

Transcript

Rob McNeil

Hello and welcome to another episode of the Migration Oxford podcast. And today you've just got me, Rob McNeil, speaking to two very, very interesting people from the organisation PEN America. We've got Karin Karlika, who is the former journalist and director of the Writers at Risk programme, and Amanda Wells, she's a former student from Oxford's Refugee and Forced Migration Masters programme and the coordinator of the Digital Safety and Free Expression programme there. And we're looking at and investigating the question of how recent changes to American policies on people's access to the country, people's access to citizenship are being affected by the things that they've written in the past online, in things that they've published, even in just the conversations that they've had on social media. Okay, well, hello guys. I mean, the first thing that I wanted to do, if you don't mind, is just ask you guys to just explain who you are and what you do. That'd be great.

Amanda Wells

My name is Amanda Wells and I'm a program coordinator for digital safety and free expression at PEN America. PEN America is a nonprofit whose mission is to celebrate and defend free expression in the US and around the world. And our safety team works to support writers and their allies in the face of digital abuse threats and other safety risks, which foster self-censorship so that they can continue their work. And I have a master's in refugee enforced migration studies from the University of Oxford. I paid very close attention to how issues like digital censorship, online abuse, and disinformation disproportionately impact refugee and immigrant communities kind of throughout my career.

Karin Karlekar

And I'm Karin Karlekar. I'm the director of Writers at Risk at PEN America.

Rob McNeil

Just quickly, what is PEN America and how does it sit within an international context as well? What does it do? How does it work? What are the things that you achieve?

Karin Karlekar

Well, PEN America is 1 branch of many and PEN more than a century, with basically a focus to champion and protect writers around the world who are under threat and to promote and protect literature and free expression. Over the years, I would say there's been many different threats to free expression and to writers. But what we are seeing

now with sort of threats in the digital sphere as well as threats to the sort of mobility and ability of writers to leave their countries and to flee into exile as needed because of extreme threats that they're facing at home because of their expression. These are issues that the PEN Network as a whole is really grappling with. And I would say, aside from that, the crackdown on immigration and migration around the world, particularly by countries like the US, as well as a number of European countries, have dramatically shrunk the avenues for writers to flee into safety because of their works. Our Writers at Risk database, which currently contains more than 1,400 cases of threatened writers globally, contains about 170 cases of individual writers who are currently displaced or in exile, more than 10% of the total. And this suggests that migration is a very common path for many writers who face risks because of their expression. Over the last year, Amanda and I have joined forces over a new policy in the United States to vet the social media profiles of immigrants for what's deemed anti-American content, which is what we're here to talk about today.

Rob McNeil

Could you just tell me a little bit about what it was that stimulated you to start looking at this in the 1st place? What is the change in the law that's actually meant that you guys have decided to start focusing on US immigration policies?

Amanda Wells

So last year in August of 2025, the US Citizenship and Immigration Services, which is the body that handles immigration and visa requests in the United States, expanded their previous social media vetting policy to make the presence of quote unquote anti-American content a definition we can get into an overwhelmingly negative factor in case decisions. So this policy is an expansion of previous policies. Immigrants have been asked to voluntarily disclose their social media profiles on applications since about 2016. But what's new is that asylum officers are now looking for this very ill-defined category of anti-American content, and also that this content is now an overwhelmingly negative factor in decision making, whereas previously it might have just been one factor of many. And in terms of this kind of anti-American definition, like I said, it's very poorly defined. The policy itself refers back to a very obscure McCarthy era clause in the Immigration and Nationality Act, which basically amounts to anything promoting communist ideologies. But legal scholars have noted that anti-Americanism has no prior precedent in immigration law, so therefore its definition is entirely up to the Trump administration. So this is kind of a policy that was very concerning to us at PEN America as a free expression organization. That's why we decided to do some kind of work and advocacy around it.

Rob McNeil

Following directly from that, actually, could you just give me some examples of how the policies in America have affected specific people who might otherwise be being protected? And can you also maybe elaborate a bit on whether or not this is happening internationally as well?

Karin Karlekar

No, I would say, I mean, it is quite a big shift. The US traditionally has been a fairly open country in terms of accepting large numbers of refugees and writers have been among those. I've been working at PEN for just over a decade and I've worked on a large number of cases of writers who have come to the US. Many of the cases I'm currently following with increasing alarm involve people who came to the US, I would say, about a decade ago. There were, for example, a large number of atheist and secular bloggers and writers who were being targeted by religious extremists in Bangladesh around 2015 to 2018, and dozens of them fled into exile. Some of them came to the US and had been able to sort of rebuild their lives and have been able to continue with their writing and publishing work. I know of cases of people now who are basically self-censoring their own online expression. They are using pseudonyms for their social media, public pronouncements. They are not writing at all. They are really restricting their speech. And these are people who have been waiting, in some cases, almost a decade to have asylum claims adjudicated. There's another case I know of when he's a dissident activist and filmmaker. He fled Iran in 2015 across the border to Turkey and came to the US and immediately applied for asylum. And he's been living in the US ever since. He's been working. He's been able to sort of build a professional profile and continue also with his free expression. He's now facing an asylum hearing next week that should in any normal circumstance be a his final interview before he is granted permanent asylum. And instead, he is worried about being detained and taken to a detention center by ICE because he comes from Iran. So these are some of the types of cases that we are following and looking at in the US. I would just say, for many of these writers, they fled very restrictive environments. And in many cases, they looked up to the US as a sort of beacon of free expression, of defense and promotion of human rights. And that is why they came to the US. And for them now to have to self-censor themselves, to not be able to speak and write freely, it's a supreme irony that now they are looking over their shoulder. They are worried about anything they may write online. And this is something that at Penn we're extremely worried about and trying to do advocacy to try to change this policy right now in the US.

Rob McNeil

You touched on self-censorship. And I think that obviously this is a key issue. There is obviously a change in the way that the world has functioned in the digital environment that we're in. And so far as we've seen an increase in some pretty unpleasant and hateful conversations, which requires people to possibly be sensible and self-censor a

little bit in terms of the way that they might wish to express themselves if it's going to be harmful to other people. But you're talking about self-censorship here in a form where people's valid and reasonable political opinions might be something that they are no longer comfortable sharing. Could you just explain a little bit about how this is happening, where you see it happening, and what the difference is between moderating your behavior in a way which is reasonable to other people and self-censorship?

Karin Karlekar

Yeah, I mean, we are working with a variety of cases. But for example, I mean, Amanda and I worked on writing an op-ed earlier this year. And so we reached out to a number of the writers that we were in touch with to see if any of them were willing to publicly go on the record and talk about their own experiences with self-censoring, if they were doing it, to what extent, how much. And we could only find one person of the four or five that we reached out to who was willing to even go on the record and be named at all. I think the predominant feeling is pulling back, not saying anything publicly, being very, very careful about certain topics or expressing opinions about certain things. And the way the laws in the U.S. are, you know, being written and sort of looked at right now. I mean, for example, an Iranian here in the U.S. facing, you know, sort of applying for a green card or facing, you know, an asylum hearing could potentially be denied entry if they are expressing a sort of opinion that's anti the U.S. war with Iran. This is actually a war that's opposed by most Americans. So it's not something that's out of the bounds of the normal realm of protected speech. It's nothing like hate speech or incitement. These are sort of political opinions, religious opinions, social opinions. And they are choosing not to speak at all in some cases, or for sure not to go on the record with this type of speech.

Rob McNeil

I suppose there is a question then. You're describing an arbitrary kind of concept, you know, the idea of anti-Americanism. There are probably reasonable causes that people might have in certain circumstances to say somebody is a threat to a country. And this might be ways that people have expressed views about problematic things at some point. So what are the principles then that should guide the relationship between a person's freedom of expression and their right to safety, their ability to get out of somewhere and be protected? And should those principles apply regardless of the views that are being expressed?

Karin Karlekar

I think as Penn, as a free speech organization, we would argue that the person's right to physical safety and by that we sort of include the right to be free of physical violence, abuse, or retaliation should not be dependent on their expression and that they should be allowed to express themselves either in the country they're in or if they need to flee

to another country to remain free and safe and to be able to express themselves that they should. The First Amendment in the US, I would say, is a pretty strong protection for free expression and for different types of speech. And it's pretty limited in terms of the, I would say it's a very high bar in terms of limiting the type of speech that would be prohibited. And so if you look at US law, the bar is very high. It looks at sort of incitement to violence as sort of that bar, but other types of speech is not grounds in order to ban someone, normally to ban someone from coming into the US or to prohibit speech within the US as well?

Amanda Wells

I do agree with Karen, and I think that this kind of principle does have to cut both ways if we are truly committed to free expression, which is something that the United States has kind of long prided itself on. And I believe that even in terms of speech that I personally find objectionable or that I personally disagree with, The other thing I would kind of add to Karen's point in terms of this policy is that we have long had a disqualifier around kind of good moral character, which was extremely limited in scope. I think the qualifications were applicants who did not commit acts like murder, aggravated felony, or participate in genocide or war crime. And so that to me is extremely narrow and speaks to that question of national security that I think you're bringing up versus this policy, which stipulates anti-Americanism and can be quite broadly construed, I think is a very different question when it comes to free expression.

Rob McNeil

What sort of historical parallels can help us to understand the relationship, do you think, between migration, national security, as we've just been discussing, and freedom of expression? What do you see as being the kind of the things that we are seeing unfolding now, I suppose.

Karin Karlekar

Well, definitely I would say in terms of the historical parallels, we're at, I would say a low for free expression in the United States in terms of sort of the threats against free expression and against individuals for expressing it. I've been working in this field for about 25 years. And for the last 25 years, I would say that the period that most closely parallels what we're seeing now is the post-9-11 period when we did see a pretty significant national security crackdown in the US that led to both restrictions on free expression and dissent as well as on migration. And that's like the period that we would look back to in terms of seeing a sort of parallel level of restriction on free expression. We saw, for example, an expansion of the security apparatus, a shrinking of the space for a wide range of civil liberties in the United States, as well as a backlash against foreigners. And it's important to note, I think, also that this was a global trend. So there were stronger anti-terrorism laws passed and used in a range of countries post-9-11,

Obviously, it occurred in the US, but it occurred in a number of countries in Europe as well as globally. One of the most extreme examples occurred in Eritrea, which is a very restrictive and repressive country already, but where the 9-11 attacks were used as a justification for basically shutting down the entire independent media sector and detaining a large number of writers and journalists among other dissidents. And this group of 12 writers and journalists, for example, now constitute the longest jailed writers in the world today. Prior to that, another sort of similarly restrictive period in the US occurred before I was even born in the 1950s during the McCarthy era. And that era also confined as xenophobia, but also the attempted suppression of dissent. So that is sort of the earlier parallel, which Amanda referred to in terms of where some of the language in this law is being drawn. But that was another I would say a period of very extreme crackdown on both descent and migration in the US.

Amanda Wells

What I would call out around that is that the digital sphere has really given rise to new avenues for transnational repression. Thinking 30, 40 years ago, it was a lot harder to track down a journalist who was in exile, but now governments and other bad faith actors can use and take advantage of the digital sphere to continue to repress dissidents who were in exile in other countries. They can weaponize things like death threats, AI-generated deepfakes is something we're seeing a rise in, other forms of online abuse against dissidents in order to foster further self-censorship, even though those people have potentially moved. There's also, you know, the digital space gives rise to more ways to track down dissidents in exile. There was a really excellent new report from the Committee to Protect Journalists a few weeks ago that found that mass surveillance, which is kind of largely being done through ad tech and data brokers, is being used by governments to track journalists who are in exile, like an Egyptian journalist named Basma Mostafa, for example, who is currently in exile in Berlin and believes that Egyptian authorities used this commercially available data to track her location in exile.

Rob McNeil

This does bring us to this more detailed question about, I mean, like, what is the responsibility? What should the responsibility of technology companies be in helping to ensure that the world is a safe place where free expression can occur. I mean, how do we manage this complex process? And we look at these kind of emerging technologies like AI and various other things. How do we ensure that these technologies expand their freedom of political voice rather than serving as a tool to prevent people from being able to express themselves?

Amanda Wells

It's a very big question. I think there's a lot of different ways that I could take it. But one thing I guess I'd start off by saying is that tech platforms should be accountable to their own policies and also to legal processes. And in the United States, that's not necessarily something that we're seeing. Quite recently, we saw a collaboration, for example, between Google and the Department of Homeland Security in which Google was turning over data about its users to federal law enforcement without notifying users or giving them a chance to challenge the subpoenas as per their own stated policies. One example of this is a British Trinidadian reporter named Amandla Thomas Johnson, who is a student in the United States and had his data turned over to the US government without notice and without the chance to challenge it. So I think that kind of the bare minimum responsibility of tech companies is to hold themselves to their own policies and like I said to establish legal processes around information discovery in a way that they aren't currently. In terms of AI, which you mentioned, I think AI is really supercharging surveillance in general. And this has a particularly negative impact on refugee and immigrant communities. For example, there's a lot of evidence that AI is being used to kind of sift through the vast amount of digital data that's being collected. In response to this policy and AI negatively impacts refugees and immigrants. It is known to be worse at understanding nuance and context in non-English language speaking content. It is worse at recognizing the faces of non-white people. And so it really does have negatively disproportionate impacts on refugees and immigrants in a way that I don't think is being considered.

Rob McNeil

I'm struck by a kind of tension or paradox here insofar as a lot of these companies sell themselves and their actions, as you alluded to earlier on, as promoting people's freedom, their ability to express themselves, their ability to say what they want to say, however hateful that may be. And so I suppose the question is, what is the balance that should be struck there and how can that be struck? I mean, you know, you've just pointed out that there may be a need for greater regulation in these spaces. And yet these companies would argue that in doing so, you are precluding people's freedom of speech potentially. So what's the sweet spot? How do you get there?

Amanda Wells

One thing I will say on kind of the flip side is that we've seen big tech platforms use the language of free expression to kind of abdicate themselves from any responsibility around content moderation. You know, they say we don't want to violate the first amendment, so we won't regulate any content at all, regardless of whether or not it is hate speech, whether or not it incites violence, et cetera. And this is something my team at PEN America works on quite often because we deal with online abuse. And the reality is that some types of speech, like online abuse, can foster self-censorship in other people. They are intended to push individuals out of online spaces to, for

example, get journalists to stop covering certain issues. And that is also a real free expression issue. And so I don't think content is kind of antithetical to digital free expression, I think it's really essential to ensuring that online platforms remain spaces where all voices can be heard and truly defending free speech for everyone includes protecting online forums from being manipulated and distorted. But I think what's really key to having content moderation that is free expression friendly is that platforms need to have clear and transparent policies regarding content moderation. And like Karen was alluding to, there need to be opportunities for appeal like we see with the Meta Oversight Board.

Rob McNeil

The world has changed in the last 50 years in a way which means that everything that we write, everything that we say, everything that we do almost is captured, recorded and available to people. So a lot of what my understanding of the early years of what PEN America would have been defending is stuff that people had explicitly undertaken as efforts to publicly express themselves about things rather than the private expressions that they might take in a conversation between themselves and a friend. Whereas the world that we're dealing with now is commonly looking at expression in ways that is not just about artistic expression, but is also about just like public discussion about issues. How on earth are we supposed to manage a scenario where even the poorly thought through ideas that we discuss between individuals become part of the kind of world of content that we are seen to have produced that other people will step into, look at and potentially change our outcomes as a result of the fact that we have done these things. How do we deal with this? I mean, I know maybe this is too big a meta question, but what do we do about this?

Amanda Wells

I don't think too big of a question at all because I think that's an excellent point that what is so troubling about policies like this is that digital speech is so different from something like a published body of work that has gone through rounds of editing that a writer has thought very carefully about how it will land in the world and what kind of impact it will have. And I don't know that I have a solution to that. I don't know that there is one, but I do think it's worth calling out that, policies like this might include in its purview speech that someone made when they were 13, 14 years old on Instagram and not thinking about how their Instagram story was going to be impacting their physical safety in 10 years. And so I do think there is an element of digital speech that is really different from considering even someone's published works in a question like this.

Karin Karlekar

I mean, I would just add the other thing that I think is very worrying about some of and bring it back to these new policies, which, would affect people applying, for asylum

claims. But also, I mean, even now to get tourist visas to the United States, people are being asked to open up their social media profiles and to allow, the US government and immigration officials to look at these profiles. Now, in some cases, that might be a profile that was already public, but in some cases, it's profiles where people have set the content to private and are only sharing it with a group of their friends, and with the assumption that it would have always been private and never would have been public. On a personal level, like my Facebook profile is... is private. So I would assume, and many other people, would assume if it's a private profile that it's, not being seen by everybody. I would not want it to be seen by everybody. My Twitter slash X account is public and I know that anything there can and, you know, can and should be seen by everybody. But, you know, suddenly to be told that like a profile that was private now has to be set to public so anyone can see it so that a US immigration official can look at it, that's a huge issue for many people. And that can be someone seeking asylum. It can also be a British or French tourist that doesn't want to come to the US anymore and apply for a tourist visa or the ESTA because they don't want to change their profiles. I know a number of friends, family members, and colleagues in the UK and Europe who have just decided not to come to the US because of this policy. So that is, I think, a big issue is sort of this, what used to be potentially private is now being forced to be public. And that is something that I think is another huge part of this policy and other similar types of policies, which is, very disturbing to people, even if they may not have ever said anything that could be considered hate speech, incitement, anything else. Yeah, so that's I think another huge part of this whole equation, which is impacting a very wide range of people, not just people seeking refugees, seeking asylum or refugees, but just it could be a tourist, it could be a business, business visitor, anybody.

Rob McNeil

Indeed, indeed. Well, on that note, which I think doesn't necessarily leave us very positive about the universe, We will draw this to a close and ponder how on earth we get through this complicated scenario in the future. But anyway, thank you very much, Amanda and Karen. That's been a fascinating conversation.

Amanda Wells

Thank you so much. Thank you for having us. It was a great talk.

Rob McNeil

So there we are. We're entering a world where the things that we say to our friends and family on social media may affect our chances of being protected if we need to flee a hostile and problematic regime that we've criticized, what do we do about that? It's very, very hard to know, but it's very, very important that we're all able to speak up and talk about the things that we care about in ways that don't mean that we're going to be

precluded from being safe in the future. You've been listening to the Migration Oxford podcast. I'm Rob McNeil.