MEMORANDUM

TO: State Desk Officer, Office of Information and Regulatory Affairs
        Office of Management and Budget (OMB)
        Executive Office of the President

        Bureau of Consular Affairs
        Visa Office
        U.S. Department of State

FROM: IEEE-USA

DATE: 17 May 2017

RE: Comments in Response to Public Notice #9984 (Notice of Information Collection Under
        OMB Emergency Review: Supplemental Questions for Visa Applicants, **DS-5535**)

The following comments are submitted on behalf of the IEEE-USA, the American component of the IEEE, the world's largest technical professional society. IEEE-USA represents nearly 200,000 IEEE members who live and work in the United States, including international visitors, temporary workers, immigrants and international students, some of whom will be directly impacted by these new rules. IEEE members conduct over 1,800 technical conferences annually around the world, most of which are in the United States and many of which include scholars, engineers and other professionals from abroad.

The proposed rule change asks several questions, each of which raises specific issues and concerns:

Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

The federal government certainly has a duty to protect American citizens from harm, and this includes taking reasonable steps to screen incoming foreign visitors of all types. However, before anyone can evaluate whether the data to be collected in this proposal is "necessary," we first must have a clear idea of what data will be collected, and from whom it will be collected. The proposed rule does not provide that information. As written, it is not at all clear which foreign visitors would be subjected to these new rules. As such, we have no way of evaluating how valuable the information will be.

It must be noted that the Paperwork Reduction Act explicitly requires that paperwork requirements:

> ''(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;"

The individuals required to provide the additional material requested in this proposed rule are, according to the proposal:

> "Immigrant and nonimmigrant visa applicants who have been determined to warrant additional scrutiny in connection with terrorism or other national security-related visa ineligibilities.

The rule clearly does not expect every foreign visitor to provide the additional information, as it expects only 65,000 individuals to comply. But beyond that, it offers no guidance at all as to which visitors must meet the new rules. As such, it may fail to meet the statutory requirements of the Paperwork Reduction Act, while simultaneously making it virtually impossible to properly evaluate.

The rule does single out individuals who have "been in an area while the area was under the operational control of a terrorist organization as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act, 8 U.S.C. 1182(a)(3)(B)(vi)." But this section of the rule only applies to current practices for gathering travel histories and does not shed light on which applicants would be subject to the new rules.

This does raise a second concern about the necessity of collecting additional data from some visa applicants. As the rule itself notes, Consular Officers already have the right to demand detailed travel itineraries from visitors who have spent time in areas with significant terrorist activity.

Lastly, the OMB should question how valuable 15 year old information will be to the Department of State. For example, how useful will it be to know the address an international student lived at when he was 6 years old, or that she moved from one side of a city to the other when she was eight? It is unlikely that the Department of State could verify the accuracy of data from 2002. If that is the case, then the additional burdens posed by this rule change would fall entirely on honest visa applicants, posing significant burdens on applicants while providing no additional protection from true risks.

Evaluate the accuracy of our estimate of the time and cost burden of this proposed collection, including the validity of the methodology and assumptions used.

Again, it is impossible to assess the accuracy of the time and cost burden estimates in the proposal without knowing which applicants will be subject to them.

However, even without this information the estimates presented in the proposed rule seem wildly optimistic. It will take significantly more than an hour to gather 15 years' worth of addresses, employers and travel itineraries. It should be noted that students and researchers tend to move frequently and travel often, making their data collection requirements especially onerous. Successful academics may travel several times each year, for example, to attend conferences and present their research. Fifteen years of such work could produce a lengthy travel history.

OMB should consider that international students in particular are likely to have a long list of email addresses, twitter feeds, Facebook pages and other Social Media records which they would have to provide under this rule. But as anyone with young adult children knows, these accounts are often made and abandoned frequently as children mature and new social media tools emerge. Remembering and documenting these old accounts will be difficult.

Researchers with the best, most innovative ideas are the most sought after for technical conferences – making them among the most valuable visa applicants to the United States. Rules that would require accomplished researchers to spend hours compiling and verifying their histories for purposes of a travel visa application would discourage many from even bothering to accept such invitations. It would also prompt S&T conference and program organizers to consider moving to locations outside the U.S. that are less burdensome to their respective communities of

scholars and researchers. Similarly, U.S. companies interested in pursuing international collaborations may be more likely to move their R&D off-shore to ensure access to international talent.

Enhance the quality, utility, and clarity of the information to be collected.

It is IEEE-USA's opinion that the proposed requirements will do little to enhance the quality, utility or clarity of the information to be collected. As the rule notes, the U.S. government already collects most of the requested information. The only significant changes will be that the applicant will be required to reach further back in history to produce more information, but older information is likely to be both less useful and less verifiable than more current data.

Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology

While it is likely that the proposed rules would allow for information to be submitted electronically, the intent of the rule seems to be maximizing the reporting burden on some applicants, rather than minimizing it as required by the Paperwork Reduction Act.

Concluding Note

Every country benefits from attracting, and competing for, the best and brightest scientists and engineers from around the world to study, teach, conduct and collaborate on research, innovate new technologies, and start commercial endeavors. Science and engineering lead to enhancements in quality of life and ultimately build economic prosperity and security.   IEEE believes that all countries should develop and maintain immigration and visa policies that encourage, facilitate, and protect the ability of people, from around the world, to engage in these types of science and engineering activities.

It is clear to all who work in America's engineering fields that immigration has played a particularly vital role in advancing technological innovation in our country.   Collectively, foreign participation in American universities, conferences and professional societies adds billions to the U.S. economy. More importantly, the interactions, collaborations and partnerships that these interactions lead to make the United States more innovative and dynamic, strengthening our economy even more.

America's growth and prosperity has unquestionably been enhanced by the talents, dedication and hard work of people from nations across the globe. In fact, one of America's great competitive advantages has been the ease with which our country can attract talented students, collaborators, researchers and professionals. It would be contrary to the long term economic and national security of the United States if the visa vetting system were to send a message to the best and brightest around the globe that they are not welcome here to study, to collaborate on research, and/or to seek to become Americans.