



BUSINESS IMMIGRATION SOLUTIONS

CLIENT ALERT: STRATEGIC U.S. ENTRY PLANNING FOR CANADIAN VISITORS & WORK-AUTHORIZED TRAVELERS

OVERVIEW

This alert outlines important considerations for Canadian visitors and nonimmigrants entering the U.S. amid increased border enforcement under the Trump administration. While the legal framework for admission remains unchanged, CBP officers are applying heightened scrutiny at ports of entry. Whether entering the U.S. as a visitor or in an employment-authorized status (e.g. TN, L-1, E-1, E-2, H-1B, etc.), travelers should approach their request for U.S. admission or reentry with thoughtful preparation.

MEDIA ATTENTION VS. REALITY

There has been a surge in reports about Canadian visitors and visa holders being detained or denied entry at U.S. borders. These cases, while newsworthy, often lack *critical* context. In many instances, travelers had prior immigration violations, criminal histories, or misrepresentation issues that are not disclosed publicly in the media. Immigration enforcement has occurred under every administration, but it's currently receiving increased attention. The rules haven't changed, but increased visibility and the administration's tone may be emboldening some CBP officers to take a more aggressive approach at ports of entry. Still, hundreds of thousands of visitors and nonimmigrants are admitted into the U.S. every day.

Canadian visitors and visa holders should be prepared to clearly explain the purpose of their entry and provide documentation to support it. Whether seeking admission as a visitor (B-1/B-2) or under a work-authorized category (such as TN, L-1, E-1, E-2, or H-1B), travelers should understand the classification they're requesting at the border and be ready to present evidence that aligns with that status.

BEST PRACTICES FOR CANADIAN VISITORS & NONIMMIGRANTS ENTERING THE U.S.

- **Canadians requesting entry as a B-1 or B-2 Visitor should understand limitations of this category.** CBP closely scrutinizes the purpose and frequency of visitor travel. Repeated entries, long stays, or vague explanations can raise concerns about unauthorized work or residency. Be prepared to explain the purpose of your trip, demonstrate strong ties abroad, and provide supporting documents when appropriate (e.g., conference agenda, business meeting invite, return trip itinerary).

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- **Canadians entering in a work-authorized status (e.g., TN, L-1, E-1, E-2, H-1B, etc.) should ensure their activities align with the terms of their approved application.** Carry a valid passport, a valid visa (for E visa nonimmigrants only), and an original I-797 approval notice, if applicable. A current employment letter or recent paystubs can help confirm ongoing employment. Changes to your job, employer, or worksite may require an amended petition—consult an immigration attorney before travel.
- **Ensure dependents have proper documentation.** Spouses and children in derivative status (e.g., TD, L-2S/L-2Y, E-2S/E-2Y, H-4) should carry a marriage or birth certificate, with a certified English translation if applicable. If traveling separately from the principal visa holder, they should also bring copies of the primary visa holder's Form I-797 approval notice or visa stamp.
- **Be strategic about the timing of your travel.** If your work authorization is expiring soon, consult your immigration attorney before leaving the U.S. to avoid disrupting a filing strategy or affecting eligibility for future benefits. If you have unresolved legal issues or were denied entry within the past six months, seek legal guidance before traveling.
- **When in doubt, consult an immigration attorney.** If you've experienced a prior admission refusal, visa denial, repeated secondary inspections, or changes in personal or professional circumstances since your last immigration approval, consult an immigration attorney before traveling.

PITFALLS TO AVOID

- **Overstaying or violating the terms of your status.** Past immigration violations—like staying past your I-94 expiration or working outside the scope of your admission category—can trigger red flags during reentry and be cause for denial of admission. *Always check your I-94 admission record after each entry to the U.S. and ensure your activities remain fully compliant with your entry classification.* Your I-94 may be accessed here: <https://i94.cbp.dhs.gov/>.
- **Making inconsistent or unclear statements.** CBP and consular officers compare your statements to past immigration records and filings. Inconsistencies—such as your job title, employer, worksite, or purpose of travel—can be interpreted as misrepresentation, even if unintentional. This can result in admission denial, expedited removal and a five-year bar from reentry. Be clear, honest, and consistent.
- **Overlooking employment changes after approval.** If your job title, duties, worksite, or employer has changed since your visa was approved, check in with your attorney before you travel. Publicly available information (e.g. LinkedIn, company websites, or press releases) can conflict with information reported in your application. Mismatches between public information and government records can lead to questions, delays, or even denial of entry.
- **Posting politically sensitive or controversial content online.** CBP may review public social media, and content that appears anti-U.S., violent, discriminatory, or inflammatory—even as a

joke or repost—can be misinterpreted and raise security concerns. This can lead to increased scrutiny, denial of entry, or even visa revocation. Review your digital footprint before you travel.

BORDER REALITIES FOR CANADIAN VISITORS & NONIMMIGRANTS

1. **There is no guaranteed right of entry or reentry to the U.S.** CBP officers have broad discretion to determine admissibility at a pre-clearance location or border port-of-entry. Canadian visitors and nonimmigrant visa holders are not entitled to automatic admission, even with a valid visa or approval notice. Entry may be denied for various reasons, including suspected misrepresentation, insufficient ties to the home country, criminal issues, or national security concerns.
 2. **Referral to secondary inspection does not necessarily indicate a problem.** It's often a routine process used to verify documentation or clarify details. CBP can ask detailed questions about your job, employer, visa, and purpose of travel. Stay calm and professional; be truthful and answer only what is asked. Inconsistent or unclear responses may be treated as misrepresentation; refusal to answer may lead to denial of entry.
 3. **Electronic devices may be searched by CBP without your consent.** Officers are permitted to inspect and copy data from phones, laptops, and tablets without a warrant. This includes emails, texts, documents, photos, and social media activity. Refusing access may result in delays, denial of entry, or device seizure. Travelers should review the contents of their devices and limit unnecessary or sensitive material before travel.
 4. **There is no right to legal representation at the border.** CBP is not required to let you speak to a lawyer, even during extended questioning.
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CONCLUSION

Despite the noise in the media, most visitors and nonimmigrant visa holders who maintain valid status, have not violated immigration laws, and carry proper documentation should not face problems entering the U.S. That said, immigration enforcement can be unpredictable, and discretion lies entirely with the CBP officer at the port of entry. Careful preparation, compliance with admission terms, and strategic travel planning are your best protections.

If you have any specific concerns about your case or travel plans, we strongly recommend a pre-travel consultation to assess risks and prepare documentation accordingly.

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