



IMMIGRATION-RELATED ENCOUNTERS FOR INDIVIDUALS WITH NONIMMIGRANT STATUS

With the change in presidential administration, encounters with immigration authorities both while in the US and during international travel are more likely. This advisal is meant to provide a general overview of possible encounters, best practices and additional resources for those in the US in nonimmigrant status. These advisements are based on the currently available information. New policies may be implemented at any time and travelers should expect that the rules may change while they are abroad. **Please note that our office is strongly recommending that all nonimmigrants avoid international travel.** If you encounter an immigration official, please contact our office and your employer or university.

WHAT AGENCIES MIGHT YOU ENCOUNTER?

In the US:

- **USCIS** – United States Citizenship and Immigration Services (USCIS) oversees lawful immigration to the United States and adjudicates benefits for applicants in the US. In addition, they randomly conduct site visits in connection with approved H-1B petitions. *See H-1B Site Visits below.*
- **ICE** – Immigration and Customs Enforcement (ICE) is the enforcement branch of the Dept. of Homeland Security. This agency conducts Enforcement and Removal Operations (ERO) along with Homeland Security Investigations (HSI). ICE is essentially the immigration police within the US.

While traveling out of the US:

- **DOS** – the Department of State adjudicates visa applications for foreign nationals who seek admission to the United States.
- **CBP** – Customs and Border Protection oversees border management and control. This is the agency that screens travelers for admission to the US when entering the country. Their jurisdiction can extend up to 100 miles into the US from a border or port of entry.

GENERAL GUIDANCE

During any encounter with immigration related officials, it is important to keep the following in mind:

- You should only answer the questions you are asked. Be concise and direct. If a simple “yes” or “no” is sufficient, then respond as such. If the officer wants more information, it is their responsibility to ask. Do not volunteer information or provide unnecessary information.
- You should answer all questions accurately and honestly. Do not guess. Any misstatements may be construed as fraud or misrepresentation and could lead to a bar to future immigration benefits. If you do not understand a question, ask the officer to repeat it or rephrase it for you.

BEST PRACTICES FOR TRAVEL

Our office is currently recommending that all foreign nationals avoid international travel. Ultimately, the decision to depart the US is a personal one that you must make based on the potential risks outlined below and your risk tolerance. This recommendation is based on several factors, and we are not able to guarantee anyone's return to the US nor are you able to be precleared for admission. In addition, there is generally no right to an attorney at the border or at a US consulate abroad. Based on the current posture of the administration, the following are potential risks associated with international travel:

1. For consular processing, visa applicants are generally restricted to applying in their home country. In addition, applicants should expect longer wait times to get an appointment and longer waiting periods for the return of an approved visa in a passport due to staffing shortages.
2. Expect increases in administrative processing (i.e., security check delays) due to the administration's "extreme vetting policies." Please note that our office cannot expedite visa issuance if you are subject to administrative processing and there is no fixed timeline for resolution.
3. Consular staff may contact employers via phone or email to confirm location of work, duties, and compensation. It is best to notify employers of your travel dates.
4. If you are from one of the following countries listed on the Administration's full and partial travel ban list, you should not travel. Those countries are as follows:
 - Full Travel Ban - Afghanistan, Burkina Faso, Burma, Chad, Republic of Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Laos, Libya, Mali, Niger, Sierra Leone, Somalia, South Sudan, Sudan, Syria and Yemen. In addition, foreign nationals with travel documents issued by the Palestinian Authority are also subject to the full travel ban.
 - Partial Travel Ban – Angola, Antigua and Barbuda, Benin, Burundi, Cote d'Ivoire, Cuba, Dominica, Gabon, The Gambia, Malawi, Mauritania, Nigeria, Senegal, Tanzania, Togo, Tonga, Turkmenistan, Venezuela, Zambia, and Zimbabwe.
 - Possible future suspension – Egypt
 - **For additional information regarding the travel ban and exceptions, see the Travel Ban section below.**
5. If you have visited any of the countries listed above in the last 5 years, you should expect delays in obtaining a visa and additional scrutiny at the border.
6. Please be mindful of your social media footprint and activities that could be perceived as being in opposition to the current presidential administration. While we do not advise deleting all social media accounts as this may raise red flags, we strongly advise making sure the settings are private and reviewing your history (including suggested posts or your "For You" pages) to ensure that your activity does not cause alarm for officers. You should also consider if you have any photos of any political protests or statements that could be perceived as oppositional? Construed as supporting terrorist activities? Could anything be construed as engaging in or promoting unlawful activities? Could anything be construed as voicing support for or stating opposition to either Israel and/or Palestine? Have you documented your participation in any recent demonstrations (including pro-Palestine, Black Lives Matter and women's reproductive rights marches)? Does your professional profile match your immigration filings?
7. **If you have any arrests or prior immigration violations, do not travel until you have discussed the issue with an attorney.**

8. Expect delays at the border during inspection and admission with CBP and longer than usual lines at airports and ports of entry.
9. Check with your employer about their remote work policy. If you are not able to return to the US immediately, will they be able to employ you while abroad?

If you do travel, what should you bring with you?

1. Make sure your passport is valid. Ideally, passports should be valid for at least 6 months from the proposed date of return.
2. Make sure you travel with the original approval notice as evidence of your current status in the US. Be prepared to present this at the consulate and at the border.
3. If you hold an employer-sponsored status such as an H-1B, L-1, O-1, TN or E-3, have an updated verification letter from the employer sponsor confirming the terms noted in the I-129 and support letter. If you are currently working for the sponsor, bring your 3 most recent paystubs. In addition, a company representative should know your consular interview date and travel return date and location to be available for any confirmation call that might come from DOS or CBP.
4. Bring evidence of prior statuses to establish continuous lawful presence in the US which may include I-20s, EAD/OPT cards, approval and receipt notices.
5. If you were sponsored for an employment based nonimmigrant classification, bring a copy of the filing that was submitted to USCIS. For H-1Bs and E-3s, you should travel with a copy of the Labor Condition Application (LCA).
6. If you are a dependent, bring the principal applicant's approval notice, recent paystubs and birth/marriage certificates.

What should you avoid bringing with you?

CBP has broad authority to conduct searches of electronic devices at the border. DO NOT travel with personal laptops or phones if at all possible. You might consider using a "burner phone" and if questioned, explain that you have privacy concerns. Here are a few other considerations:

- Travel with limited data and limited devices.
- Encrypt devices with strong passwords and shut down devices at the border.
- Store sensitive data in end-to-end encrypted cloud storage and remove information from your device.
- Social media accounts should always be set to private. USCIS and DOS have also announced they are reviewing social media activity when making determinations about benefits and visas. Consider removing social media apps when traveling. They can be re-downloaded later.
- Keep devices off. If you must turn them on, ensure that they are in airplane mode, with both Wi-Fi and Bluetooth disabled, before crossing a border checkpoint.
- Disable fingerprint/facial recognition.
- Let officers know if you have privileged material on your device, including communications with your attorneys or legal counsel.

For additional information see –

- <https://www.cbp.gov/travel/cbp-search-authority/border-search-electronic-devices>
- <https://www.aclu.org/news/privacy-technology/can-border-agents-search-your-electronic>
- <https://www.aclu.org/know-your-rights/what-do-when-encountering-law-enforcement-airports-and-other-ports-entry-us>

TRAVEL BAN

On June 4, 2025, President Trump issued an initial proclamation restricting entry into the U.S. of foreign nationals from certain countries, citing security concerns and public safety. The initial ban took effect on June 9, 2025. On December 16, the Administration issued an updated list of countries subject to both a full and partial ban. That ban took effect on January 1, 2026.

In general, the ban applies to nationals of select countries who were 1) outside the United States on the effective date and 2) not issued a valid visa as of the effective date.

Full Travel Ban: The ban fully suspends entry into the U.S. of immigrants (people coming permanently) and nonimmigrants (people coming temporarily) for nationals of these countries:

- Afghanistan, Burkina Faso, Burma, Chad, Republic of Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Laos, Libya, Mali, Niger, Sierra Leone, Somalia, South Sudan, Sudan, Syria and Yemen. In addition, foreign nationals with travel documents issued by the Palestinian Authority are also subject to the full travel ban.

Partial Travel Ban: The ban suspends entry into the U.S. of immigrants and B-1, B-2, B-1/B-2, F, M, and J nonimmigrant visa holders and reduces the validity period of all visas issued after June 9, 2025, for nationals from these countries:

- Angola, Antigua and Barbuda, Benin, Burundi, Cote d'Ivoire, Cuba, Dominica, Gabon, The Gambia, Malawi, Mauritania, Nigeria, Senegal, Tanzania, Togo, Tonga, Turkmenistan, Venezuela, Zambia, and Zimbabwe.

Possible future suspension: The proclamation also notes that the U.S. will review Egypt's screening and vetting procedures to determine if it should be subject to a ban but does not impose restrictions now.

Are there exceptions?

The travel ban does not apply to:

- U.S. Lawful Permanent Residents
- Dual nationals of designated countries when they are traveling on a passport from a non-restricted country
- Visa holders in the following categories: A-1, A-2, C-2, C-3, G-1, G-2, G-3, G-4, NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, or NATO-6
- Athletes and coaches traveling for the World Cup, Olympics, or other major sporting events
- Spouses, parents, or children of U.S. citizens applying for permanent residence, in certain circumstances
- Adoptions
- Afghan Special Immigrant Visas
- Special Immigrant Visas for U.S. government employees
- Immigrant visas for ethnic and religious minorities facing persecution in Iran
- Individuals granted asylum
- Refugees already admitted to the U.S.

- Individuals granted withholding of removal under the Convention Against Torture

Exceptions may also be allowed on a case-by-case basis if travel would serve a U.S. national interest. Applicants seeking a national interest exception must first apply for a visa before a determination can be made. We anticipate that national interest exceptions will be very rare. The Consulate will make these determinations on a case-by-case basis if the applicant is first found eligible for the visa. Keep in mind that travel must advance a U.S. national interest. Routine purposes of travel including visiting family members in the United States, business travel, employment, or study in the United States will typically not be considered to be advancing a U.S. national interest. There is no application for a national interest exception and relevant factors will be considered by the consular officer during the interview.

IF YOU ENCOUNTER A PROBLEM AT THE BORDER

If CBP is questioning your eligibility to enter the US (i.e., admissibility), you have the option to request to withdraw your application for admission. This would require you to immediately leave the US at your own expense. CBP may refer you to deferred inspection or a hearing before an immigration judge on any determination of inadmissibility but this is at their discretion and unusual for nonimmigrants. If CBP requests your signature on any document based on an incorrect determination of admissibility, you should sign under protest or refuse to sign the sworn statement drafted by CBP unless you are allowed to make corrections and initial and date them. You should receive a copy of any determination denying admission but may be detained until you can be returned to your home country.

BEST PRACTICES WHILE IN THE UNITED STATES

Unless you are applying for an immigration benefit with USCIS or have a site visit, the agency you are mostly likely to encounter in the US is ICE. While ICE has broad authority to conduct investigations, you should have certain rights under the Constitution regardless of your immigration status. Your rights include:

- The right to remain silent. You are not required to discuss your immigration or citizenship status with police, immigration agents, or other officials. Keep in mind that anything you tell an officer can later be used against you in immigration court.
- If you are not a U.S. citizen and an immigration agent requests your immigration papers, you must show them if you have them with you.
- If you're over 18, carry your papers with you at all times. We recommend carrying evidence of your nonimmigrant status on your person including a copy of your approval notice, most recent I-94, a copy of your visa stamp and a copy of the biographic page of your passport. If you don't have them, tell the officer that you want to remain silent, or that you want to consult a lawyer before answering any questions.
- If an immigration agent asks if they can search you, you have the right to say no. Agents need your consent or probable cause to search you and your belongings.
- You may be pressured into signing a statement or waiving your rights. Do not sign anything without first consulting with an attorney.
- You have the right to ask if you are free to leave. If the agent says yes, leave calmly.

For additional information, we recommend reviewing the following resources which are available in multiple languages:

- <https://www.aclu.org/know-your-rights/immigrants-rights>
- <https://www.ilrc.org/red-cards-tarjetas-rojas>

While in the US, we recommend that you carry evidence of your lawful status at all times. This is especially critical if you are travelling near the US border where ICE and CBP have increased authority to conduct searches. You should also familiarize yourself with the restrictions of your current nonimmigrant status and be sure to comply with all requirements to maintain your status. See the guidance our firm sent with your NIV approval for additional information or visit - <https://www.uscis.gov/working-in-the-united-states/temporary-nonimmigrant-workers>.

Please also be sure to timely file a change of address with USCIS within 10 days of moving. You can find more information and file this online - <https://www.uscis.gov/ar-11> Failure to timely update USCIS with your address can result in penalties and fines.

H-1B SITE VISITS

If you are in the US in H-1B status, please keep in mind that USCIS randomly conducts site visits in connection with approved H-1B petitions. These visits are unannounced and may occur at the employer's place of business, an employee's worksite or virtually through email. The main purpose of the site visit is to confirm the terms and conditions outlined in the H-1B petition. These site visits are routine and are generally not a cause for alarm.

During the site visit, the following may occur:

- The investigator may ask questions regarding the position, duties, wages, and work location.
- They may also ask which party paid the legal and filing fees for the H-1B application.
- Investigators may ask to see the employee's workspace and for evidence of employment such as paystubs and W-2s.
- They may ask to speak with the person who signed the H-1B petition and the manager.
- They may ask for a copy of your ID and to email them follow-up documents.

If you are contacted by an investigator, please do the following:

- Ask the officer to identify themselves and get their business card.
- Make sure to answer all questions truthfully and accurately.
- If you are not sure of an answer, please ask for additional time to respond.
- If you need to consult your records, that is permitted.
- Make notes of your discussion during the visit and provide them to our office along with your employer.

You may be asked to send follow-up information by email such as paystubs, photos of your workstation and a copy of your ID. If you are contacted, please let us know so we can provide further guidance and assist with any follow-up response.