

United States Senate

June 18, 2025

The Honorable Marco Rubio
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

The Honorable Kristi Noem
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue, SE
Washington, DC 20528

Dear Secretary Rubio and Secretary Noem,

Recently, the State Department and Department of Homeland Security (DHS) have sought to expand the role of social media screening in consular and immigration decisions. This policy change threatens to weaponize online speech against immigrants and foreign nationals, granting government officials broad and ill-defined authority to penalize individuals for their expression. Social media posts — often taken out of context and stripped of nuance — are an unreliable basis for such high-stakes determinations. Moreover, the government has never identified any evidence that these screenings help protect national security. In practice, this enhanced social media review appears designed to chill dissent, discriminate against particular viewpoints, and punish individuals for speech the Administration finds objectionable. We urge you both to immediately reverse this latest Trump administration attack on visitors to the United States and immigrants.

Over the past decade, State and DHS have increasingly experimented with using information gleaned from social media in consular and immigration decisions. In December 2015, DHS launched a task force to assess its social media policies and capabilities.¹ Over the following year, U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP), and U.S. Immigration and Customs Enforcement (ICE) completed at least seven pilot programs to review DHS's ability to conduct large-scale social media screening.²

This use of social media information accelerated during the first Trump administration, with the rollout of its “extreme vetting” program. In May 2019, the State Department began requiring almost all visa applicants to provide their social media identifiers,³ and in September

¹ Office of the Inspector General, DHS' Pilots for Social Media Screening Need Increased Rigor to Ensure Scalability and Long-Term Success (Redacted) at 7, DHS (Feb. 27, 2017), <https://www.oig.dhs.gov/sites/default/files/assets/2017/OIG-17-40-Feb17.pdf>.

² *Id.* at 8.

³ U.S. Department of State, Bureau of Consular Affairs, Collection of Social Media Identifiers from U.S. Visa Applicants (June 4, 2019), <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/visas-news->

2019, DHS proposed collecting social media information from applicants for immigration benefits, a major expansion of its social media vetting program.⁴ Although the Biden administration declined to proceed with DHS's 2019 proposal,⁵ it maintained the State Department's social media screening requirements. Most recently, on March 5, 2025, the Trump administration picked up where it left off, with USCIS seeking to expand the collection of social media identifiers on immigration forms.⁶ Consequently, with a few exceptions, the past four administrations have seen a steady increase in social media surveillance at State and DHS.

The federal government, however, has provided no evidence that wide-scale social media screening improves national security. As far as we know, neither State nor DHS has released any report or analysis proving the effectiveness of social media screening. In fact, the little public information available — obtained through Freedom of Information Act (FOIA) requests by civil society organizations — suggests that social media screening is ineffective. For example, in a 2016 transition memo, USCIS acknowledged that, in its pilot programs, social media vetting had not been used “solely or primarily” to deny any immigration benefits and that “authenticity, veracity, social context, and whether the content evidences indicators of fraud, public safety, or national security concern are often difficult to determine with any level of certainty.”⁷ Additionally, USCIS concluded that social media screening and vetting was “labor intensive” and “divert[ed] [USCIS personnel] away from conducting the more targeted enhanced vetting they are well trained and equipped to do.”⁸ Another FOIA release, obtained in October 2023, included an undated assessment by the National Counterterrorism Center acknowledging that social media screening had “very little impact” on screening accuracy.⁹ And in a New York Times report on that FOIA release, an unnamed senior administration official “agreed that collecting social media data had yet to help identify terrorists among visa applicants.”¹⁰

Although the national security benefits of social media screening may be unproven, the costs are very real. The wide-scale collection of social media information violates the free expression rights of foreigners and American citizens, infringes on applicants' personal privacy, creates unnecessary processing delays, and creates risks of abuse and discrimination. For

[archive/20190604_collection-of-social-media-identifiers-from-U-S-visa-applicants.html](https://www.federalregister.gov/documents/2019/06/04/2019-11601-collection-of-social-media-identifiers-from-u-s-visa-applicants).

⁴ Agency Information Collection Activities: Generic Clearance for the Collection of Social Media Information on Immigration and Foreign Travel Forms, 84 Fed Reg. 46,557 (Sept. 4, 2019).

⁵ Office of Management and Budget, Notice of Office of Management and Budget Action (Apr. 2, 2021), https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202007-1601-001. In rejecting the September 2019 proposed rule, the Biden administration explained that “the agency has not adequately demonstrated the practical utility of collecting this information.” *Id.*

⁶ Agency Information Collection Activities; New Collection: Generic Clearance for the Collection of Social Media Identifier(s) on Immigration Forms, 90 Fed. Reg. 11,324 (Mar. 5, 2025).

⁷ U.S. Citizenship and Immigration Services, “Social Media,” U.S. Citizenship and Immigration Services Briefing Book at 183, <https://www.dhs.gov/sites/default/files/publications/USCIS%20Presidential%20Transition%20Records.pdf>.

⁸ *Id.* at 184.

⁹ See Press Release, Knight First Amendment Institute, State Department Rule Requiring Visa Applicants to Register Their Social Media Handles is Ineffective, New Documents Say (Oct. 5, 2023), <https://knightcolumbia.org/content/state-department-rule-requiring-visa-applicants-to-register-their-social-media-handles-is-ineffective-new-documents-say>.

¹⁰ Charlie Savage, *Visa Applicants' Social Media Data Doesn't Help Screen for Terrorism*, Documents Show, N.Y. Times (Oct. 5, 2023), <https://www.nytimes.com/2023/10/05/us/social-media-screening-visa-terrorism.html>.

example, a lawsuit filed against the State Department in 2019 documents how foreign film makers have limited their speech on social media or declined to seek a U.S. visa due to the social media screening requirement.¹¹ This chilling effect also impacts Americans, who are unable to communicate with foreign friends and family that withdraw from social media and whose own communications with foreign visa applicants could be swept up in the screening and vetting process. Additionally, because content on social media is context- and relationship-dependent, it can easily be misinterpreted, creating significant risks of bias or discrimination. Even in an administration intending to conduct social media screening in a fair and unbiased manner, the risks of mistakes are high. In an administration with malign intentions, these social media screening tools guarantee abuse.

Based on its actions over the first few months, the Trump administration clearly falls into the latter category. On March 10, the U.S. government wrongfully removed Kilmar Abrego Garcia from the United States to a notorious prison in El Salvador.¹² Despite the Supreme Court's upholding a lower court order requiring the Administration to "facilitate" his return, the Trump administration refused to do so for months.¹³ Ten days later, six plainclothes ICE officials detained Tufts University student Rumeysa Öztürk and transferred her to a Louisiana detention facility, even though the State Department had determined — days before her detention — that it lacked evidence to revoke her visa.¹⁴ On April 14, ICE agents detained a ten-year lawful permanent resident at what he thought was a naturalization appointment.¹⁵ The same day, President Trump called for deporting American citizens to El Salvador.¹⁶ These are actions of an authoritarian government, not a constitutional democracy.

For that reason, we are deeply concerned that State and DHS's respective new policies around social media screening are a thinly veiled effort to discriminate against visa applicants and other noncitizens seeking to pursue their studies or obtain asylum or lawful residence in the United States. On March 25, the State Department issued a memo with new policies governing "Enhanced Screening and Social Media Vetting for Visa Applicants."¹⁷ Under those new policies, State officials are required to review the social media posts of all applicants granted a

¹¹ Compl. ¶¶ 54-56, *Doc Society v. Pompeo*, No. 1:19-cv-03632-TJK (D.D.C. Dec. 5, 2019).

¹² See Nick Miroff, *An 'Administrative Error' Sends a Maryland Father to a Salvadoran Prison*, The Atlantic (Mar. 31, 2025), <https://www.theatlantic.com/politics/archive/2025/03/an-administrative-error-sends-a-man-to-a-salvadoran-prison/682254/>.

¹³ See, e.g., Adam Liptak, *In Showdowns With the Courts, Trump Is Increasingly Combative*, N.Y. Times (Apr. 15, 2025), <https://www.nytimes.com/2025/04/15/us/politics/trump-defy-courts.html>.

¹⁴ See John Hudson, *No evidence linking Tufts student to antisemitism or terrorism, State Dept. office found*, Wash. Post (Apr. 13, 2025), <https://www.washingtonpost.com/national-security/2025/04/13/tufts-student-rumeysa-ozturk-rubio-trump/>.

¹⁵ See, e.g., Daniel Trotta, *Another Columbia student arrested by US immigration officials*, Reuters (Apr. 15, 2025), <https://www.reuters.com/world/us/another-columbia-student-arrested-by-us-immigration-officials-2025-04-15/>.

¹⁶ See, e.g., Gram Slatter & Sarah Morland, *Trump calls for deporting some citizens to El Salvador, testing US law*, Reuters (Apr. 15, 2025), <https://www.reuters.com/world/americas/trump-wants-deport-some-us-citizens-el-salvador-2025-04-14/>.

¹⁷ See Ken Klippenstein, *Trump Admin Spies on Social Media of Student Visa Holders* (Mar. 28, 2025), <https://www.kenklippenstein.com/p/exclusive-trump-admin-spies-on-social>.

U.S. student visa between October 7, 2023 and August 31, 2024.¹⁸ Additionally, the memo warns that “conduct that bears a hostile attitude towards U.S. citizens or U.S. culture (including government, institutions, or founding principles)” may be evidence that an applicant advocates for terrorism and therefore is ineligible for a U.S. visa.¹⁹ A few days later — on April 9 — DHS announced that USCIS would begin screening the social media accounts of individuals applying for an immigration benefit for “content that indicates an alien endorsing, espousing, promoting, or supporting antisemitic terrorism, antisemitic terrorist organizations, or other antisemitic activity.”²⁰ DHS has not provided any additional information about how it intends to conduct this social media screening.

The vague language in these new policies gives unchecked discretion to State and DHS officials, creating serious risks of abuse and discrimination. The State policy says nothing about the type of content that could demonstrate a “hostile attitude” towards U.S. culture or founding institutions, terms that are hotly disputed. That language gives nearly carte blanche to a consular employee to reject a visa application. DHS’s press release is similarly vague. Far from providing State and DHS career staff with clear guidelines and metrics for implementing social media screening policies, these policies are ambiguous and unbounded. Moreover, although we strongly oppose antisemitism in all forms, the Administration’s heavy focus on antisemitism on college campus may create implicit pressure on career employees to reject any student visa applicant who has posted any pro-Palestinian content on social media. In so doing, the directives seem designed to punish speech that the Administration dislikes and create fertile ground for abuse and discrimination.

We urge you to immediately reverse these policies. To the extent that State and DHS intend to continue conducting social media screening and vetting, we urge you to establish concrete and definite guidelines for the use of social media indicia in visa and immigration decisions. To help us better understand the Administration’s plans for the implementation of these new policies, we request written responses to the following questions by July 9, 2025.

1. Please provide any studies, analyses, audits, or other examination of the social media collection, screening, and vetting programs at State or DHS conducted between December 15, 2015 and the date of this letter. This should include:
 - a. Any studies, analyses, audits, or other examination of the social media screening and vetting programs at State or DHS conducted in connection with the review undertaken during the Biden administration pursuant to Section 3(d) of Proclamation No. 10141.
 - b. Any legal analysis of social media screening efforts proposed in connection with President Trump’s “extreme vetting” program.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Press Release, U.S. Citizenship and Immigration Services, DHS to Begin Screening Aliens’ Social Media Activity for Antisemitism (Apr. 9, 2025), <https://www.uscis.gov/newsroom/news-releases/dhs-to-begin-screening-aliens-social-media-activity-for-antisemitism>.

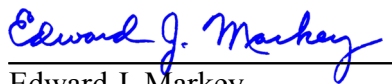
2. Is the State Department or DHS using artificial intelligence (AI) or any other automated system to collect, process, analyze, or otherwise review information collected from social media accounts of visa applicants and applicants for an immigration benefit?
 - a. If so, please describe those systems and describe any processes and rules to ensure those systems are free of bias and discrimination.
 - b. Will AI or an automated system ever be the sole decision-maker in a visa application or application for an immigration benefit?
3. How many visa applicants or individuals seeking an immigration benefit have had their application denied solely or primarily due to the social media screening and vetting process, including those denied for failing to provide a social media identifier? Please provide the information from December 15, 2015 through the date of this letter and identify by type of applicant and year.
4. Please provide any State Department and DHS memos, guidance documents, or other written policies intended to guide career staff in interpreting social media indicia for a visa applicant or applicant for an immigration benefit.
5. Has the State Department, DHS, or any other agency or component conducted any legal analysis or First Amendment review of the March 25 State Department memo or the April 9 DHS announcement? If so, please provide that analysis.
6. What safeguards, if any, are in place to ensure that personal bias, political viewpoints, or cultural misunderstandings do not influence visa adjudications or immigration benefit decisions based on social media content?
7. Did the State Department's Office of Civil Rights or DHS's Office for Civil Rights and Civil Liberties or Privacy Office review the respective policies before their implementation?
 - a. If so, did either office raise concerns about the respective policy changes?
 - b. If so, please share any related documents, emails, or memos.

Thank you for your attention to this serious issue.

Sincerely,

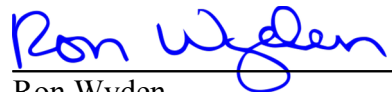
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Edward J. Markey

United States Senator



Ron Wyden

United States Senator



Chris Van Hollen

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Peter Welch

United States Senator



Cory A. Booker

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