

May 18, 2017

Department of State Desk Officer
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Re: Supplemental Questions for Visa Applicants

To Whom it May Concern:

As director of the Immigration Response Team at the University of Minnesota Twin Cities, I am writing in response to the proposed "Supplemental Questions for Visa Applicants." After reading the proposal and consulting with university colleagues who work with international students and scholars requiring visas to study, work or conduct research at our university, I have a number of concerns regarding the content and proposed implementation of these new standards.

The University of Minnesota is the state's land-grant university and one of the most prestigious public research universities in the nation. We are a global university with students from more than 135 nations and a remarkable number of faculty from many countries. Nearly 30 percent of undergraduate students receiving their degree at the University of Minnesota Twin Cities study abroad.

The memo issued by President Trump on March 6th ordered the implementation of policies and procedures to enhance the screening and vetting of visa applicants "...so as to increase the safety and security of the American people." The Federal Register Notice states that it will collect this information in order to more rigorously evaluate applicants for terrorism or other national security-related visa ineligibilities.

As the Federal Register Notice acknowledges, the Department of State already collects most of this type of information. Additionally, the notice states that, "Consular posts worldwide regularly engage with law enforcement and intelligence community partners to identify sets of post applicant populations warranting increased scrutiny. The additional information collected will facilitate consular officer efforts to immediately apply more rigorous evaluation of these applicants for potential visa ineligibilities." We are asked to comment to evaluate whether the proposed information collection is necessary for the proper functions of the Department.



Based on the Federal Register statement, the Department of State already has mechanisms in place for rigorous review of individuals who, after the point of application, raise concerns regarding their eligibility and admissibility. These new criteria and expanded grounds of inquiry would certainly give the Department of State **more** information about visa applicants, but the utility of the information is not immediately apparent.

The Notice states that State Department officials estimate that 65,000 visa applicants will present a threat profile. It seems unlikely that there have previously been 65,000 visa applicants per year for whom the Department of State would have needed access to additional information, but was unable to collect it. The Department of State obviously screens visa applicants carefully and thoroughly. But in this proposal, does not provide information that makes clear how asking for travel information from 15 years ago will enable consular officers to make better decisions regarding admissibility to the U.S. In addition, the proposal says increased screening questions will take an additional hour per visa applicant, which means an additional 65,000 hours. This will further slow an already protracted and laborious process.

The Presidential memorandum orders the Department of State to implement protocols to enhance the screening and vetting of applicants, with the aim of enhancing the "safety and security of the American people." There is not an obvious nexus between requiring that some visa applicants provide an additional 15 years of travel history and the safety of the people of the United States. Consular officials already have broad discretion and make decisions that are essentially unreviewable (by the applicants, by attorneys, by courts). In addition, information about the reasons and rates for visa denials at various embassies and consulates around the world is not publicly available. Extending already far-reaching and undefined authority for denials erodes confidence that the Department of State will in all cases comport with the requirement listed in the Notice, which emphasizes that individuals will not be denied visas on the basis of race, religion, ethnicity, national origin, political views, gender or sexual orientation. If in fact these new procedures are implemented, there need to be clear policies and procedures around how this information will be sought and processed. The fact that the officer can ask about this during the interview (either orally or in writing) or can be sent to the applicant electronically introduces a lot of additional uncertainty into an already nerve-wracking and complicated process. It also means innocent mistakes or an inability to remember everything required for the past 15 years may have serious repercussions for individuals who have no intention to deceive or mislead. For students and scholars, this could deny them the ability to pursue academic excellence and ground-breaking research and prevent institutions like the University of Minnesota from seeking the best students and academics necessary to pursue our mission of education, research and public service. I am also concerned that these new procedures create confusion and anxiety for all applicants, many of whom will not end up being among the 65,000 targeted individuals who receive more rigorous in depth screening each year.



Finally, the Department of State already vigorously screens applicants, and prevents people who wish to do harm to the United States from entering the country. The supplemental questions proposed in this Federal Register Notice does not provide any facts showing the need for such measures. Rather, it submits visa applicants to significant additional reporting burdens that could increase denials but without evidence of improved national security.

I believe the proposal will significantly harm U.S. institutions of higher education by introducing additional burdens to an already difficult and time-consuming process, thus closing our institutions off from the world. The best students and scholars in the world might choose institutions in other countries, wary of how they will be treated when they apply for a visa. News reports suggest this is already happening. A *Reuters* survey (Trump's Travel Bans Spook Some Students, Fan Fears of Broader Chill, *Reuters*, May 16, 2017) of 19 Canadian universities found a dramatic increase in international applications and reported stories of international students choosing to study in countries other than the U.S.

Additionally, other countries are likely to make research and travel more difficult for U.S. citizens in reaction to our government's treatment of their citizens. As an immigration attorney, I am deeply concerned that this Federal Register Notice represents another mechanism by which people's rights will be weakened, in an area where there is already very little public oversight.

The Notice asks commenters to evaluate whether the proposed information collection is necessary for the proper functions of the Department. I believe the answer is no.

Sincerely,



Marissa Hill-Dongre, J.D.
Director, Immigration Response Team
University of Minnesota Twin Cities
1901 University Ave. S.E., Suite 310
Minneapolis, MN 55455
(612) 624-4224
immigration@umn.edu

