. Millions living in the United States, including U.S. citizens, will be third parties in this visa application process, thereby subjecting their information to potential use by the FBI, ICE, local law enforcement, or other agencies and components without their knowledge or consent. Moreover, the notice provides no clarity regarding how the Department intends to comply with existing privacy laws, such as the Privacy Act or Judicial Redress Act, which provide protections for U.S citizens, green card holders, and some non-U.S. citizens.

As a part of the public comment process, the Department must provide applicants and the general public—which includes the countless potential third parties whose private information may be searched and shared—with clarity regarding the use of information both within the application process and for the foreseeable future. To obtain and use this information without consent or even awareness denies applicants the ability to make an informed decision regarding whether to submit a visa application and raises serious constitutional concerns for individuals living in the United States, including U.S. citizens.

D. <u>There is no guidance or plan regarding the use, storage, or retention of the personal information collected.</u>

The notice does not indicate how the data of visa applicants and individuals living in the United States, including U.S. citizens, will be used, stored, or retained. Any proposal with such a substantial impact on our immigration processes and constitutionally protected rights must address how the data derived from social media identifiers will be collected, disseminated, and retained, so that the public may have an opportunity to comment.

The Department provides no guidelines regarding how any information collected will be used or when the requested information will result in the denial of a visa. In theory, the Department might exclude an applicant based on information gleaned from social media contacts, "likes" of particular statements or articles, retweets of others' statements, or even views of YouTube videos. There is no information as to whether the Department will assess an individual's social media comments, contacts, evidence of travel or studies, or professional achievements or failures. Based upon the notice, the applicant will not know what information has been collected or how it is being perceived or used, which also means that the applicant has no way of rebutting false presumptions or information interpreted out of context. Equally unclear is how the

applicant's social media contacts' information will be used and whether they will also be scrutinized, logged, and monitored by the government. Without such guidance, it appears that applicants could be excluded even if they are unaware of an indirect connection to someone who is considered suspect.

If such a denial occurs due to information gleaned from social media identifiers, it remains unclear if the applicant will have an opportunity to correct any erroneous, misleading, or unsubstantiated information derived from the identifiers that generated the denial. Aside from the personal or business impact on the applicant's travel plans, the retention of any such inaccurate or misleading information within any databases maintained by the Department or other governmental entities could cause similar or other incorrect decisions in other circumstances. Having a meaningful opportunity to correct the record would benefit not only the applicant, but also the reliability of the information on which the government depends in carrying out its mission.

For individuals living in the United States who are caught up in this data collection, it will be even more difficult to make sure the government is not drawing incorrect conclusions about their contacts and activities. The notice makes no reference to its intended plans for the information derived from researching the social media identifiers. Simply directing officers to "avoid collection" of data regarding third parties is insufficient. If the Department or another agency identifies individuals living in the United States through the use of social media identifiers provided on a visa application, it should promptly purge any record of that person's identifiable information. It should also make clear that that information will not be used in any immigration adjudication of that third party nor stored or retained by other agencies or components. If the information is reviewed and used in the adjudication, the government should provide notice to that U.S. person as well as an opportunity to verify that the information is accurate and to challenge its inclusion. Failure to provide such an opportunity would undermine the rights of millions of people living in the United States. The Department must provide that plan and offer an opportunity for public comment.

The Agency must provide detailed information on its plan to allow agents to collect information derived from social media identifiers that applicants provide, and on its plans to retain and share information on those living in the United States. It should then offer an opportunity for public comment.

E. <u>There will likely be a negative effect on trade, commerce, and interaction with the United States and those living in the United States.</u>

Individuals travel to the United States for many different reasons—to engage in business, visit family, speak at a conference, or pursue an education, to name a few. Tourism is one of the leading draws of foreign visitors and a leading economic driver in many parts of the country. Each such visit has a discrete and tangible economic and cultural benefit—both to the country and often to the visa applicant as well. Any action that would make such visits less attractive to the traveler or less likely to occur should be discouraged. By asking visa applicants to reveal their social media identifiers, with the understanding that the U.S. government will be examining

their online activity and contacts, the Department is making the United States a far less attractive destination for travel or work, even if applicants' activities pose no security threat.

Furthermore, anyone actually engaged in terrorism could simply take steps to hide their communications, making this information collection not just unnecessary, but ineffective. There is little to gain from such a flawed proposal, which will have a significant negative impact on our immigration system and processing as well as the rights of the U.S.-based associates of applicants.[15]

We urge the Department to seek public comment on the anticipated impacts of the proposal on the speech and association rights of individuals living in the United States, including U.S. citizens, and how the chilling effect of the proposal might harm American business, tourism, cultural institutions, and other national interests.

II. The Department is requiring applicants to provide additional information without any indication of how such information will be used or impact determinations.

The proposed questions in the notice require that applicants provide previously used phone numbers, email addresses, and international travel for the last five years. These are new questions for immigrant visa applicants. Yet, the government has not fully explained how this information will be used, demonstrated that its consideration in the immigration context has efficacy, or ensured that individuals have the opportunity to address cases in which such information improperly leads to adverse results.

In prior testimony, Department of Justice officials have said that as part of the vetting process, they "query the holdings of the entire American intelligence community" to determine whether selectors associated with a person such as phone numbers, emails, or addresses return results.[16] If the government is in fact obtaining this additional information for the purpose of facilitating such queries, it raises a number of concerns.

First, DHS has yet to demonstrate that querying these selectors against intelligence holdings does in fact provide national security value. Given the wealth of information already collected from applicants, similar to the Department's social media vetting programs, these additional checks run the risk of wasting additional time and resources with no identifiable national security benefit.

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[15] *See Kleindienst v. Mandel*, 408 U.S. 753 (1972) (recognizing that people and organizations in the United States have First Amendment-protected interests in receiving information from people seeking a visa to enter the country); *American Academy of Religion v. Napolitano*, 573 F.3d 115 (2d Cir. 2009) (same).

[16] Washington Post Staff, *Read the full testimony of FBI Director James Comey in which he discusses Clinton Email Investigation* (May 3, 2017) *available at* https://www.washingtonpost.com/news/post-politics/wp/2017/05/03/read-the-full-testimony-of-fbi-director-james-comey-in-which-he-discusses-clinton-email-investigation/?noredirect=on&utm_term=.133d261996ab.

Second, DHS has not made clear how matches obtained from intelligence holdings will be interpreted or will impact immigration determinations. For example, can a communication with an intelligence target be dispositive in an admissibility determination? Will individuals have the opportunity to respond or explain communications with an intelligence targets? How will the government interpret contacts with an individual who may be suspected of wrongdoing, but who has never been prosecuted, charged, or even assessed by an independent entity? Given these ambiguities, use of identifiers to match against intelligence holdings is likely to lead to inconsistent, arbitrary, or discriminatory determinations.

Third, use of intelligence holdings in this manner may extend beyond the purposes of such intelligence collection, raising significant privacy concerns and potentially violating existing laws and policies. Many existing national security authorities are generally premised on the need to collect foreign intelligence. For example, Section 702 of the Foreign Intelligence Surveillance Act is used to target individuals overseas for the purposes of acquiring foreign intelligence.[17] Similarly, Executive Order 12333 surveillance is purportedly undertaken for the purpose of acquiring foreign intelligence and counterintelligence. Both 702 and EO 12333 result in the collection of billions of pieces of information, and implicate the privacy of individuals without any basis to believe they threaten the national security of the United States. Given the privacy interests at stake, existing laws and policies limit how information collected under these authorities can be used. For example, queries of Section 702 are generally limited to circumstances in which such queries are reasonably designed to return foreign intelligence or evidence of a crime. Queries of EO 12333 information are also generally restricted to cases where there is reason to believe such queries will return foreign intelligence.[18]

Routine querying of intelligence holdings with the selectors of applicants appear to be inconsistent with existing limits for both Section 702 and EO 12333. Moreover, collection under authorities other than Section 702 and EO 12333, which may have distinct restrictions, could also be implicated by such vetting. To the extent that identifying information is being collected for the purpose of being run against intelligence holdings, the notice should include information about how such queries comport with existing legal and policy restrictions so that the public may comment. The notice must also provide information regarding how the Department intends to protect the privacy of third parties, whose information could be implicated by such queries.

Finally, the Department offers no indication how an applicant's international travel over the last five years has weight on their adjudication, particular given that this information has not been necessary in the past. Will individuals be penalized and denied entry based upon their travel to certain countries, and if so, which countries? Who will decide what international travel to a country means or whether it makes an applicant a "risk"? As this notice is tied to anti-Muslim policies such as Executive Order 13670 and the corresponding memorandum as well as anti-

[17] 50 U.S.C. § 1881a.

[18] Under Presidential Policy Directive 28, these protections extend to the retention, use, and querying of signals information belonging to non-U.S. persons. *See* White House, Presidential Policy Directive/PPD-28 § 4 (Jan. 17, 2014) *available at* https://fas.org/irp/offdocs/ppd/ppd-28.pdf (requiring "appropriate safeguards for the personal information of all individuals, regardless of the nationality of the individual to whom the information pertains or where that individual resides").

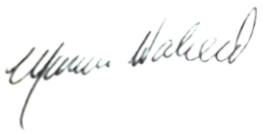
Muslim rhetoric regarding "extreme vetting," it seems more than plausible that the interpretation of travel without guidance or indication of the purpose of such questions will result in discrimination and profiling.

If the Department intends to ask these additional questions to applicants, it must provide detailed information on its plan to use and interpret such information in order for the public to provide meaningful comment.

III. Conclusion

The Department's proposed immigrant visa questions would have incredible negative impact on our immigration system and the rights of people already living in this country. Applying these questions to an estimated 710,000 people abroad would greatly expand information collection without basis or effective purpose, run the risk of violating surveillance laws, and harm the rights to due process, free speech, and privacy of millions living in the United States, including U.S. citizens. The ACLU opposes the Department's proposal, and urges the Department to abandon it entirely.

Sincerely,



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