

# Global Immigration alert

March 2025

## United States 2025 Travel guide

### Executive summary

Under the current U.S. administration, consular officers responsible for determining eligibility for visa issuance and U.S. Customs and Border Protection (CBP) officers are exercising higher levels of scrutiny and vetting of visa applicants and travelers seeking entry into the United States, than in the past.

As such, foreign national travelers are reminded to review their travel documentation prior to entering and departing from the United States, confirming their documentation is accurate and valid. Foreign nationals are also encouraged to be mindful of entry requirements or restrictions which may impact their travel. This guide provides considerations that foreign nationals should keep in mind when traveling to the United States.

### Maintain Valid Travel Documents

Foreign nationals are encouraged to review their travel documents and note expiration dates before planning international travel to ensure that all relevant documentation is available to facilitate entry to the U.S.

- **Visa Stamp Validity:** Visa stamps should be carefully examined for expiration of both the visa stamp itself and the Petition Expiration Date (PED) date, if any, to confirm validity at the time of re-entry to the U.S. In addition, the visa stamp should include the correct visa category required to support the purpose of the re-entry. If the visa stamp is expired, schedule a consular appointment as early as possible to ensure timely renewal prior to the planned return date to the U.S.

In addition, if a visa's PED has expired, then it is important to determine whether a visa appointment is required or if other valid U.S. immigration documents, (e.g., Advance Parole travel document, Form I-797 Approval Notice) can be used to support a subsequent return to the U.S.

- **Passport Validity:** Passports generally ought to be valid for at least six (6) months beyond the expiration date of a foreign national's period of admission to the U.S.
- **Visa Status Document:** For most work-authorized non-immigrants, this will be an I-797 Approval Notice or I-129S issued by U.S. Citizenship and Immigration Services (USCIS) or the Department of State (DOS).
- **Dependent Documents:** Accompanying dependents should ensure they have a valid passport and visa stamp (unless visa-exempt) prior to traveling abroad. Dependents should travel with evidence of their relationship via an original marriage certificate (for a dependent spouse) and/or original birth certificate(s) (for dependent children) if a visa appointment is scheduled prior to any return travel to the U.S.

For foreign nationals who are present in the United States and considering international travel, it is also important to be mindful of:

- **Form I-94, Arrival/Departure Record:** Foreign nationals should ensure that the most recently issued Form I-94, Arrival/Departure Record, indicates the appropriate visa category sought prior to returning to the U.S. *Note that a foreign national who has remained*

*in the U.S. beyond the expiration of a previously issued Form I-94 should consult with a U.S. immigration professional at EY Law or Mehlman Jacobs prior to travel abroad as this may have significant implications for re-entry.*

- **Pending USCIS Petitions:** Foreign nationals are encouraged to consult with an EY Law or Mehlman Jacobs professional prior to departure from the U.S. if they have a pending adjustment of status application, non-immigrant change of status application or other type of immigration benefit request pending with USCIS to prevent a possible abandonment of the request that may be triggered by departure.
- **Land Border / Ferry Port of Entry Arrivals:** There are some limited exceptions to the requirement of presenting a valid visa in order to re-enter the U.S. involving brief trips to Canada, Mexico, and adjacent islands depending on visa status, via a process known as "automatic visa validation." Strict criteria apply to this process, please verify with your EY Law or Mehlman Jacobs professional that you are eligible before making travel plans relying on automatic visa validation.

### At the Port of Entry

When foreign national travelers present themselves for admission to the United States at a Port of Entry (POE), it is important to be mindful of the following when interacting with Customs and Border Protection (CBP) officers, who exercise wide latitude in determining whether to admit a foreign national into the United States:

- Greet the officer and maintain a polite and respectful demeanor, and remain calm and patient throughout the interaction.
- Answer all questions truthfully and clearly, and do not provide more information than what is asked.
- If you do not understand the question, ask the officer to please repeat the question.

Travelers should be prepared to provide additional documentation supporting the purpose of their visit, such as an employment verification letter or copies of recent pay-stubs to demonstrate that continuing to work for their employer. If seeking entry as a tourist or business visitor, or in a non-immigrant visa classification requiring non-immigrant intent such as an F-1 or TN, ensure that supporting documents include proof of ties abroad, including bank account statements, mortgage/lease agreement, an invitation letter confirming the purpose of visit, and return travel plans.

Travelers should be prepared to answer questions about:

- Their identity and place of residence, the duration of their stay, and accommodation details in the United States
- The purpose of their visit (for example to work, to study, for a business visit, or tourism)
- The nature of the activities that they will be engaged in
- Specific information about their employer, qualifications, and role within the company

In particular, those frequently travelling on B-1/B-2/ESTA as business visitors or tourists should be prepared to potentially face additional questions regarding past patterns of travel, and the intended purpose of current travel, as well as the specific activities they will be engaged in within the United States, to ensure that they will not be and have not previously engaged in unauthorized work.

### Increased Scrutiny

We are seeing an increase in scrutiny and screening measures for foreign nationals seeking admission and entry into the United States, and it is important to be prepared when traveling. There have been media and other reports from attorneys and the American Immigration Lawyers Association of the following trends at POEs:

- Individuals are being referred to secondary inspection for additional questioning, including those who hold valid visa status, lawful permanent resident status, are seeking entry on advance parole, or those who have been issued waivers for inadmissibility.
- Higher levels of scrutiny may be applied to travelers who are employed in the agriculture, construction, consulting, and manufacturing sectors.
- Travelers with past criminal or immigration violations are being flagged for further inspection and denied entry, and in some cases, are being detained in prison prior to removal from the country, even if such individuals did not have issues with travel in prior years.
- Travelers submitting work visa status applications, such as Canadians applying for TN or L-1 status at a POE, have experienced lengthy wait times of 3-5 hours or longer.
- Lawful Permanent Residents may expect additional questioning about their ties to the United States, and the purpose of their travel if they are outside of the United States for lengthy periods of time. Lawful Permanent Residents can be placed into secondary inspection if they are outside of the United States for longer than six months, and potentially into detention and referred to an Immigration Judge if longer than 12 months, if they do not have a Re-Entry Permit.
- Similarly, Lawful Permanent Residents can be taken into detention and referred to an Immigration Judge if they committed crimes that could render them inadmissible or removable from the country.
- CBP maintains that its border search authority obligates all travelers to present their electronic devices and the information resident on the device in a condition that allows for the examination of the device and its contents, if requested. If a traveler does not permit a search, they may be denied entry or the device detained to facilitate inspection. In advance of any travel to the United States, employees are advised to connect with their companies to determine whether there are policies in place about providing access to company devices.

### Impact on employers

CBP officials may also call petitioner employers in order to verify the accuracy of information presented by a foreign national seeking admission in a work-authorized status at a POE. When company employees are traveling to the United States on business

trips or for work purposes, ensure that the appropriate company stakeholder responsible for Mobility/Immigration is aware of such travel and prepared to respond.

It is recommended that organizations have a system in place for pre-assessing business travellers, to ensure that such individuals are entering with the appropriate documents, for the appropriate purpose and anticipated activities, as well as the expected length of time, in order to minimize risk and ensure compliance with immigration regulations.

We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

EY | Building a better working world

**EY is building a better working world by creating new value for clients, people, society and the planet, while building trust in capital markets.**

**Enabled by data, AI and advanced technology, EY teams help clients shape the future with confidence and develop answers for the most pressing issues of today and tomorrow.**

**EY teams work across a full spectrum of services in assurance, consulting, tax, strategy and transactions. Fueled by sector insights, a globally connected, multi-disciplinary network and diverse ecosystem partners, EY teams can provide services in more than 150 countries and territories.**

**All in to shape the future with confidence.**

Follow us on X @EYCanada

EY refers to the global organization, and may refer to one or more, of the member firms of Ernst & Young Global Limited, each of which is a separate legal entity. Ernst & Young Global Limited, a UK company limited by guarantee, does not provide services to clients. Information about how EY collects and uses personal data and a description of the rights individuals have under data protection legislation are available via [ey.com/privacy](https://ey.com/privacy). EY member firms do not practice law where prohibited by local laws. For more information about our organization, please visit [ey.com](https://ey.com).

#### **About EY Law LLP**

EY Law LLP is a Canadian law firm, affiliated with Ernst & Young LLP in Canada. Both EY Law LLP and Ernst & Young LLP are Ontario limited liability partnerships. EY Law LLP has no association or relationship with Ernst & Young LLP in the US, or any of its members. Ernst & Young LLP in the US does not practice law, nor does it provide immigration or legal services. For more information, please visit [EYLaw.ca](https://EYLaw.ca).

#### **About Mehlman Jacobs LLP**

Mehlman Jacobs LLP specializes in immigration law and provides legal and strategic advice to employers and their employees on all stages in the immigration process. Providing boutique, customized experience, the firm aims to provide transparency to an often complex and uncertain environment. Mehlman Jacobs, a California Limited Liability Partnership, limited to the practice of immigration law, is a member of Ernst & Young Global Limited and is independently owned and operated by US licensed lawyers.

© 2025 Ernst & Young LLP.

All Rights Reserved.

A member firm of Ernst & Young Global Limited.

EYG no. 002390-25Gb1

This publication contains information in summary form, current as of the date of publication, and is intended for general guidance only. It should not be regarded as comprehensive or a substitute for professional advice. Before taking any particular course of action, contact us or another professional advisor to discuss these matters in the context of your particular circumstances. We accept no responsibility for any loss or damage occasioned by your reliance on information contained in this publication.

#### **EY Law LLP**

**Batia Stein, Partner**  
+1 416 943 3593  
[batia.j.stein@ca.ey.com](mailto:batia.j.stein@ca.ey.com)

**Marwah Serag, Partner**  
+1 416 943 2944  
[marwah.serag@ca.ey.com](mailto:marwah.serag@ca.ey.com)

**Melanie Bradshaw, Partner**  
+1 416 943 5411  
[melanie.bradshaw@ca.ey.com](mailto:melanie.bradshaw@ca.ey.com)

**Mehlman Jacobs LLP**  
**Sharon Mehlman, Partner**  
+1 858 404 9350  
[sharon.mehlman@mehlmanjacobs.com](mailto:sharon.mehlman@mehlmanjacobs.com)

**Dilnaz A. Saleem, Partner**  
+1 713 750 1068  
[dilnaz.saleem@mehlmanjacobs.com](mailto:dilnaz.saleem@mehlmanjacobs.com)

**Author: Melanie Bradshaw, Partner**  
+1 416 943 5411  
[melanie.bradshaw@ca.ey.com](mailto:melanie.bradshaw@ca.ey.com)

**Roxanne Israel, Partner**  
+1 403 206 5086  
[roxanne.n.israel@ca.ey.com](mailto:roxanne.n.israel@ca.ey.com)

**Jonathan Leebosh, Partner**  
+1 604 899 3560  
[jonathan.e.leeboosh@ca.ey.com](mailto:jonathan.e.leeboosh@ca.ey.com)

**Stephanie Lipstein, Partner**  
+1 514 879 2725  
[stephanie.lipstein@ca.ey.com](mailto:stephanie.lipstein@ca.ey.com)