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Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street, N.W.
Washington, D.C. 20503

Bureau of Consular Affairs, Visa Office
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

December 20, 2017

RE: Supplemental Questions for Visa Applicants, OMB Control Number: 1405-0226, DS-5535

To Whom It May Concern:

We write once more¹ to express our serious concerns with the Department of State's (the "Department") most recent Notice of Proposed Information Collection ("Notice") which seeks to make the supplemental questionnaire for visa applicants an enduring part of our visa application system.²

As a civil rights organization dedicated to protecting the rights of people of all faiths to practice their religions freely and peacefully, we believe that the questionnaire's invasive and discriminatory consequences greatly outweigh any benefit that might be gained from the data collected. Moreover, given that the questionnaire adds little strategic value to our country's current process for reviewing and tracking people who enter the United States, it has no role to play in the Department's laudable goal of keeping the nation as secure as it is free.

I. Introduction

As we have previously expressed, although the Notice does not directly state that consular offices will target Muslims specifically when collecting information with the supplemental questionnaire, President Trump has made it abundantly clear that such targeting is exactly the intent behind his "extreme vetting" initiative. For example, in the immediate aftermath of the tragic October 2017 attack in New York that killed eight people and injured eleven, the President announced on Twitter that he had ordered the Department of Homeland Security to implement even tougher "extreme vetting" procedures for screening people who wish to come to the United States, opining that "[b]eing politically correct is fine, but not for this!" and "[w]e must not allow ISIS to return, or enter, our country after defeating them in the Middle

¹ See Letter to OMB and U.S. Department of State from Muslim Advocates, Re: Supplemental Questions for Visa Applicants, OMB Control Number: New, DS 5535, Docket Number: DOS-2017-0019 (May 18, 2017) [hereinafter "Muslim Advocates May 2017 Letter"]; Letter to OMB and U.S. Department of State from Muslim Advocates, Re: Supplemental Questions for Visa Applicants, OMB Control Number: 1405-0226, DS 5535, Docket Number: DOS-2017-0032 (Oct. 2, 2017) [hereinafter "Muslim Advocates October 2017 Letter"].

² 82 Fed. Reg. 56099 (Nov. 27, 2017).

East and elsewhere.”¹ In contrast, New York Governor Andrew Cuomo urged government officials “on all levels” to err on the side of unity and solidarity; reminding everyone that “[y]ou play into the hands of the terrorists to the extent you disrupt and divide and frighten people in this society.”²

Nevertheless, President Trump’s comments have continued to disrupt, divide, and frighten people over a faith practiced by more than a billion people worldwide.³ Most recently, the President retweeted three inflammatory, anti-Muslim videos posted by a notorious far-right hate group known as “Britain First.”⁴ In the wake of the President being criticized by world leaders for those tweets, the White House Press Secretary quickly jumped to his defense, saying that the tweets “elevated the conversation,” that the “threat is real” even if the videos are not, and that the President’s goal is to “promote strong border security and strong national security.”⁵ When asked whether the President thought that Muslims are a threat to the United States, the Deputy Press Secretary responded, “No, look, the President has addressed these issues with the travel order that he issued earlier this year and the companion proclamation,”⁶ which clearly indicates that the travel order and companion proclamations, including the extreme vetting initiatives, are driven by religious animus towards Muslims.

These comments, as well as the President’s tweets, constitute official statements from the Executive Branch of the United States.⁷ The immediate and long-term effects of this type of hateful rhetoric, emanating first from candidate-Trump’s campaign trail and subsequently from the White House itself, have not been insignificant. According to a study published earlier this year by the CATO Institute, Muslim refugee admissions as well as tourist and immigrant visas have dropped substantially in 2017 based on the State Department’s own data.⁸ By contrast, Muslim majority countries during the past decade had never seen a drop in temporary visa

¹ David Choi, *TRUMP: Time to ramp up ‘Extreme Vetting Program’ after New York City attack*, BUSINESS INSIDER (Oct. 31, 2017), <http://www.businessinsider.com/nyc-attack-trump-extreme-vetting-program-terror-2017-10>.

² Tierney McAfee, *Trump Slammed for ‘Not Helpful’ Tweets About ‘Extreme Vetting’ After N.Y.C. Terror Attack*, PEOPLE (Nov. 1, 2017), <http://people.com/politics/trump-tweets-extreme-vetting-nyc-terror-attack/>.

³ *The Future of World Religions: Population Growth Projections, 2010-2050*, PEW RESEARCH CENTER (Apr. 2, 2015), <http://www.pewforum.org/2015/04/02/religious-projections-2010-2050/>.

⁴ Ashley Parker and John Wagner, *Trump retweets inflammatory and unverified anti-Muslim videos*, WASH. POST (Nov. 29, 2017), https://www.washingtonpost.com/news/post-politics/wp/2017/11/29/trump-retweets-inflammatory-and-unverified-anti-muslim-videos/?utm_term=.52867499d65b.

⁵ Maxwell Tani, *Fox News host grills national security adviser over Trump retweeting anti-Muslim videos*, BUSINESS INSIDER (Dec. 3, 2017), <http://www.businessinsider.com/chris-wallace-grills-hr-mcmaster-trump-anti-muslim-videos-2017-12>.

⁶ Press Gaggle by Principal Deputy Press Secretary Raj Shah en route St. Louis, MO, THE WHITE HOUSE, OFFICE OF THE PRESS SECRETARY (Nov. 29, 2017), <https://www.whitehouse.gov/the-press-office/2017/11/29/press-gaggle-principal-deputy-press-secretary-raj-shah-en-route-st-louis>.

⁷ The government has taken the position that the President’s statements, including the tweets described above, are official statements from the President of the United States. See Defendants’ Supplemental Submission and Further Response to Plaintiffs’ Post-Briefing Notices, at 2, 4, *James Madison Project v. U.S. Department of Justice* (D.D.C. Nov. 13, 2017) (Case No. 1:17-cv-00144).

⁸ David Bier, *Muslim Ban? Fewer Muslim Refugees, Immigrants, and Travelers Enter U.S. in 2017*, CATO INSTITUTE (Dec. 12, 2017), https://www.cato.org/blog/muslim-ban-fewer-muslim-refugees-immigrants-travelers-enter-us-2017-0?utm_campaign=website&utm_source=TakeCareBlog&utm_medium=Email.

issuances of more than one percent or a drop in immigrant visas of more than seven percent.¹ The CATO report also noted that Muslim travelers may simply be deterred from traveling due to stories of detentions, harassment, and mistreatment at the border.²

The supplemental visa questionnaire will likely exacerbate this trend, as the White House’s previous statements provide ample evidence that the Department’s supplemental visa questionnaire will impose a disproportionate impact on Muslims, travelers from Muslim-majority countries, and those who may appear to be Muslim.³ This disproportionate targeting is unnecessary and offensive, particularly given that the questionnaire will almost certainly impose an administrative burden far greater than the Department’s estimates. Moreover, the information collected will be of questionable utility because it is easy for individuals who truly wish to harm the United States to amend or delete information that is responsive to the questionnaire. With respect to its request for social media handles, in particular, the questionnaire may even hinder ongoing intelligence efforts to gather information about the online presence of otherwise unsuspecting individuals who may pose a threat to national security.

The Muslim community will thus be subjected to highly sensitive and targeted questioning with little strategic benefit returned to the United States. For the sake of maintaining a border security program that is smart, effective, and efficient, Muslim Advocates urges OMB to reject the Department’s proposal to make the supplemental questionnaire an enduring part of the visa application process.

II. The Supplemental Questionnaire Is Burdensome and of Limited Utility.

A. The Supplemental Questionnaire Will Likely Be More Burdensome Than the Notice Estimates.

Although the Department’s Notice estimates that the average response time for the extreme vetting questionnaire will be approximately one hour per applicant, the actual administrative burden will likely be far greater—especially if the Department aims to actually glean useful intelligence from the additional questions presented to “certain” visa applicants.

It is still unclear exactly how the Department will determine which “certain immigrant and nonimmigrant applicants” merit additional screening by the supplemental visa questionnaire—a significant omission, given that the questionnaire will impact an estimated 70,500 people (an increase from the original 65,000 estimate provided by the Department earlier this year). As Muslim Advocates has stated in previous submissions, it is likely that such applicants will initially be derived from the countries named by Executive Order 13780 banning travel by certain persons to the United States.⁴ However, in addition to increasing the likelihood that travelers will be singled out based on unlawful, discriminatory criteria, the Department’s failure to elaborate on what factors will be considered in determining which travelers merit extra scrutiny means that the Notice’s focus, and estimated degree of administrative burden, can change at any time. As a result, there is no stopgap that can prevent the supplemental questionnaire from continuing the trend of the federal government’s information collection

¹ *Id.*

² *Id.*

³ See Muslim Advocates October 2017 Letter at 3-5.

⁴ See Muslim Advocates May 2017 Letter at 2.

programs costing the public hundreds of millions of additional burden hours each year,¹ despite the Administration’s commitment to reducing government waste.²

Moreover, in asking for applicants’ social media handles, the Department fails to consider the technical burden required to make this information useful for intelligence purposes—which stands apart from the administrative burden imposed on people from Muslim majority countries. In addition to the tens of thousands of applicants who will be required to generate more paperwork for consular offices worldwide, the supplemental information will require review by government employees with knowledge and training that enables them to interpret the information correctly. Assuming that a person’s social media presence can accurately convey whether they pose a threat to the United States—which, as described in our previous submissions, is unsupported by evidence and leads to unnecessary profiling of innocent persons³—adequate interpretation of social media information will require a substantial increase in personnel with sufficient language and cultural expertise to distill this information into “vetting” conclusions. Without linguistic and cultural experts analyzing each application, an applicant’s social media presence may easily be misinterpreted—resulting in severe consequences for rejected applicants and a “false positive” for consular offices and the national security agencies with whom they share collected information.

Compounding this administrative burden is the fact that the average internet user has five different social media accounts,⁴ and the Notice does not attempt to highlight which handles could be more useful for screening purposes than others—making the scope of information collected per applicant potentially enormous. In addition to social media platforms that are “typical” by U.S. standards, such as Facebook, Twitter, Instagram, and SnapChat, visa applicants may share social media handles associated with platforms such as YouTube, Pinterest, Reddit, Tumblr, WhatsApp, Viber, Fotolog, WeChat, Pixnet, Tinder, Grindr, and OKCupid—not to mention additional social media platforms that may be unique to a particular region or cultural subset.

Visa applicants may understandably conclude that the disclosure of their personal social media profiles is a prerequisite to being granted a visa. And although the Order “directs” consular officials not to collect user passwords, visa applicants are unlikely to know they have the right to refuse to provide that information. As such, applicants may, out of an abundance of caution, self-censor and refrain from posting certain opinions, reacting to certain articles, visiting certain locations, or associating with certain people or personalities in the event border agents view it. As a result, there could be an extraordinary chilling effect, particularly for those who seek to study, work, or visit friends or relatives in the U.S. This effect would impact U.S. educational institutions as well as our own market economy, which thrives on multicultural talent and diversity.

¹ The latest numbers, from 2016, show that in FY 2015 the public spent an estimated 9.78 billion hours in responding to Federal information collections—a net increase of 350 million burden hours from FY 2014. See *Information Collection Budget of the United States Gov.*, OFF. OF MGMT. & BUDGET, at 3 (2016), https://obamawhitehouse.archives.gov/sites/default/files/omb/inforeg/icb/icb_2016.pdf.

² Gregory Korte, *Through executive order, Trump aims to make government ‘less wasteful,’* USA TODAY (Mar. 13, 2017), <https://www.usatoday.com/story/news/politics/2017/03/13/through-executive-order-trump-aims-make-government-less-wasteful/99127294/>.

³ Muslim Advocates May 2017 Letter at 11.

⁴ Shea Bennett, *The Average Internet User Has 5 Social Media Accounts*, ADWEEK (Oct. 24, 2014), <http://www.adweek.com/digital/social-media-accounts/>.

The Department has not specified how it will comb through the social media handles provided by applicants or whether it will use adequate linguistic and cultural expertise to interpret a social media profile’s publicly available information fairly and accurately. Given these significant shortcomings, it is clear that the Department’s collection effort will amount to little more than an increased and disproportionate burden for visa applicants of predominantly Muslim national origin. This burden is unfair and antithetical to our country’s commitment to welcoming people of all faiths. It also will likely hinder efforts to quickly and accurately identify those who present a legitimate threat to U.S. national security.

B. The Questionnaire’s Enhanced Administrative Burden Will Hinder, Not Help, Efforts to Identify Legitimate Threats.

Muslim Advocates is not seeking to hamper effective, lawful intelligence gathering activities. In fact, all Americans have a stake in the Department’s success in maintaining the safety and security of the United States. For example, victims of the San Bernardino attack included people of Christian, Muslim, and Jewish faiths alike—and some hailed from Muslim-majority countries such as Iran.¹ Moreover, the U.S. government’s National Counter Terrorism Center has found that in cases where religious affiliations can be determined, Muslims accounted for between 82 percent and 97 percent of terrorism-related fatalities worldwide over a period of five years.”² Muslims are far too familiar with the horrific consequences of violent attacks—and have every reason to support efforts of the United States and other countries to identify and prevent threats to the safety of innocent people.

However, we believe that the proposed supplemental questionnaire, no matter how well-intentioned, will be more of a hindrance than an asset to legitimate counterterrorism activities. To begin, it will overload consular offices worldwide with additional information to sift through that is of dubious value and vulnerable to misinterpretation. Such information gathering may even be duplicative, given that the Department of Homeland Security has announced that it, too, will be collecting social media information of all immigrants entering the United States.³ It is unclear how the State Department and the Department of Homeland Security plan to coordinate their information collection efforts, whether or how they will share their collected information (and conclusions derived from it), and whether or how they will avoid needlessly collecting and analyzing multiple iterations of the same information from the same visa applicants.

Moreover, savvy individuals could easily evade the requirement to produce potentially incriminating social media information upon applying for a visa, which undercuts the purported utility of gathering this information. For example, those who wish to come to the United States to do harm need only delete incriminating profiles, lie about such profiles’ existence, or spend a few hours scrubbing their profiles of data that could compromise their chances of having their application approved—a practice routinely encouraged for millennials applying for jobs.⁴

¹ Sarah Parvini, Hailey Branson-Pots, and Paloma Esquivel, *For victims of San Bernardino terrorist attack, conflicting views about Trump policy in their name*, LOS ANGELES TIMES (Feb. 1, 2017), <http://beta.latimes.com/local/lanow/la-me-san-bernardino-trump-20170131-story.html>.

² Ruth Alexander and Hannah Moore, *Are most victims of terrorism Muslim?* BBC NEWS (Jan. 20, 2015), <http://www.bbc.com/news/magazine-30883058>.

³ Ron Nixon, *U.S. to Collect Social Media Data on All Immigrants Entering Country*, N.Y. TIMES (Sep. 28, 2017), <https://www.nytimes.com/2017/09/28/us/politics/immigrants-social-media-trump.html>.

⁴ Allen St. John, *Looking for a Job? First, Clean Up Your Social Media Presence*, YAHOO! FINANCE (Aug. 1, 2017), <https://finance.yahoo.com/news/looking-job-first-clean-social-162953736.html>.

Collecting social media information at the border, and alerting applicants that such information will be reviewed for signs of any threat to the United States in the process, is a distinctly flawed strategy for garnering intelligence information. In fact, the Department’s proposal may actually deprive intelligence analysts of critical information by openly signaling that this information is being regularly monitored and reviewed, thus inadvertently encouraging nefarious actors to sanitize their social media profiles or create false profiles that are expertly tailored to appear innocent and uncontroversial. Meanwhile, the majority of visa applicants who seek to enter the country for legitimate purposes may have a tendency to overshare any and all information that could be responsive to the questionnaire, for fear that failure to do so will result in their application being rejected. This will add to the disproportionate burden on the State Department with limited to questionable intelligence yield.

As such, the supplemental questionnaire will add many more proverbial needles to the intelligence information haystack, hindering legitimate intelligence objectives while also unfairly burdening the Muslim community.

III. The Consequences of Sharing Social Media Information at the Border May Be Severe—and the Notice Provides Inadequate Assurances Against the Potential for Abuse or Theft of Personal Data.

Much like the related notices filed earlier this year, this Notice of Proposed Information Collection fails to adequately address the substantial privacy and personal security risks associated with “de-cloaking” and “de-anonymizing” the social media profile of individuals lawfully seeking entry into the United States. Nor does it ensure appropriate safeguards are in place to prevent the abuse or mishandling of sensitive data. Further, the collection and storage of vast personal data presents a significant risk from a cybersecurity standpoint, particularly as U.S. government data warehouses remain a target for cyberattacks.

A. Visa Applicants Will Have to Choose Between Either Complying With the Questionnaire and Risk Having Their Social Media Handles Revealed, or Not Complying and Risk Having Their Application Denied.

Although the Notice stipulates that the information requests are not “mandatory,” the Notice also goes on to state that failure to provide such information without a “credible explanation” may result in visa denial. As a result, individuals may be unduly burdened by the fear that forgoing complete disclosure of one’s social media platforms could hinder their ability to travel freely. While the Notice states that the “collection of social media platforms and identifiers will not be used to deny visas based on applicants’ race, religion, ethnicity, national origin, political views, gender, or sexual orientation,” there are no guarantees that this information will not be shared with the applicant’s home country, potentially exposing the applicant to harm if their online profiles do not comport with their home country’s mores, particularly on issues like sexual orientation, social activism, and political dissent.

The concerns over demanding social media information at the border stem from the personal, exposed profile it provides into one’s intimate, private life. A person’s Facebook posts, hashtags, “likes,” shares, and online community memberships can reveal their political and religious beliefs, sexual preferences, interests, thoughts, political affiliations, and even details about their relationships with other people. Such revelations are particularly dangerous for journalists and humanitarian activists—who may rely on the discretion provided by their social

media handle pseudonyms to conduct their work without being persecuted. Moreover, in many countries, outspoken activism is punishable, even by death.¹

Implementation of this policy poses unnecessary social and political costs, with uncertain security benefits. As we noted in our prior comment, following September 11, 2001, the Federal Bureau of Investigation (FBI) conducted nearly half a million “voluntary” interviews of American Muslims, at times asking them invasive questions regarding their friends, family, and members of their community.² Not one of these interviews led to information that would have enabled the FBI to detect or prevent the type of attack that occurred on September 11, yet such questions continued and often became more personal over time.³

Seeking to extend and formalize this collection of information for three years will risk institutionalizing this discriminatory bias—particularly in light of President Trump’s own discriminatory comments. Our prior comment described several instances of harassment faced by Muslim travelers, and based on the CATO analysis cited above, the cumulative effect of these policies has created sufficient fear and concern among the broader Muslim community such that there is likely less interest in traveling to the United States to work, study, and visit. Earlier this year, for example, following the President’s anti-Muslim tweets and threats, there were several alleged instances where border agents asked Muslim travelers invasive questions related to their faith: “Are you a devout Muslim? Do you pray five times a day? . . . Why do you have a Qur’an in your luggage? . . .”⁴

Many travelers also face the prospect of discrimination in their home country. While the 30-day Notice of Proposed Rulemaking has added welcome language directing consular officers to undertake precautions to protect user privacy, these new directives do not go far enough in ensuring the privacy of travelers. For instance, there is no discussion of when the United States will share the information it obtains about travelers with other agencies, departments, or foreign countries (including the traveler’s country of origin). Travelers whose social media platforms reveal sensitive information about them—such as dissident political activity, sexual orientation, or disfavored religious beliefs—may face discrimination and harm because of information uncovered at the border.

¹ See, e.g., *Iran 2016/2017*, AMNESTY INTERNATIONAL (last visited Dec. 11, 2017), <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/> (noting that “authorities heavily suppressed the rights to freedom of expression, association, peaceful assembly and religious belief, arresting and imprisoning peaceful critics,” “made extensive use of the death penalty” and that “a judicial order added WhatsApp, Line and Tango to the list of blocked social media sites, which already included Facebook and Twitter”).

² *Hearing on Willful Blindness—The Consequences of Agency Efforts to De-Emphasize Radical Islam in Combating Terrorism* (statement of Farhana Y. Khera, President & Executive Director, Muslim Advocates), SUBCOMM. ON OVERSIGHT, AGENCY ACTION, FED. RIGHTS & FED. COURTS OF THE SEN. COMM. ON THE JUDICIARY (2016), <https://www.judiciary.senate.gov/imo/media/doc/06-28-16%20Khera%20Testimony.pdf>.

³ *Hearing on Willful Blindness—The Consequences of Agency Efforts to De-Emphasize Radical Islam in Combating Terrorism* (statement of Farhana Y. Khera, President & Executive Director, Muslim Advocates) SUBCOMM. ON OVERSIGHT, AGENCY ACTION, FED. RIGHTS & FED. COURTS OF THE SEN. COMM. ON THE JUDICIARY (2016), <https://www.judiciary.senate.gov/imo/media/doc/06-28-16%20Khera%20Testimony.pdf>.

⁴ Andrew Lindsay, *Trump’s ‘Extreme Vetting’ Could Criminalize Islam*, BRENNAN CTR. FOR JUSTICE (Mar. 23, 2017), <https://www.brennancenter.org/blog/trump%E2%80%99s-%E2%80%99extreme-vetting%E2%80%99-could-criminalize-islam> (internal quotation marks omitted).

In sum, the Proposed Rule enables border officials to go beyond assessing an individual's national origin and purpose of travel (information typically gathered at the border) to include the scrutiny of one's social media presence, community ties, their employment histories, and other pieces of sensitive information. In combination, this collection of information can be grossly invasive, and can subject visa applicants to discriminatory biases and unnecessary risks.

B. There Are No Appropriate Safeguards or Assurances Against Abuse.

Although the Notice promises not to use social media identifiers and platforms to deny visas based on race, religion, and other protected categories, the appeals process for visa denials is too lengthy, cumbersome, and convoluted to serve as an adequate check against abuse. Specifically, the Department notes on its website that visa applicants who have had their application denied can seek a waiver of their ineligibility and/or reapply.¹ However, this process can be complex and resource-intensive, and many visa applicants may not have the ability to seek redress. Moreover, there is no guarantee that applicants will be fully informed of the basis of their visa ineligibility, since consular officers exercise discretion in granting visas. It may be exceedingly difficult for an applicant to know, for example, that the reason for the denial is based on issues relating to their social media usage. As such, applicants have inadequate options to seek redress once an application has been denied.

Additionally, it is easy to misconstrue a post, a picture, or an attribution as something sinister. As noted above, without comprehensive language and cultural training, consular officials may not be able to adequately assess the profile content, and given the constraints of time and resources, may elect to deny the applicant as opposed to properly determining its appropriate cultural context. This would only be exacerbated when reviewing online profiles in different languages. Without such safeguards, border officials will be subject to their own cognitive biases when making critical determinations about who can enter the U.S. Under the guise of national security, this would be a difficult, if not impossible standard to argue against on appeal. Furthermore, despite repeated requests for information pursuant to our FOIA request, the State Department has yet to provide even basic information regarding consular training, policies, and procedures related to this effort.²

C. U.S. Government Data Storage Systems Are Insecure and a Frequent Target by Cyber Hackers.

Unlike prior notices, the new Notice acknowledges the risk of collecting social media identifiers. However, merely stating that “[p]osts will assess their respective operating environments and collect the social media identifier” in a way that safeguards its transmission does little to provide any assurance as to how the data will be stored and shared.

There is significant reason for concern. Over the past few years, there have been several cases of cyber intrusions resulting in the theft and loss of an extraordinary amount of data, demonstrating that U.S. government storage of personal information is vulnerable to outside intrusions. For example, Chinese government-linked hackers compromised sensitive security clearance data stored by the Office of Personnel Management (“OPM”) in 2015, exposing more

¹ *Visa Denials*, U.S. DEPARTMENT OF STATE (last visited Dec. 11, 2017), <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/visa-denials.html>.

² Letter from Muslim Advocates, et al., to U.S. Department of State (July 20, 2017) (on file with author).

than 20 million current and former federal employees and their families.¹ Earlier this year, two years after the OPM hack, the Office of Inspector General published an alarming report, noting “significant problems” in information systems accelerated in FY16 as part of an expedited effort to bring OPM into compliance with necessary security requirements. While acknowledging that this may not necessarily mean the system is insecure, the Auditor highlighted that the “system is at a significantly higher risk of containing unidentified security vulnerabilities.”² We also previously noted that leaked documents revealed that the Department’s State Messaging and Archive Retrieval Toolset system is built with “out of the box software” and “commercial grade” services and applications, operating “without basic technical security measures in place, despite warnings about its vulnerabilities.”³

Considering that the U.S. government previously failed to successfully safeguard the most sensitive data of its own citizens and employees, it is reasonable to assume it could also fail to do so with the data of foreign countries, particularly in light of the increasing fiscal constraints that U.S. government agencies find themselves under today.

IV. Conclusion

As we have explained above and in prior comments, we believe that the visa questionnaire proposed in the Department’s Notice presents a burdensome, invasive, and dangerously ineffective method for surveilling visa applicants. Cementing this process for three years will have lasting, detrimental effects. The questionnaire will add little benefit to achieving legitimate national security goals and could hinder or even contradict the strategic intelligence objectives that exist outside of the visa process. The proposed collection also presents enormous administrative burdens for applicants and consular officials—which are unaccounted for in the Department’s Notice—and offers no reasonable process to ensure accountability upon a visa denial.

With a rule so unjustified and poorly crafted, it is clear that this effort is another thinly veiled attempt by the Trump Administration to discriminate against individuals from Muslim majority countries. We know that this goal contradicts the Department’s mission and that the questionnaire is a wasteful and burdensome vehicle that runs counter to OMB’s primary responsibility of fiscal oversight and efficacy. Accordingly, we urge OMB to deny the Department’s proposed collection of information.

Respectfully Submitted,

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¹ Joseph Mark, *2 Years After Massive Breach, OPM Isn’t Sufficiently Vetting IT Systems*, NEXTGOV (July 10, 2017), <http://www.nextgov.com/cybersecurity/2017/07/two-years-after-massive-breach-opm-isnt-sufficiently-vetting-it-systems/139321/>.

² *Final Audit Report*, U.S. OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE INSPECTOR GENERAL, OFFICE OF AUDITS (June 20, 2017), at 6, <https://www.opm.gov/our-inspector-general/reports/2017/audit-of-the-us-office-of-personnel-management%E2%80%99s-security-assessment-and-authorization-methodology-4a-ci-00-17-014.pdf>.

³ Justine Sharrock, *Exclusive: Years After Manning Leaks, State Department Cable System Lacks Basic Security*, BUZZFEED NEWS (Oct. 2, 2013), https://www.buzzfeed.com/justinesharrock/exclusive-years-after-manning-leaks-state-department-cable-s?utm_term=.wy3o7LOed#.adE8voQ7Y.