LEGAL UPDATES

PUBLISHED: MARCH 28, 2025

Navigating the Evolving Challenges of Foreign National Travel

Service

Business Immigration and Global Mobility

Professionals

CHRISTINE E. FABIN
KANSAS CITY:
816.983.8000
CHRISTINE.FABIN@
HUSCHBLACKWELL.COM

TIFFANY L. BALDWIN
ST. LOUIS:
314.480.1935
TIFFANY.BALDWIN@
HUSCHBLACKWELL.COM

Recent U.S. government actions have created significant challenges for foreign nationals returning to the U.S. from international travel. To ensure a smoother entry process, travelers should consider taking proactive steps to protect their privacy, reduce risks of detention or expedited removal, and ensure compliance with U.S. Customs and Border Protection (CBP) requirements. Below is a detailed advisory to assist travelers in navigating the evolving challenges associated with entering and departing from the U.S.

Key risks for travelers

Increased scrutiny at U.S. ports of entry

CBP is engaging in heightened inspection practices, including additional questioning and searches of personal devices such as phones, laptops, iPads, smartwatches, and even flash drives.

Noncitizens traveling through some airports have reported thorough inspection and an increase in placing foreign travelers, including permanent residents, in secondary inspection or even detention, allegedly, without cause.

Electronic device searches

CBP has broad authority to inspect electronic devices without a warrant. This includes reviewing emails, social media, bank records, and other personal data that may be stored on a device.

Any personal belonging with the traveler is subject to search.

Travel disruption

Lengthy delays at CBP inspection sites at airports and other ports of entry due to increased scrutiny create travel disruptions.

© 2026 HUSCH BLACKWELL LLP. ALL RIGHTS RESERVED

Travelers should plan for extended wait times at CBP inspection sites.

Protecting your privacy: handling electronic devices, apps, and social media

CBP can search electronic devices of all incoming travelers without a warrant. They can request your passwords to search and can deny entry if you refuse to provide it. However, CBP may only access information "resident upon the device at the time it is presented for inspection." They cannot access data in the cloud or data that would require network service without reasonable suspicion. Essentially, CBP can access anything on the phone when it is in airplane mode with both Bluetooth and Wi-Fi disabled. Accessible data would include photos, text messages, emails, and social media. Additional information about what CBP's search authority can be found here: https://www.cbp.gov/travel/cbp-search-authority/border-search-electronic-devices

CBP can retain information obtained in the search in certain circumstances and can share information obtained in a search with other agencies. As a result, please consider limiting the number of electronic devices you bring and consider your personal data, messages, and photos prior to travel.

What to keep on your device

Store immigration-related documents, such as:

Recent pay statements (proof of employment).

Immigration petition or application documentation relevant to your visa (e.g., I-797 approval notice, I-20, or DS-2019).

Scans of petitions or applications filed with USCIS.

Family members on dependent visas should carry copies of documentation to demonstrate that the primary visa holder has maintained valid immigration status, as well as marriage and/or birth certificates to show their relationship to the primary visa holder.

Visitors (tourist/business) should carry:
Proof of employment in their home country.
Lease, mortgage, or other documentation of home residence.
Recent bank statements showing sufficient funds for their stay in the U.S.
A letter from their employer if traveling for business purposes.
Document of visitor intent (conference registration, wedding invitation, tickets to amusement park, etc.).

© 2026 HUSCH BLACKWELL LLP. ALL RIGHTS RESERVED

Remember: carry **hard copies** of all important documents as a backup.

Minimizing risk at U.S. ports of entry

Fly through airports with preclearance/pre-flight Inspection (PFI)
PFI allows travelers to undergo U.S. customs and immigration inspections before boarding their flight to the U.S., reducing the risk of entry refusal, detention, or expedited removal upon arrival.
If denied entry at a PFI airport, you will remain in the foreign country (e.g., Canada) rather than be held at a detention facility or deported from the U.S.

Prepare for secondary inspection
Be prepared for additional questioning or secondary inspection upon arrival.
If you are returning to the U.S. on a work visa, alert your employer of your travel return date and location so someone can be available for phone call or email from confirming location of work, duties, compensation, etc.
Answer questions asked truthfully. Do not volunteer unnecessary information.
If you are refused entry, prepare a summary of the event after your release: document officer names, questions asked, and anything you were told as a reason for the refusal.

Recommendations for travelers

1. **Plan your travel carefully:** Whenever possible, fly through airports with PFI or land ports of entry at the U.S./Mexico or U.S./Canada border.
2. **Travel light:** Limit the number of electronic devices you bring and consider your personal data, messages, and photos prior to travel.
3. **Be prepared for inspection:** Have hard copies of all required documents.
4. **Remember your rights:** Be cooperative but cautious during CBP questioning.
5. **Consult an immigration attorney:** If you have any questions about travel plans, please consider contacting an immigration attorney for guidance.

© 2026 HUSCH BLACKWELL LLP. ALL RIGHTS RESERVED