

# U.S. to Require Social-Media Disclosure for ESTA and Visa Applicants: What Travelers Need to Know

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The United States is moving toward an unprecedented expansion of digital and social-media screening for foreign travelers and visa applicants. A new proposal from U.S. Customs and Border Protection (CBP) would require travelers from Visa Waiver Program (VWP) countries—such as Britain, France, Germany, and South Korea—to disclose five years of social-media history as part of their ESTA travel-authorization applications. Public comments on the CBP proposal are open for 60 days, until February 9, 2026, after which the agency may implement the changes in phases. This requirement is mandated by [Executive Order 14161](#) and formally proposed in the [Federal Register](#), where CBP states that social-media identifiers will become mandatory for ESTA.

In addition to social media, CBP plans to collect extensive “high-value” data: email addresses from the past decade, phone numbers, IP metadata, and detailed family information, including names, dates of birth, and places of residence of parents, spouses, siblings, and children. These new requirements represent a significant expansion beyond previous vetting, which was typically limited to verifying discrete facts. The expanded vetting is likely to scrutinize broad patterns of online speech.

At the same time, the Department of State [announced](#) that beginning December 15, 2025, all H-1B workers, H-4 dependents, and student/exchange visa applicants (F, M, J) will undergo mandatory social-media and “online presence” review. Applicants must set all social-media accounts to “public” visibility to permit consular inspection. The State Department framed the expansion as a national-security necessity, emphasizing that “every visa adjudication is a national security decision” and that a visa is “a privilege, not a right.”

## Legal and Practical Risks: Free Expression, Bias, Privacy, and Data Retention

The new policies represent a major expansion of social-media vetting for nonimmigrant visa holders and Visa Waiver Program travelers. The U.S. government is expected to closely examine applicants’ online posts, particularly those touching on politically sensitive subjects that diverge from official U.S. positions. Visa Waiver Program applicants will have to provide their social-media identifiers on ESTA applications, and failing to do so may lead to adverse outcomes.

There are concerns the security value of social media screening policies to the government is speculative and pose serious risks of misinterpretation, bias, and overreach. Online content is highly

context-dependent—shaped by language, culture, humor, slang, and even emojis—making it easy for reviewers to draw incorrect conclusions. Because individuals' intent on wrongdoing can simply hide problematic accounts, mandatory reporting may be ineffective, while also inviting inconsistent or arbitrary decisions by consular and border officials.

There are also concerns that expanded vetting could also chill free expression. Applicants may feel compelled to sanitize their online presence, and Americans might self-censor when communicating with friends or family abroad. Additional concerns include the potential for disproportionate impacts on people from certain regions and the possibility of large-scale data collection and algorithmic monitoring without clear limits on how the information will be used or retained.

## Compliance Tips for Foreign Travelers and Employers

The CBP proposal, the State Department's new requirements, and related executive-branch mandates represent a sweeping expansion of government request to access applicants' online speech and private digital histories. Supporters frame the changes as necessary for national security. Critics counter that the measures will be invasive, ineffective, and likely to curtail free expression while producing discriminatory outcomes.

Foreign travelers to the United States, including those with employment, student, visitor, or business-related visas, or travelers under the VWP, would be wise to consult experienced immigration counsel prior to applying for a visa or ESTA and traveling to the United States. For questions regarding visas, travel or other immigration matters, contact Kelley Drye Senior Associate [Alla Taher](mailto:ataher@kelleydrye.com) at [ataher@kelleydrye.com](mailto:ataher@kelleydrye.com) or (312) 982-9921.