

Revised US visa forms to ask most applicants to furnish 5-year social media history

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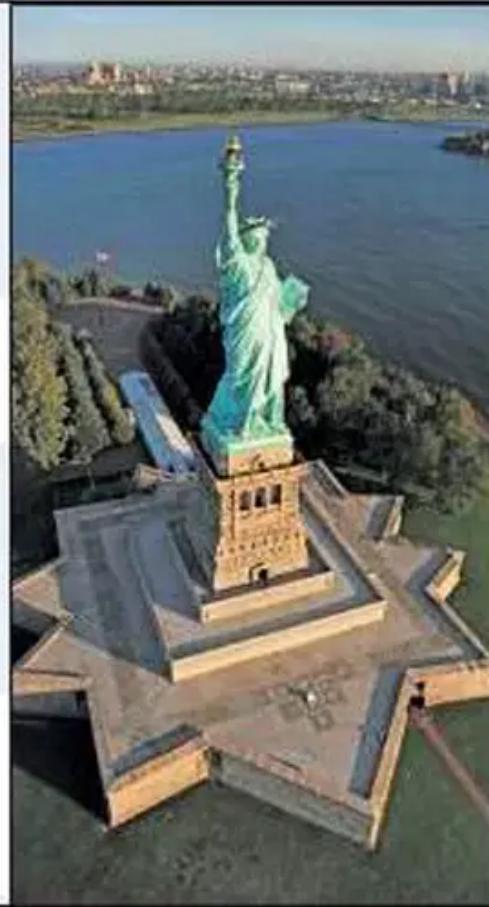
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Lubna Kably | TNN | Updated: Jun 2, 2019, 10:15 IST

MUMBAI: It is now official. Nearly a year after the plan was first mooted, most visa applicants, including tourists, headed to the United States will have to provide usernames of social media accounts that they have used during the past five years. US consulate offices in India issued 8.72 lakh visas during the fiscal ended September 30, 2018. On a global scale, The New York Times estimates that 14.7 million people, annually, will be asked to submit their social media details. "The requirement features on E-forms D-160 and D-260 filled by non-immigration and immigration visa applicants and used at US consulate offices. The forms have a drop down menu, requiring applicants to list the username or handle against the social media platforms, which they have used during the five years preceding the application date. However, passwords are not to be provided," explains Emily Neumann, partner at immigration law firm Reddy & Neumann.

RIPPING THE SOCIAL VEIL

- ▶ Visa applicants (students, workers, tourists et all) have to **provide user name or handles** (not passwords) of social media platforms used during the last five years
- ▶ Social media posts will be **vetted** – the objective is to enhance national security
- ▶ Immigration experts believe that the posts could result in **additional questioning during visa interviews** and foresee delays in processing
- ▶ If the applicant conceals details or fills inaccurate information, it can be treated as **fraud with dire consequences**



Social media platforms which are covered in the drop-down menu include , Flickr, Google+ , Instagram , and Youtube. The scope of the drop down menu is expected to be further extended. However, visa applicants do not have to list accounts designed for use by multiple users within a business organisation.

The Department of State had published its intent to implement this policy in March last year. Until this recent revision, only select visa applicants were asked to provide details of social media handles.

"The development is part of the Trump administration's 'extreme vetting' initiative which primarily is looking for anything that might render an applicant inadmissible, including terroristic tendencies," Mitchell Wexler, California based partner at Fragomen, a global immigration law firm, told TOI.

Social media posts could result in additional questioning during the visa interview.

"The outcome will be more delays and expansion of the consular power to deny visas that have been traditionally exempt from too many problems, such as H-4 and L-2 visas for derivative beneficiaries (spouses and dependent children of H-1B and L-1 visas holders). Already, consulates enjoy plenary powers in visa decisions. We cannot challenge visa denials, unless egregious and obvious illegality can be demonstrated. These questions combined with unfettered power are just a part of the invisible wall against lawful visitors," Rajiv S. Khanna, managing partner at Immigration.com told TOI.

New York based immigration attorney Cyrus Mehta said, "This will not impact extension and change of status applications." To illustrate, extension of the H-1B work visa or change in status from B1 (tourist visa) to a F1 (student visa) will not be impacted. "People's views could be held against them even if they are consistent with free speech and expression," Mehta said.

Neumann sums up by stating: "The same safeguards that protect a visa applicant's personal information will remain in effect for social media identifiers. Consular officers will not request user passwords and will not attempt to subvert any privacy controls the applicants may have implemented on these platforms." Immigration experts point out that if the visa applicant conceals information or fills in inaccurate details it could be regarded as fraud or misrepresentation with dire consequences.