

Timeline of Social Media Monitoring for Vetting by the Department of Homeland Security and the State Department

December 2015

- DHS begins both manual and automatic screening of the social media accounts of a limited number of individuals applying to travel to the United States, through various non-public pilot programs. According to a report by the DHS Inspector General, the objective of the program was to “examine the feasibility of using social media screening with an [unnamed] automated search tool.”

April 2016

- According to the IG report, U.S. Customs and Immigration Services (USCIS) tests another unnamed automated tool in a different pilot. Its purpose was to expand screening to additional applicants, including refugees, using a tool developed through the Defense Advanced Research Projects Agency (DARPA).

June 2016

- **June 23-** DHS issues a proposal to collect social media information from Visa Waiver Program (VWP) travelers through the creation of an optional data field on the Arrival and Departure Record (Forms I-94 and I-94W) and Electronic System for Travel Authorization (ESTA).
 - On **August 22**, the Brennan Center submits comments to DHS, opposing the proposal.

August 2016

- ICE begins another pilot program to screen the social media activity of a category of nonimmigrant visa applicants. This pilot used an automated web search tool that “specializes in social media data exploitation by analyzing social media data and funneling it into actionable information.”
- **August 31-** DHS issues a notice allowing an additional 30 days for the posting of public comments regarding the proposed information collection previously published on June 23.
 - On **October 3**, the Brennan Center and a coalition of civil liberties organizations submit comments to DHS in opposition to the proposal.

December 2016

- **December 19-** DHS receives approval to implement collection of social media information from Visa Waiver Program (VWP) travelers through the changes to the Arrival and Departure Record (Forms I-94 and I-94W) and Electronic System for Travel Authorization (ESTA).

January 2017

- **January 27-** The Trump administration issues Executive Order 13769: Protecting the Nation from Foreign Terrorist Entry into the United States – otherwise known as the Muslim ban. The order calls for the implementation of a process to evaluate, for visa applicants, “the applicant’s likelihood of becoming a positively contributing member of society and the applicant’s ability to make contributions to the national interest.”

February 2017

- **February 7-** DHS Secretary John Kelly suggests in a statement at the House Homeland Security Committee hearing that DHS could require non-citizens to provide the passwords to their social media accounts as a condition of entering the country.
 - **February 21-** A coalition releases a statement condemning the February 7 statements made by Secretary Kelly.
 - **March 10-** A coalition sends a comprehensive letter directly to Secretary Kelly condemning the proposal.
- **February 27-** After conducting an inspection to review DHS's social media pilot programs, the OIG releases a report entitled DHS' Pilots for Social Media Screening Need Increased Rigor to Ensure Scalability and Long-Term Success. In addition to revealing information about the pilot programs, the report concludes that DHS may not be "measuring and evaluating the pilots' results to determine how well they are performing."
 - On **September 5**, the Brennan Center files a FOIA request, requesting records referenced in the OIG report.

May 2017

- **May 4-** The Department of State issues an emergency notice of new proposals to increase screening and information collection of certain applicants, including requesting their social media handles.
 - On **May 18**, the Brennan Center, along with 34 other civil and human rights organizations, submits comments to the State Department expressing opposition. The letter argues that the proposal is excessively burdensome and vague, is apt to chill speech, is discriminatory against Muslims, and has no security benefit.

June 2017

- **June 29-** The House passes Kate's Law and the No Sanctuary for Criminals Act, both of which aimed to penalize illegal immigrants who commit crimes, as well as local jurisdictions that refuse to work with federal authorities to deport them.
- **June 12-** ICE issues a special notice announcing two "industry days" for vendors interested in the Extreme Vetting Initiative contract.

July 2017

- **July 18 & 19-** ICE holds two "industry days" for vendors interested in the Extreme Vetting Initiative contract.

August 2017

- **Early August-** Building America's Trust Act is introduced in the Senate. The bill sought to encourage DHS to review social media accounts of visa applicants from citizens of "high-risk countries" designated at the discretion of the secretary.
- **August 3-** The State Department issues a 60-Day Notice of Proposed Information Collection: Supplemental Questions for Visa Applicants. The notice seeks to make permanent the collection announced in May, and invites public comment.
 - **October 2-** The Brennan Center submits comments raising objections to the State Department's proposal.

September 2017

- **September 18-** DHS issues a notice regarding its storage of social media information on immigrants, including lawful permanent residents and naturalized U.S. citizens, in Alien Files (A-files).
 - On **October 18**, a coalition submits comments expressing opposition to DHS social media retention.
 - On **November 20**, six U.S. senators send a letter to the Acting Secretary of DHS to express concern and seek clarification regarding DHS's plan to retain social media handles, aliases, associated identifiable information, and search results in an immigrants' A-File.
- **September 21-** DHS/Customs and Border Protection (CBP) issues a notice to propose the establishment of a new system of intelligence records, including data from social media.
 - On **October 23**, the Electronic Privacy Information Center (EPIC) submits comments objecting to significant aspects of the notice.

October 2017

- **October 24-** The Trump administration announces an expansion of its “enhanced review” process, including social media checks, for refugees from 11 countries identified as posing a “higher risk” to the U.S. based on their designation on the Security Advisory Opinion (SAO) list.
- **October 27-** DHS's Privacy Office issues a Privacy Compliance Review of CBP's use of social media for ESTA vetting. It concluded that the use of social media identifiers was compliant with the requirements outlined in its privacy impact assessment but could not verify whether officers were collecting only the minimum amount of personal information necessary for the performance of their duties.

January 2018

- **January 29-** DHS implements “enhanced vetting measures,” including added social media vetting, to vet refugees from 11 so-called “high-risk” countries. The countries are not publicly identified, but reporting indicates that the list included Egypt, Iran, Iraq, Libya, Mali, North Korean, Somalia, South Sudan, Sudan, Syria, and Yemen.

March 2018

- **March 30-** The State Department issues notices of proposals to collect a range of information from applicants for both immigrant and non-immigrant visas. The proposal seeks to ask all visa applicants – an estimated 14.7 million people per year – to provide social media identifiers, telephone numbers, and email addresses used in the past five years, among other information.

May 2018

- **Mid-May-** ICE drops the machine learning requirement of the Extreme Vetting Initiative (rebranded as the “Visa Lifecycle Vetting Initiative”), opting instead for a labor-based contract under which it will hire contractors to review individuals' social media accounts. The agency planned to award the contract by the end of the year; as of January 2019, it appears the contract may have been awarded to ManTech.

- **May 30-** The Brennan Center and 56 other organizations submit comments urging the State Department to withdraw its March 2018 proposal to ask all visa applicants for social media identifiers and other information.
 - **September 27, 2018-** The Brennan Center sends a letter to the Office of Information and Regulatory Affairs (OIRA) urging the rejection of the State Department's proposal to ask all visa applicants for social media and other information.