

Social Media Review for Visa Applicants and Travellers: An Update



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Increasingly, U.S. government entities appear to be utilizing technology to screen visa and other immigration benefit applicants. In some cases, this has become very public and transparent. For example, most people are aware that phones and other electronic devices can be screened when coming into the United States. U.S. Customs and Border Protection (CBP) officers have broad, warrantless authority to search electronic devices — most commonly phones, laptops and cameras — at ports of entry, regardless of citizenship, to protect national security. However, these types of searches are impacting far fewer people (less than 0.01 per cent of arriving international travellers, in FY 2025) than social media screenings, which are being utilized more and more commonly in adjudicating requests for admission, visas or other benefits.

CBP has long had the authority to review travellers' social media at inspection, and it now appears to be moving to make social media disclosure and screening a formal, routine part of the admission processing.

When you arrive at a port of entry or preclearance location requesting admission, you are inspected for your

suitability to enter the U.S. This includes an assessment of what risk of harm you pose to the U.S. and can include physical and/or virtual review of an individual and what he or she represents online, as well as what shows up in any linked databases with other countries. Although it is not clear or published if/when other countries share their database information (such as criminal database information) with the U.S. government, from time to time, I receive calls from visitors to the U.S. who have travelled there for years unencumbered, who are suddenly being asked about long-ago criminal activity of which USCBP has become aware, and — in some instances — told they are inadmissible. One can only surmise that this is because that information was somehow shared with USCBP by the foreign government in some way, or the activity came to the attention of the U.S. government through information available online.

Even for the traveller who does not have reason to be concerned about past criminal records impacting their entries, one should assume that public social media profiles or other digital information could be accessed in some way upon application for admission. The most likely reason for this is to root out fraud in immigration benefit applications. If, for instance, you say you are a visitor and coming in to go to Disney World when asked the purpose of your trip by CBP, but online have posted about this incredible modelling gig you just got and are going to perform in a show in New York Fashion Week, a CBP officer could determine that you have lied about the purpose of your entry when you intend to enter to work rather than vacation.

Fraudulent statements of material facts (facts that could impact the decision on your immigration benefit request, such as a request for a visa or request for admission to the U.S.) can make you permanently inadmissible to the U.S. — and social media or other media postings or information online can be used as solid evidence of having lied to a CBP officer at the time of entry, or lied to a visa officer when interviewing for a visa or on the application form you completed online to obtain the interview or visa.

CBP is one sub-agency of the larger Department of Homeland Security (DHS), which itself also adjudicates online and mail-in petitions and applications for certain immigration benefits. But the larger DHS is also using social media in its assessments of applicant or beneficiary eligibility for requested immigration benefits, such as nonimmigrant work authorizations or even green cards. If the agency does a quick search on you and discovers that you appear to be a different person (e.g., your resumé on LinkedIn has significant differences from the resumé you provided with your work authorization application), your application or petition for that benefit is likely to be much more highly scrutinized.

DHS is also using AI to screen immigration applications and petitions, as disclosed through the agency's Artificial Intelligence Use Case Library online. As noted by DHS itself online, "The Simplified DHS AI Use Case Inventory provides a streamlined overview of each inventoried AI use case in website format.... DHS has published the inventory since 2022, with one main update per year and other revisions as needed." What does this mean? Once AI enters a workflow, it seems unlikely that it will ever be removed. Instead, it seems likely to me that the immigration-related agencies (mainly, DHS and the U.S. Department of State) will continue to use and increase their use of AI to screen applicants for benefit eligibility, fraud and any reason at all to deny the request submitted.

As technology expands as a tool in our everyday lives, governments worldwide (as capabilities permit) will assuredly be using it as well to screen applicants for admission to their countries. When preparing to apply for any trip across borders or immigration benefit, you would be wise to think about your digital footprint and make sure it represents you as accurately and carefully as possible and does not inadvertently disclose anything you do not wish to share with a foreign government.

If you have any questions about how to deal with concerns, or whether your online presence or representations can hurt your chances of being admitted to the U.S., please reach out to Elizabeth Klarin eklarin@lippes.com or Eileen Martin emartin@lippes.com at Lippes Mathias LLP to discuss the best ways to mitigate your risk.

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