



One Hundred Fifteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

April 5, 2018

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

Dear Secretary Nielsen:

We write to express our strong opposition to Immigration and Customs Enforcement’s (ICE) Visa Lifecycle Vetting Initiative (VLVI), formerly referred to as the Extreme Vetting Initiative. We have serious concerns that the program will be ineffective, inaccurate, discriminatory, and unjustly targeting certain communities. This program also raises concerns regarding the rights of Americans. These concerns have also been raised by more than 50 leading technology experts and more than 50 civil rights, civil liberties, and government accountability organizations.¹ We urge you to halt any activities related to this program.

We are concerned that ICE is seeking to build its VLVI capability through scraping—a technique employed to extract large amounts of data from websites. Specifically, we are troubled by Homeland Security Investigations’ intent to automate social media searches to monitor individuals abroad and inside the U.S. Although we support the agency’s efforts to screen visa applicants using targeted, rule-based screening, we are worried by the agency’s interest in expanding scraping to identify an individual’s ability to be a “positively contributing member of society” or “contribute to the national interests.”² Such vague criteria are not supported by law and provide ICE with great latitude to deport and deny immigration benefits to individuals without due process. These screening efforts will also inevitably chill free speech online.

¹ Brennan Center for Justice, “Technology Experts Letter to DHS Opposing the Extreme Vetting Initiative,” November 16, 2017, available at: <https://www.brennancenter.org/sites/default/files/Technology%20Experts%20Letter%20to%20DHS%20Opposing%20the%20Extreme%20Vetting%20Initiative%20-%2011.15.17.pdf>.

Brennan Center for Justice, “Coalition Letter to DHS Opposing the Extreme Vetting Initiative,” November 16, 2017, available at: <https://www.brennancenter.org/sites/default/files/Coalition%20Letter%20to%20DHS%20Opposing%20the%20Extreme%20Vetting%20Initiative%20-%2011.15.17.pdf>.

² U.S. Immigration & Customs Enforcement, “Extreme Vetting Initiative: STATEMENT OF OBJECTIVES,” June 12, 2017, available at <https://www.fbo.gov/utlils/view?id=533b20bf028d2289633d786dc45822f1>.

ICE's responses to vendors' questions about the proposed request to build a program to search social media platforms (e.g., Facebook) demonstrates a disregard for privacy, due process, and the rights to free speech and free association. For example, in response to a question from a vendor about the legality of the program given a failed past attempt by the FBI, ICE responded, "We will continue to do it until someone says that we can't."³ This response deepens our concern that ICE could conduct unlawful searches on people within the United States in an attempt to find deportation leads.

Further, identifying actionable intelligence based on automated searches is highly improbable without profiling. It is also likely to come at a high cost with little benefit given algorithms are not yet capable of creating a manageable watchlist among thousands of social media accounts that could be flagged.⁴ According to experts, there are no reliable indicators of whether a person intends to commit a terrorist attack, and they occur too rarely to allow for an accurate forecast. As such, automated programs will be both ineffective and ripe for profiling and discrimination. Equally problematic, ICE has not articulated any methods to test or audit the effectiveness of this program and will be reliant on the judgment of a vendor that has an incentive to manufacture deportation leads.

Again, we oppose the proposed inclusion of social media scraping and automated lead generation in the VLVI program and urge DHS and ICE to immediately stop pursuing the related vetting contract and other similar programs. As DHS has already taken steps to pursue this contract,⁵ pursuant to Rule X(3)(g) and Rule XI of the Rules of the House of Representatives, by April 19, 2018, please provide this Committee with a copy of the documents ICE has developed thus far, which could include, but are not limited to, the following:

1. Draft Request for Proposal/Information
2. Statement of Objectives
3. Performance Work Statement

Thank you for your attention to this important matter. Should you have any questions, please contact Alison Northrop, Chief Director for Oversight, at (202) 226-2616.

³ Department of Homeland Security, Immigration and Customs Enforcement, *Industry Day Q&A July 18, 2017*, available at:

https://www.fbo.gov/index?s=opportunity&mode=form&id=bd5d7ab15098274fe01b8e1daf37f0bb&tab=core&_cview=1.

⁴ Jesse Driscoll and Zachary C. Steinert-Threlkeld. "Can we prevent terrorism by checking immigrants' social media accounts? No." *Washington Post*, 29 December 2015. Available at: https://www.washingtonpost.com/news/monkey-cage/wp/2015/12/29/no-we-cant-prevent-terrorism-by-checking-immigrants-social-media-accounts-heres-why/?utm_term=.c60823179627 (accessed on 20 March 2018).

⁵ "ICE-HSI- Data Analysis Service Amendment," Solicitation Number HSCEMD-17-R-00010, *FedBizOpps*, 20 February 2018. Available at:

https://www.fbo.gov/?s=opportunity&mode=form&tab=core&id=bd5d7ab15098274fe01b8e1daf37f0bb&_cview=0.

Sincerely,



BENNIE G. THOMPSON
Ranking Member
Committee on Homeland Security



FILEMON VELA
Ranking Member
Border and Maritime Security Subcommittee



KATHLEEN M. RICE
Ranking Member
Counterterrorism and Intelligence Subcommittee