

May 18, 2017

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Office of Information and Regulatory Affairs
Office of Management and Budget
Eisenhower Executive Office Building
1650 Pennsylvania Avenue, NW
Washington, DC 20503
VIA EMAIL: oir_submission@omb.eop.gov

Visa Office, Bureau of Consular Affairs
U.S. Department of State
Harry S. Truman Building
2201 C Street, NW
Washington, DC 20520
VIA EMAIL: PRA_BurdenComments@state.gov

To whom it may concern:

We, the undersigned organizations, write to express our concerns regarding the **Notice of Information Collection under OMB Emergency Review: Supplemental Questions for Visa Applicants (DS-5535)**, published at 82 *Federal Register* 20956 on May 4, 2017.

We appreciate and support the need to secure our nation and its citizens from individuals who seek to do us and our interests harm. But we caution that this security need should be balanced with the need to remain open to those pursuing academic study and scientific research. Academic and scientific exchange fuels the innovations essential to strengthening the U.S. economy and improving the lives of U.S. citizens.

The notice, as proposed, is likely to have a chilling effect not only on those required to submit additional information, but indirectly on all international travelers to the United States. The uncertainties and confusion regarding supplemental questions will have a negative impact, particularly on U.S. higher education and scientific collaborations. The notice also provides insufficient information regarding the criteria for identifying those required to complete the supplemental form, the impact of unintentional incomplete disclosure of information, such as social media presence, or remedies for correcting information initially provided. These additional questions could lead to unacceptably long delays in processing, which are particularly harmful to applicants with strict activity timeframes or enrollment deadlines. Additionally, there is no information regarding the longer-term use, retention, or privacy protections for the information provided. Therefore, we ask that an additional notice be published with this and other information.

Affected Applicants Vague and Ill-Defined

First, we are concerned that the class of visa applicants affected by the proposed Form DS-5535 is vague and ill-defined, as the notice does not provide criteria for identifying visa applicants

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who will be required to submit the new form. The notice states, “The Department proposes requesting the following information, if not already included in an application, from a subset of visa applicants worldwide, in order to more rigorously evaluate applicants for terrorism or other national security-related visa ineligibilities.” Although the notice implies that the subset affected would be small, because the subset is undefined, there is no appreciable way to determine from whom the form will be required. Therefore, these questions could potentially be required of an overly broad group of applicants. Furthermore, in the post-9/11 period, the Department of Homeland Security and the Department of State put into place strict security review policies, making it unclear what additional value the supplemental questions would provide.

Collection of Social Media Information

The proposed collection of social media information is of particular concern given the fluid nature of online engagement, the lack of specificity in this notice, and the potential impact on applicants for inadvertent failure to disclose information. Many people, including international students, are active on social media and have numerous accounts that frequently change over the years. The notice does not address the consequences should an applicant inadvertently omit an active account or forget a dormant one. What criteria would be used to distinguish between error and material misrepresentation? How will an individual be allowed to correct a supplemental filing? Do any decisions made with respect to social media have a lasting effect on subsequent visa applications? Absent significant precision in this area, the scope of the social media request is likely to unfairly penalize errors which may have significant consequences for the applicant.

Burden on Vulnerable Populations

We applaud that the notice reaffirms the importance of non-discrimination in the context of visa processing. ["In accordance with existing authorities, visas may not be denied on the basis of race, religion, ethnicity, national origin, political views, gender, or sexual orientation."] This critical general legal principle is particularly important with regard to the collection of social media handles and identifiers. However, the ambiguity surrounding the proposal, and the seemingly high level of discretion given to individuals responsible for its implementation, raise concern that the proposal may lead to discrimination in practice. Further, disclosing personal information shared on social media and travel history would place an added burden on vulnerable individuals, such as those who have fled terrorism and human rights abuses; those who have traveled to areas of concern for the purpose of gathering evidence, reporting what they have witnessed, and/or providing assistance to the local population; and those who are subject to persecution or negative consequences from their government or communities based on their faith, gender, sexual orientation, or other factors.

Serious Impact on Future Academic, Scientific Exchange and Collaboration

We also have serious concerns about the impact these additional required questions will have on higher education and scientific collaborations. Foreign exchanges are extremely important to these sectors. For example, according to NAFSA: Association of International Educators, the more than one million international students attending U.S. colleges and universities during the 2015-2016 academic year supported 400,000 U.S. jobs and contributed \$32.8 billion to the U.S. economy. These international undergraduate and graduate students and scholars contribute to the intellectual richness of our universities, and serve as goodwill ambassadors in their home

countries when they return. These students and scholars also help U.S. students prepare for future careers and better understand our global neighbors.

Scientific exchanges, whether through long- or short-term visits or at professional society meetings, are vitally important to the United States. Many project collaboration meetings take place at conferences held in the United States, and not having the top international talent in attendance would be a significant problem. For example, almost every NASA mission has international partners. Scientists must periodically meet in person, and if bureaucratic hurdles for entry into the United States are too high, they will hold their meetings elsewhere, hurting U.S. economic, technological, and scientific competitiveness. For example, the American Geophysical Union and the American Physical Society both have strong international counterparts that hold regular conferences and meetings, and the collaborators could well turn to those venues instead.

Moreover, many U.S. professional societies have significant numbers of international members, and it is important for those individuals to be able to attend the U.S. societies' meetings. In a 2012 report, PricewaterhouseCoopers reported that nearly 1.8 million meetings (not all scientific) were held in the United States. during 2009 involving "an estimated 205 million participants and generated more than \$263 billion in direct spending and \$907 billion in total industry output." The attendance of international scientists at U.S. meetings and conferences is important in terms of the intellectual content they contribute, for the benefit to the United States from the formation and sustainment of partnerships with U.S. counterparts, and in terms of benefits to the U.S. economy.

Uncertain Visa Requirements Risk Pushing Students, Scientists Away

In addition to these direct impacts, there will be negative indirect impacts in other areas. International students and researchers have choices and by adopting unclear and ill-defined visa requirements, the United States risks sending existing and potential partners and students elsewhere, thereby enriching those other countries with their intellectual and economic contributions, resulting in a double loss for the United States. U.S. professional societies are concerned that their international members and invitees will choose to stay home or go to countries with fewer mobility barriers. The amount of information that could be collected, the lack of knowledge about what will be done with this additional information, and concerns about their privacy may well lead many to look to other countries for scientific partnerships or higher education pursuits.

This is not an idle concern. Several international scientific organizations have already proposed boycotts or the temporary halt of scientific meetings in the United States, and in a recent survey, nearly 40 percent of U.S. colleges and universities "have reported declines in applications from international students, and international student recruitment professionals report 'a great deal of concern' from students and their families about visas and perceptions of a less welcoming climate in the U.S."¹ Combined with worldwide coverage of reports of poor treatment at U.S. ports of entry, increasing numbers of international students, researchers, and scientists are

¹ Trending Topics Survey: International Applicants for Fall 2017- Institutional & Applicant Perceptions
<http://www.aacrao.org/docs/default-source/TrendTopic/Immigration/final-report.pdf>

making the decision to stay away or go elsewhere. Such decisions will result in the loss of valuable intellectual content and collaboration that our nation needs, both academically and economically. In addition, such actions by the United States often result in counter-actions by other countries that require visas. This will make U.S. citizen travel to such countries more difficult.

Positive Messages, Additional Resources, and Privacy Protections Needed

We are very concerned that if the proposed changes are implemented, international undergraduate and graduate students, scholars, and scientific collaborators may be discouraged from coming to the United States. If implemented, positive messages and statements will need to be made by the U.S. Government that legitimate visitors, especially students, scholars, and scientists, are still welcomed and encouraged.

Additionally, increases in staff and resources at key consulates overseas will be necessary to handle the added processing required from the additional questioning. Otherwise, delays and backlogs will discourage individuals from seeking visas to the United States. Furthermore, as the notice lacks information regarding the longer-term use, retention, or privacy protections for the information provided, we urge publication of an additional notice with this and other information.

Finally, if additional guidance is proposed, we request that it be done through the regular rulemaking procedures, and not emergency procedures. If you have any questions, please contact Rachel Banks at rachelb@nafsa.org or Joanne Carney at jcarney@aaas.org. Thank you for your consideration.

Sincerely,

American Anthropological Association
American Association for the Advancement of Science
American Association of Collegiate Registrars and Admissions Officers
American Astronomical Society
American Chemical Society
American Educational Research Association
American Geophysical Union
American Geosciences Institute
American Institute of Chemical Engineers
American Mathematical Society
American Meteorological Society
American Physical Society
American Physiological Society
American Psychological Association
American Society for Biochemistry and Molecular Biology
American Society of Agronomy
American Society of Civil Engineers
American Society of Tropical Medicine and Hygiene

American Sociological Association
American Statistical Association
Association for Psychological Science
Association for Research in Vision and Ophthalmology
Association for Women Geoscientists
Association for Women in Mathematics
Association of Population Centers
Cognitive Science Society
Conference Board of the Mathematical Sciences
Consortium of Social Science Associations
Crop Science Society of America
Ecological Society of America
Entomological Society of America
Federation of Associations in Behavioral and Brain Sciences
Geological Society of America
INFORMS – The Institute for Operations Research and the Management Sciences
Institute of Mathematical Statistics
Linguistic Society of America
Materials Research Society
Midwest Political Science Association
NAFSA: Association of International Educators
National Association of Mathematicians
National Association for College Admission Counseling
National Council of Teachers of Mathematics
OSA: The Optical Society
Population Association of America
Psychonomic Society
Society for Behavioral Neuroendocrinology
Society for Biomaterials
Society for Computers in Psychology
Society for Industrial and Applied Mathematics
Society for Neuroscience
Society for Personality and Social Psychology
Society for the Psychological Study of Social Issues
Society of Engineering Science
Soil Science Society of America
TODOS: Mathematics for ALL