

Green card or US citizenship applicants may have to provide social media identity

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MUMBAI: The US Department of Homeland Security (DHS) has taken the process of obtaining social media identification (user name or handle) a step forward. It proposes to expand its coverage to various forms to be filled in by those already in the US, such as those applying for a green card or citizenship. A notice was published in the Federal Register on September 4 and public comments invited over the next 60 days.

As reported by TOI in its edition of June 2, E-forms D-160 and D-260, which are used at the local US consulates and filled by applicants such as tourists, students and those heading to US for work from India, were revised to include a drop-down menu. It required applicants to list their user name or handle against the social media platforms used by them during the past five years.

"The newly introduced proposal, in the context of applicability to the Indian diaspora in the US, will cover citizenship applications, applications for adjustment of status filed by those in the USA seeking to obtain green cards (such as H-1B workers, or those on intra-company transfers holding an L-1 visa). It will also apply to green card holders seeking re-entry permits (who wish to stay away from the US for two years)," explains Arlington-based Rajiv Khanna, a managing attorney at Immigration.com

The proposal for seeking social media identifiers of those already in the US is a crucial development for the Indian diaspora, who in increasing numbers are opting for green cards and citizenship. While 60,000-odd Indians obtained green cards during the fiscal ended September 30, 2017, nearly 50,000 obtained US citizenship during this period.

"While the proposal states that collection of social media user identification is mandatory to complete the DHS forms, it adds that USCIS (which is a unit of DHS) will continue to process a form where social media information is not answered, but failure to provide the request data may delay the process. This leeway stems from the First Amendment, which applies to

anyone within the US. It remains to be seen how the forms will be designed to accommodate those who do not provide social media identification," adds Khanna.

The DHS notice points out that the department currently uses publicly available social media information to support its vetting when processing applications. This is labour-intensive; collection of the applicant's social media identifiers will reduce the time involved. It will also prevent any mis-associations. Even under the new proposal, only that information which the social media account holder has allowed to be shared publicly will be viewed by DHS. No disclosure of passwords is required.

In another recent move, US immigration officials are now permitted to create 'fictitious accounts or identities' to access social media accounts of people applying for green cards, citizenship, work visas, etc. Reports in the US media indicate that has stated that it does not permit creation of fake profiles and will not make any exception to its rules.

Khanna sums up by saying: "Of serious concern is the seemingly innocuous observation that the US government wishes to use the social media information to determine the 'true intention' of an applicant. This phrase is alarming because one can see venting about something could lead the government to make adverse inferences against an applicant."