

COMMUNITY ADVISORY

Social Media, Criminalization, and Immigration

April 3, 2017

INTRODUCTION

The Department of Homeland Security (DHS) uses social media accounts, such as Facebook and Twitter, in immigration enforcement.¹ **Information shared on social media could be used against a person to arrest you, detain you, put you in fast-track deportation or regular deportation proceedings, or to stop you from getting immigration benefits,** such as a green card, Deferred Action for Childhood Arrivals (DACA) or Temporary Protected Status (TPS). *This advisory is not designed to instruct people how to respond to ICE when it uses social media against a person applying for immigration benefits (DACA, TPS, green card, etc.) before an immigration agency, immigration court, or immigration detention.*

Local police and ICE routinely monitor social media accounts, especially if a person has contact with law enforcement. During an investigation, they sometimes ask or order the social media provider, such as Facebook or Twitter, to turn over your social media history or account. Immigration agents could also ask you to turn over the password to your social media accounts. This means they have access to your posts, other people's posts if they have "tagged" you, your social network, what you look at, messages, and your photos or videos that you upload to your social media site.

¹ Privacy Policy for Operational Use of Social Media, Department of Homeland Security, DHS Directives System, Instruction Number: 110-01-001, Revision Number: 00, issued: 6/8/2012. https://www.dhs.gov/sites/default/files/publications/Instruction_110-01-001_Privacy_Policy_for_Operational_Use_of_Social_Media.pdf (last visited 3/9/2017)



HOW DO IMMIGRATION AGENTS USE SOCIAL MEDIA?

Immigration agents can use social media against you in a detention or deportation case or a criminal prosecution, such as illegal re-entry or smuggling and harboring prosecutions. It could be very risky to share information about your immigration history and criminal history on social media.

Here are some ways that immigration agents may try to use your social media account against you in a deportation case or a criminal case:



Accuse you of being a gang member because of photos on your Facebook account to stop you from getting a green card or DACA. For example, DHS can claim a picture of a tattoo, hand-signs, or the color of your clothing is gang-related, even if they are not gang-related;



Investigate or prosecute you for illegal reentry because your Facebook or Twitter account includes comments about crossing the border, or descriptions about living in the U.S. after an order of deportation was entered;



Try to put you in “expedited removal,” a special deportation proceeding in which you don’t get to see a judge-- because you shared your date of entry when you entered the United States;



Accuse you of committing a drug crime because you said on Facebook or Twitter that you smoked marijuana or used alcohol as a minor;



Investigate or prosecute you for using Facebook, Instagram, YouTube, or public texting to tell others to avoid, run, or hide from a place where an immigration enforcement action such as a raid is happening.

WAYS TO REDUCE RISK

To reduce risks associated with the monitoring of your social media accounts now, follow these tips below. They are not guaranteed to protect you, but they may reduce the risk that police and law enforcement can find you if they search for your account.



Your real name is not necessary. Use a name on social media that is not your real name, but a nickname (or a modification of your name).



Do not use an email address on your social media accounts that is your main email account or one that has your real name associated with it. Start a new email account with a modified name, and change the email linked to your social media accounts.



Change your privacy and security settings on your content so it is not publicly available on a platform. Consider who you want to be able to access the content you create.



Do you know your audience? Consider that when you make content private, you are still sharing with a group of people. Confirm for yourself that you know those people and trust them. If you don't feel safe with any particular contact seeing your content, remove them as friends or block them. You can always change this later if you feel safe again with them.

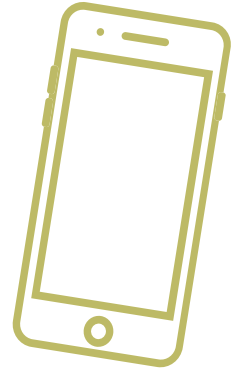


Review your profile vs. groups and other people's accounts. Consider where you post and the different people who may have access to your content when you comment in groups, on other people's pages, on event listings, etc. Consider the ways that other people may tag you and link to you in their social media content – do you want to prohibit people from tagging you in photos? Do you want to ask friends not to post your face in images online? Do you want to ask them not to write your full name or real name in posts? Do you want to ask people not to tag you in written posts?



Consider cleaning up or deleting your Facebook or other social media accounts. You can download your FB account. If you want to delete your account, but maintain some record of your activity and content, request this before deleting. See below for resources.

SOCIAL MEDIA THROUGH CELL PHONES AND COMPUTERS



During an immigration enforcement action, such as a car stop or a raid, ICE officers may try to coerce or force you to disclose passwords to your cell phones and computers to get access to your social media accounts.

Cell phones are one of the easiest ways to get access to social media accounts or to get information about people you know. Review these “Know your Rights” links below to see how to best protect you and your loved ones from intrusive law enforcement.

IMPORTANT RESOURCES

Tactical Technology Collective’s Me and My Shadow: <https://myshadow.org/>

Helps you take control over your data, including social media. Includes the self-guided **Data Detox Kit** (<https://myshadow.org/detox>) to help you reduce your data trail in a manageable way.

Electronic Frontiers Foundation Toolkit: <https://ssd EFF.org>

A comprehensive privacy toolkit in 10 languages, including Spanish, Arabic, and Vietnamese.

Equality Labs: Social Justice Work and Surveillance (Spanish):

https://docs.google.com/presentation/d/1uuXKJIFdsEpQmCxH8ctg4_6w5AUi2ip-jqRPbgoJYdVM/pub?start=false&loop=false&delayms=3000&slide=id.p8

Crash Override Network: <http://www.crashoverridenetwork.com/>

Provides crisis helpline, advocacy group and resource center for people who are experiencing online abuse.

ACLU blog on cell phone searches at border:

<https://www.aclu.org/blog/free-future/can-border-agents-search-your-electronic-devices-its-complicated>

Comprehensive site on encryption and privacy tools:

<https://www.privacytools.io/>

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