

Immigration in the Digital Age: Social Media Screening

By [Elizabeth M. Klarin](#)

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Social media is a prominent part of most people's lives today, giving everyone an easy way to share their thoughts, feelings, opinions and digital media. However, few realize the impact that their postings on *Facebook*, *Instagram*, *LinkedIn*, *Twitter* and other social media platforms can have on their ability to enter the U.S.

Government review of social media information is on the rise, and likely to become a greater risk to applicants for U.S. immigrant and nonimmigrant benefits in the coming months and years. Already, the U.S. Department of State (DOS) has begun to collect social media platforms and identifiers—covering handles over the past five years—from certain applicants who they deem worthy of additional scrutiny for “national security related visa ineligibilities” (i.e., on form DS-5535). This likely, and should, alarm anyone who has experienced the wonders of maturity during a five year period; the person you were half a decade ago is likely not the same as the one you are today. However, you can easily be judged based on past information.

Social media and electronic device screenings are also being utilized by U.S. Customs and Border Protection (CBP) to make decisions about the admissibility of foreign nationals, and are likely impacting decisions from the U.S. Citizenship & Immigration Services (USCIS) as well. Online posts can create a very real and foreseeable risk to work, marriage, or travel options—so be careful how you represent yourself online.

You want the DOS, CBP or USCIS officer reviewing your case to understand the genuine reasons that you are eligible for benefits—including your true character—and not base his or her assessment of your eligibility on your passing thoughts, feelings or photos. You also don't want an officer to draw a false conclusion that may make an otherwise legitimate entry difficult or impossible. By thoughtfully and responsibly managing your social media persona and messaging at all times, you can limit the risk you create when you press *send*, *share*, *upload* or *post*.

A few quick tips to follow include:

- Google your own name to see what comes up, and make sure the information is accurate. If it's not, clean it up and/or expect to be asked about it upon entry to the U.S.
- Understand that photos tell a story. Do your photos give U.S. government officials a reason to deny you entry?
- Think ahead. Don't make social media choices now that could limit you later.
- Language matters. Threatening behavior online can raise mental health or other issues that could make you ineligible to enter the United States.
- Don't update your online profiles to reflect U.S. job duties or locations before you actually have permission to engage in them or be there
- Ask questions. If you're not sure if something in your present or past could make you inadmissible to the United

States, ask an expert *before* it becomes a problem. It's often easier to prevent a problem than to fix it later.

If you have questions or concerns, please feel free to reach out to one of the attorneys in our [Immigration Practice Group](#)

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