International travel to the U.S. – What employers and foreign national employees need to know

As international travel regulations and immigration enforcement policies continue to evolve, it is critical that non-citizen employees entering the United States—including visa holders and lawful permanent residents—are well-informed, cautious, and prepared. Recent executive orders and public remarks from U.S. officials have signaled an increase in entry scrutiny, expanded digital screening, and broader search authority for U.S. Customs and Border Protection.

Here are the key risk areas, a pre-travel checklist (linked below), and best practices to help lessen or eliminate travel complications.

Key risk areas

No. 1: Increased screening and enforcement at ports of entry

Customs and Border Protection officers have broad discretion in determining whether a traveler can be admitted to the United States. Even those with valid visas or green cards may be subject to additional questioning, secondary inspection, or delays.

No. 2: Where you travel matters

There is no formal tiered system, but travel to or from certain countries—particularly those perceived as high-risk—can trigger additional scrutiny by CBP and other agencies. Travelers returning from countries such as Iran, Syria, Cuba, or North Korea, for example, may experience longer inspections or questioning. We strongly recommend consulting with immigration counsel before you travel to or from such destinations.

No. 3: Electronic device searches

CBP is authorized to inspect electronic devices—including phones, laptops, and tablets—without a warrant, and they can review emails, messages, photos, files, and cloud-based content. To mitigate risks, we recommend the following:

- Limit sensitive data that is stored locally.
- Use strong passwords, and consider removing confidential documents.
- Disable biometric access, such as Face ID or fingerprint unlock, before you enter U.S. territory.

Taking these measures will not necessarily prevent CBP from accessing your device, but making access more difficult may help to protect proprietary business information, privileged and confidential data, and other private data. More detailed information is available here.

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No. 4: Social media and online activity under review

According to recent remarks from Secretary of State Marco Rubio, the United States is actively monitoring foreign nationals' online activity—including social media—for signs of support for extremist groups. The U.S. State Department has already revoked hundreds of visas as a result of the monitoring. Even though this policy is primarily targeting student visa holders, all foreign nationals should be mindful of public content and digital expression that could be misinterpreted during vetting.

Pre-travel checklist for international employees

Before you travel to the United States, we recommend that you do the following:
- Confirm that your passport is valid for at least six months beyond your return date.
- Ensure that your visa, work authoriz**ation, or green card** are valid and accessible.
- Print or save digital copies of
  - I-797 Approval Notices (if applicable)
  - Most recent I-94 record (available here)
  - Employment verification letter (if required)
- Confirm that your travel itinerary is authorized under your immigration status (e.g., visa expiration date, travel restrictions).
- Check for CBP updates and any port-specific advisories.
- Review your electronic devices, and remove or encrypt any sensitive data.
- Be ready to clearly and concisely explain the purpose of your travel to CBP officers.
- Share your travel plans with Human Resources and a designated emergency contact.
- If you have any immigration history issues (e.g., prior visa denials, overstays, or criminal issues), consult with HR or legal counsel before departure.

Best practices for re-entry

- Postpone non-essential international travel if you have immigration concerns or are traveling from a high-scrutiny region.
- Avoid protests, demonstrations, or politically sensitive activity abroad.
- Review your social media and digital presence—remove or archive anything that could be misinterpreted.
- Memorize legal or HR contact information, in case your devices are temporarily confiscated or searched.

International travel today requires more than a valid visa or passport—it requires awareness, intentional preparation, and a clear understanding of evolving risks at U.S. borders. With increased global tensions and enhanced U.S. enforcement priorities, even routine re-entry can involve additional questioning or delays.

Contact any member of Constangy's Immigration Team for further guidance.