US Department of Homeland Security to track all immigrants' social media accounts

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The US Department of Homeland Security (DHS) quietly announced this week that it will begin collecting social media information and search results from all immigrants' social media accounts and internet searches, including popular sites such as Facebook, Twitter and Instagram. The policy expansion will take effect on October 18th, the same day President Donald Trump's indefinite travel ban is slated to go into full effect.

The DHS's invasive surveillance and data gathering operation will cover all immigrants, including green card holders and naturalized citizens. This represents a gross violation of the First and Fourth Amendments which guarantee the right to free speech and protect against unreasonable searches and seizures.

The policy was made public last week in the Federal Register and first reported by BuzzFeed News. It provides detailed guidance on what information DHS agents are allowed to gather, including "social media handle, aliases, associated identifiable information, and search results."

Any past political speeches or posts, many of which may have been made under pseudonyms that were intended to maintain privacy out of fear of backlash, will now be collected and used to judge eligibility for citizenship. A journalist that published an article about war crimes or other controversial subjects under a pseudonym out of fear of retaliation will now have to disclose that information. Intimate details of immigrants' personal lives will be sifted and scrutinized by government agents.

It is not known to what extent the DHS will have access to "search results"—if the agency has direct access to popular search engine sites such as Google and Yahoo or if it is limited to social media accounts. However, it has been made clear through documents leaked by Edward Snowden, the former National Security Agency (NSA) contractor, that the NSA works directly with the major internet companies, including Google and Yahoo, to sweep up all electronic communications and funnels that information to other federal agencies.

Responding to a request by Gizmodo for more information on the new surveillance initiative, Joanne F. Talbot from DHS Office of Public Affairs admitted that the agency has been tracking and searching through immigrants' social media accounts for at least the last five years. The statement makes clear that the unconstitutional dragnet surveillance operation, which is being expanded under Trump, was established under the Obama administration.

"The notice did not announce a new policy," Talbot insisted. "The notice simply reiterated existing DHS policy regarding the use of social media. In particular, USCIS followed DHS Directive 110-01 for the Operational Use of Social Media. This policy is available on DHS's public website and was signed on 6/8/2012."

Adam Schwartz, an attorney with the Electronic Frontier Foundation (EFF) spoke to BuzzFeed News: "We see this as part of a larger process of high-tech surveillance of immigrants and more and more people being subjected to social media screening. There's a growing trend at the Department of Homeland Security to be snooping on the social media of immigrants and foreigners and we think it's an invasion of privacy and deters freedom of speech."

Earlier this month, the ACLU and Electronic Frontier Foundation sued the DHS after 11 travelers had to turn over their laptops and phones and reveal their social media passwords at the US border without any warrants.

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It has become common practice that border agents check individual Facebook profiles. Customs and Border Protection, which operates under the umbrella of DHS, initiated the practice near the end of Obama's second term by requesting social media accounts from all foreign travelers.

The Trump administration approved a new questionnaire for visa applications in May that requests social media handles and information for the past five years, expanding on the policies set under Obama.

The surveillance operation that was revealed this week goes even further, however, allowing the DHS to collect the data of immigrants' social media, including private messages, years after they have crossed the border, and including anyone that they interact with.

Faiz Shakir, national policy director for the American Civil Liberties Union (ACLU) released a statement explaining the intent of the updated regulations: "This Privacy Act notice makes clear that the government intends to retain the social media information of people who have immigrated to this country, singling out a huge group of people to maintain files on what they say."

While it is targeted at immigrants, in effect the surveillance operation will collect the social media data of anyone who communicates with an immigrant, US born citizen or otherwise.

Jill Bronfman, privacy law expert at UC Hasting College of Law expressed concern that naturalized citizens, who have the full rights of natural born citizens, would also be targeted by DHS. "That just seems crazy to me. I don't know of very many incidences in the law in which we make a distinction between naturalized citizens and [native born citizens]," she told CNET.

According to Schwartz all the information collected by the DHS will be stored in what are called "Alien Files" or "A-Files." In these files, "all manner of high tech surveillance, including facial recognition and cell site simulators" are also kept, the EFF attorney reported.

In other words, not only does the DHS want complete facial recognition of every person who applies for citizenship but wants access to every website they may have visited, every comment they ever posted online, every private message they sent, and then access to those whom they had the private message with.

Attacks on immigrants have been ramped up under the Trump administration. The number of refugees that will be allowed into the US next year will be capped by Trump at 45,000, the lowest number since 1980, when legislation was passed allowing the White House to set the limit.

Earlier this month Trump announced his decision to end the Deferred Action for Childhood Arrivals (DACA) program. Nearly 80,000 youth who have spent most of their lives in the US will be left to the will of Immigration and Customs Enforcement in the next six months when the program expires.

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