

Entering the United States as a Foreign National? Here Is What You Need to Know

Overview

- The goal of this alert is to provide general information regarding entry into the United States as well as applicable information for various employment-based visa categories.
- Given the current climate in the United States as it relates to immigration into this country, now more than ever, it is vital that foreign nationals are prepared when entering.
- All travelers entering the United States are subject to inspection by the Customs and Border Protection (CBP). More than a million passengers enter the United States every day so being prepared with the required documentation and information is critical.
- There have been more and more reports of various foreign nationals being detained upon entry (including green card holders).
- At this time, we are still awaiting the much anticipated Trump 2.0 travel ban targeting certain countries that will further increase obstacles for those seeking to enter the United States from targeted countries. With this travel ban, we are advising all foreign nationals in the United States to consider their international travel plans and potentially only travel if absolutely necessary until more guidance is provided regarding the travel ban. Recently, we have seen and heard of cases whereby green card holders were questioned at the port of entry and, in some situations, denied entry so all foreign nationals in the United States need to be on high alert. There have been rumors and speculation that more than **40** countries could be impacted with a potential colored tier system broken down as follows:
 - Red (completely barred from entering the United States): Afghanistan, Cuba, Iran, Libya, North Korea, Somalia, Sudan, Syria, Venezuela, and Yemen.
 - Orange (will face higher scrutiny): Belarus, Eritrea, Haiti, Laos, Myanmar, Pakistan, Russia, Sierra Leone, South Sudan, and Turkmenistan.
 - Yellow (could have delays in obtaining visas due to a 60-day grace period to furnish additional documentation): Angola, Antigua and Barbuda, Benin, Burkina Faso, Cambodia, Cameroon, Cape Verde, Chad, Republic of Congo, Democratic Republic of Congo, Dominica, Equatorial Guinea, Gambia, Liberia, Malawi, Mali, Mauritania, St. Kitts and Nevis, St. Lucia, São Tomé and Príncipe, Vanuatu, and Zimbabwe.
- Effective March 25, 2025, the secretary of the Department of Homeland Security (DHS) has terminated humanitarian parole for individuals from Cuba, Haiti, Nicaragua, and Venezuela impacting more than 530,000 beneficiaries and their families. This does not impact those with TPS (Temporary Protected Status). As of today, Haiti and Nicaragua remain under the TPS designation through September 10, 2025.

General guidance

- All non-U.S. citizens entering the United States need to ensure that all documentation is in order and valid prior to entry.
- Visitors travelling to the United States are required to be in possession of passports that are valid for six months beyond the period of their intended stay in the United States. This rule is not universal so you should check the U.S. Department of State's international travel data page: <https://travel.state.gov/content/travel/en/international-travel.html>
- All persons, baggage, and merchandise are subject to inspection by CBP. On certain occasions, CBP can search electronic devices (including cell phones, laptops, and cameras). According to the CBP, border searches of electronic devices are often integral to determining an individual's intentions upon entry to the United States and thus provide additional information relevant to admissibility of foreign nationals under U.S. immigration laws.



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Related Practice Areas

- Immigration Policy & Strategy

- If you have a criminal record, you must consult an immigration attorney prior to entry into the United States to determine (1) if you are eligible and (2) what documentation you need to carry.
- Always ensure that your current address is on file with the USCIS (<https://www.uscis.gov/ar-11>).

Guidance for specific visa categories

F-1 Students:

- You must ensure that you have a valid F-1 visa stamp to enter the United States.
- Carry ALL I20s especially the most recent one.
- If you are currently enrolled in a university, carry proof of active enrollment (transcripts, letter from the university, active school ID, etc.).
- If you are currently employed post-graduation, carry your Optional Practical Training (OPT) or Curricular Practical Training (CPT) proof.
- Proof of your ties to your home country (property ownership/rent, utility bills, etc.)

H-1B:

- Valid H-1B visa stamp.
- Carry the original (and valid) I-797 H-1B approval notice.
- Proof of current employment including recent pay statements and/or recently dated employment verification letter.

L-1 (A&B):

- Valid L-1 visa stamp.
- If blanket L-1, carry endorsed I-129S.
- If approved by USCIS, carry original (and valid) I-797 L-1 approval notice.
- Proof of current employment including recent pay statements and/or recently dated employment verification letter.

ESTA and B-1 visitor/business entry:

- Valid visa stamp.
- Proof of your ties to your home country (property ownership/rent, utility bills, etc.)
- Return flight information

Green card applicants (those with pending green card applications):

- If travelling pursuant to Advance Parole (travel document), be prepared to be placed in secondary inspection where the officer will review your record to ensure that you have a pending green card application.
- Copies of your I485, Adjustment of Status receipt notice(s).

Cozen O'Connor Conclusion:

- The climate right now is tense and changing by the day. It is vital that you triple check your documentation prior to re-entering the United States.
- If international travel is not necessary, departing the United States right now is not advisable (for example, if a travel ban is implemented while you are outside the United States).
- Ensure your employer and immigration attorney are aware of your upcoming international travel plans so they can advise you accordingly.
- If you are currently in the United States on a work visa, coordinate with your employer to file the extension immediately upon the filing window opening.
- Review your social media accounts and photos stored on your electronic devices and cloud accounts as they can be subject to CBP review upon entry into the United States.

Cozen O'Connor will continue to monitor these developments as they unfold.
