

Get Ready to Disclose Your Tweets - Tips for Snowbirds

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Do you Tweet, IG, or PIN? If so, this blog is for you since recently implemented policies at US Consulates and ports-of-entry impact the disclosure of social media handles and deal with the consequences for nondisclosure.

Recently, our clients have been encountering the implementation of a social media disclosure policy at US ports-of-entry that began in 2016 but has become more consistently implemented over the past few months. In late 2016, US Customs and Border Protection (“**CBP**”) began requiring foreign visitors to disclose their social media handles for common platforms, including Facebook, Twitter, and Instagram. CBP also frequently requests mobile passwords so that CBP Officers may go through phones of those requesting admission to the US at ports-of-entry.

On May 30, 2019, the US Department of State (“**DOS**”) implemented policies consistent with the Trump Administration Presidential Memorandum requiring heightened screening and vetting protocols for nonimmigrant and immigrant visa applicants. This newly implemented policy has resulted in the addition of a question requesting social media handles to the DS-160 and DS-260 applications, which are utilized for nonimmigrant and immigrant visa applications.

Which social media handles must I disclose?

At this time, both CBP and DOS are requiring disclosure of any social media handles, held currently or in the last five (5) years, on the following platforms: Ask.fm, Douban, Facebook, Flickr, Google+, Instagram, LinkedIn, Myspace, Pinterest, QZone (QQ), Reddit, Sina Weibo, Tencent Weibo, Tumblr, Twitter, Twoo, Vine, Vkontakte (VK), Youku, and YouTube.

At this time, neither CBP for DOS is requiring disclosure of common dating or romance-related social media handles, including those for Tinder, Bumble, or Grindr. However, as CBP frequently goes through the phones of those seeking admission to the US, CBP Officers will certainly have access to a plethora of data and images stored on travelers’ mobile phones.

What does CBP or the DOS want with my social media handles?

Officially, CBP and the DOS are gathering this information for the purposes of verifying identity and for national security screening. However, both CBP and the DOS frequently utilize this information to search for evidence of fraud or misrepresentation as it relates to visa applications, employment history, or the traveler’s intended activities in the US

What are the consequences of failing to disclose my social media handles to CBP or the DOS?

Failure to disclose information lawfully requested by CBP or the DOS when seeking an immigration benefit, including admission to the US, can have serious consequences, including a permanent bar to admission to the US for “fraud and misrepresentation.” Furthermore, for those entering the US for business-related travel, a denial of admission or bar to admission to individual can cause significant issues for other travelers connected to the business entity in question.

Furthermore, as the amount of information shared on social media sites and the potential for misinterpretation are both vast, travelers to the US and US visa applicants should exercise discretion and be mindful of the fact that CBP and/or the DOS may access and review social media profiles and misunderstand posted content.

As always, the most important tip we give our clients is the following: while Canadians do enjoy certain privileges regarding admission to the US, they should be aware of the immigration and tax requirements and implications of their annual travel to the US. The development of strategic immigration and tax plans with competent professionals that addresses specific client needs in light of these developments and the ever changing environment is critical.