



United States Department of State

Bureau for Consular Affairs

Washington, D.C. 20520

Dominic Mancini, Acting Administrator
Office of Management and Budget
Office of Information and Regulatory Affairs
725 17th Street, NW
Washington, D.C. 20006

April 28, 2017

Dear Mr. Mancini:

Pursuant to 5 CFR § 1320.13, the Department of State requests OMB emergency approval to begin a new collection of information for a subset of nonimmigrant and immigrant visa applicants. Related and supporting materials are included along with this letter.

On March 6, 2017, President Trump issued a Memorandum for the Secretary of State, the Attorney General and the Secretary of Homeland Security in which he directed the recipient Cabinet officials to, as permitted by law, “implement protocols and procedures as soon as practicable that in their judgment will enhance the screening and vetting of applications for visas and other immigration benefits, so as to increase the safety and security of the American people.” The United States, the President said in the Memorandum, “cannot delay the immediate implementation of additional heightened screening and vetting protocols and procedures for issuing visas to ensure that we strengthen the safety and security of our country.” In particular, the President instructed the relevant agencies to focus on “ensuring the proper collection of all information necessary to rigorously evaluate” individuals seeking U.S. visas or other immigration-related benefits.

The accompanying proposed information collection sets out supplemental questions that Department of State consular officers at visa-adjudicating posts worldwide will ask when the consular officer determines that the circumstances of a visa applicant, a review of a visa application, or responses in a visa interview indicate a need for greater scrutiny and, for that purpose, the officer must collect the proposed additional information to resolve the applicant’s identity or to vet for terrorism or other national security related visa ineligibilities. Proposed additional questions cover prior passports; phone and e-mail contact information and social media identifiers and associated platforms over a five-year period; travel, address and employment history over a 15-year period (as against a five-year period in existing authorized collection); and the names and dates of birth of siblings and, for some applicants, children.

Consular officers are already directed not to engage or interact with individuals on or through social media; not to violate or attempt to violate individual privacy settings; and not to use social media or assess an individual’s social media presence beyond established Department guidance. The same safeguards that protect a visa applicant’s personal information will remain in effect for social media identifiers. The collection of social media platforms and identifiers will not be used to deny visas based on applicants’ political views, national origin, race, ethnicity, religion, gender, or sexual orientation. Consular officers will be instructed not to request user

passwords and not to attempt to subvert any privacy controls the applicants may have implemented on these platforms. Visa records remain confidential under section 222(f) of the INA, [8 U.S.C. § 1202(f)].

Adhering to ordinary time frames for review of newly proposed information collections would mean that these supplemental questions could not routinely be asked of the class of identified visa applicants for a matter of months. Such time for review would impede the purposes behind the Presidential Memorandum and its call for immediate steps including the proper collection of all information necessary to rigorously evaluate those applicants for potential visa ineligibilities.

In view of the foregoing, the Department of State requests emergency approval for the collection following a 14-day period of public comment, having determined that:

1. The collection of information is needed prior to the expiration of time periods normally associated with a routine submission for review under the provisions of the Paperwork Reduction Act in view of the President's call for "immediate implementation" and to proceed "as soon as practicable."
2. The collection of information is essential to the mission of the Department of State, in particular to the adjudication of visas.
3. The use of normal clearance procedures would prevent the collection of information about certain visa applicants at a time when the President, for national security purposes, has directed the immediate implementation of heightened screening and vetting measures in relation to visa issuance.

Therefore, the Department of State requests emergency OMB approval for this information collection effective 14days after publication in the *Federal Register*.

If you have any questions, please call Megan Herndon, Chief of the Legislation and Regulations Division in the Office of Legal Affairs, Visa Services Directorate of the Bureau of Consular Affairs, at (202) 485-7440 or David Newman, Director in the Office of Legal Affairs, Visa Services, at (202) 485-758, Legislation and Regulations Division at (202) 485-7583.

Sincerely,

A handwritten signature in blue ink that reads "David T. Donahue". The signature is written in a cursive, flowing style.

David T. Donahue
Acting Assistant Secretary
Bureau of Consular Affairs

Enclosures:

Proposed Federal Register Notice

Supporting Statement

Proposed Form DS-5535 (Supplemental Questions for Visa Applicants)

Legal Authorities