U.S. now can ask travelers for Facebook, Twitter handles

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Travelers wishing to visit the United States can now be asked for their social media handles and email addresses going back five years, a new U.S. government request that's alarmed privacy advocates but which the Trump Administration says could help weed out travelers who intend harm.

Citizens of most countries must apply for visas to travel to the United

States, which are granted by the State Department. This generally involves a visit to a local U.S. embassy or consulate and an in-person interview with a consular official.

The supplemental questionnaire will only be given to "a fraction of 1% of the 13 or so million people who apply for a [visa] to visit the United States each year and is meant for applications for which consular officials feel more information is necessary," said Will Cox, a spokesman for the State Department's Bureau of Consular Affairs.

About 85% of those apply for visas are granted them, he said.

Applicants are not being asked for the passwords to these accounts and consular officers will not be going into [social media] and friending people, Cox said. The questionnaire also asked about employment history, siblings, children and spouses, "current or previous" and "living or deceased."

The State Department asked for the right to collect the information under an emergency request on May 3 which was granted on May 23 by the Office of Budget and Management. It was implemented with no fanfare on May 23 and it wasn't until Thursday, when Reuters first reported on it, that the existence of the new form became widely known.

Visa applicants might have faced requests for their social media handles in the past, but the practice is now explicit, a change that follows a series of restrictions to travelers entering the U.S. by the Trump Administration, some of which have been overturned in court. This latest request is far milder than other attempted changes, such as ban on travelers from predominantly Muslim countries.

But immigration and privacy attorneys say they worry consular officials will make a rush to judgement—while missing those who intend harm.

"We see this as part of a larger pattern of the federal government scrutinizing the social media of presumably blameless foreigners," said Adam Schwartz, a staff attorney with the Electronic Frontier Foundation, a digital civil rights group.

Visitors to the United States haven't previously been put on notice that whatever they have said on social media over the past five or more years is going to potentially be used against them.

"They weren't thinking about what might look suspicious to a consular official," said Schwartz.

"A lot of people have opinions on what's been going on in this country, but it doesn't mean they hate America. If someone said 'America sucks' online two years ago, does that mean they can't get a visa to come here?" said Reaz Jafri, head of the global immigration practice at the law firm of Withers Worldwide in New York.

He is concerned that those who are truly planning to harm the United States "aren't going to give you the email where they're plotting."

The State Department says it will continue to follow U.S. laws on when it can refuse entry to a visitor.

Visas can be denied for cases of fraud, past criminal record, links to terrorist groups, previous immigration violations, communicable disease and drug abuse. "Personal political belief is not a basis for refusal, even if it's a belief that we don't agree with," Cox said.

Pressure on social networks

Authorities and companies have come under increasing pressure to detect potential terrorist leanings that might have been spotted by

watching the social media accounts of people involved.

After a terrorist drove a truck into a crowd near the British Parliament in March, killing three people, lawmakers there vowed to meet with Google, Facebook and Twitter, which they said had done too little to combat terrorists who used their digital networks for propaganda and communication.

In May, relatives of the victims of the 2015 San Bernardino terrorist attack sued the tech companies for not doing enough to stem the tide of terrorist propaganda online that helped radicalize Syed Rizwan Farook and his wife, Tashfeen Malik.

But the State Department has always had this ability, said Stephen Yale-Loehr, a professor of immigration law at Cornell Law School.

"U.S. government agencies already are reviewing people's social media accounts. This new form isn't going to add much to that existing effort," he said.

Yale-Loehr believes the new form will be used as a way to further delay and deny visas.

Data posted last month by the State Department showed that travel visas to people from more than 40 Muslim-majority countries were down close to 20% compared with the monthly average for 2016, a Politico analysis found.

"In essence, this new form is the 'lite' version of the administration's travel ban, and much harder to fight," Yale-Loehr said in an email.