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International Travel Guide for Foreign Nationals in the U.S. and Foreign National Visitors to the U.S.

By: [Eileen K. DaPra](#)

Given the heightened vetting and scrutiny of foreign nationals entering the U.S. by the Department of Homeland Security, all foreign nationals, including the U.S. permanent residents, should be vigilant, when facing CBP officers.

The following guide outlines key issues foreign nationals should consider before international travel.

International Travel by U.S. Permanent Residents

Generally speaking, U.S. permanent residents have reentry rights, but this is NOT automatic because CBP officers have the authority to re-evaluate admissibility at each entry, especially after extended absences by permanent residents from the U.S. at which point, CBP officers may question the issue of abandonment of lawful permanent residency. Therefore, the following steps are recommended for U.S. Permanent Residents;

- Limit the length of trips to under 6 months.
- Make sure both the Green Card (Permanent Resident Card) and foreign passport are valid and current.
- Have evidence of ties to U.S., such as U.S. Tax filings, paystubs from current U.S. employer, and/or assets in the U.S.
- Apply for Reentry Permit from USCIS before departure, if the absence from the U.S. is to be more than 6 months.
- Avoid continued absence from the U.S. for periods longer than 1 year without first applying for a re-entry permit. USCIS has the right to bar entry or issue a Notice to Appear (NTA) and commence removal proceedings for abandonment of your residency status in the U.S.
- When reentering the U.S., remember that as a permanent resident, you are returning home and not visiting the U.S.
- ALL international travel by individuals with any criminal arrests/pending charges or past convictions MUST consult with qualified Immigration counsel prior to your departure. See [here](#) for a recent example of a detained U.S. permanent resident after an international travel.

International Travel by Valid Nonimmigrant Visa Holders

Foreign nationals holding U.S. nonimmigrant visas, such as H-1B, O-1, L-1, TN, F-1 and others are allowed to temporarily live and work/study (depending on the types) in the U.S. However, holding such a visa does not guarantee admission to the U.S. after an international travel because CBP officers possess a broad discretion of power to review, question foreign nationals with valid nonimmigrant visas and ultimately deny entry, revoke visa stamps, and even initiate expedited removal proceedings. Therefore, the following steps are recommended for foreign nationals with nonimmigrant visas.

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- Social Media postings; stay away from supporting or liking information that could be interpreted as anti-U.S. positions.
- LinkedIn Profile: U.S. employers on LinkedIn must be aligned with U.S. petitioners on visa stamps and/or I-797 approval notices. F-1 students should not have U.S. employers listed without a valid work authorization.
- Make sure both the U.S. visa and foreign passport are current and valid.
- Carry supporting documents: I-797 approval notices, employment verification letters, letter of school enrollments, I-20s.
- Similar to above, any individuals with recent arrests/pending or past criminal charges should speak with a qualified Immigration attorney BEFORE departure from the United States.

International Travel by Visa Waiver Program and B-1/B-2 visitors

Foreign nationals on the Visa Wavier Program (VWP) or B-1/B-2 visitor visa are allowed to travel the U.S. for tourism or business for 90 days (VWP) or up to 6 months (B-1/B-2). While foreign nationals with B-1/B-2 visa are eligible to extend or change their nonimmigrant status in the U.S., foreign nationals on VWP must depart the U.S. after 90 days of allowed stay. Further, foreign nationals on VWP and B-1/B-2 visa must understand limitations in terms of the activities they may participate in as described below.

Permissible activities:	Impermissible activities
<ul style="list-style-type: none">• Business meeting and/or contract negotiations• Attending conferences or seminars• Taking professional examinations• Touring the U.S. and visiting family and friends• Receiving medical treatments• Participate in short-term training	<ul style="list-style-type: none">• Attending Schools• Employment by a U.S. company• Paid or non-paid performances• Work as foreign press• Arrival as a crewmember on a ship or aircraft

VWP/Tourist Visa and Extended stay in the U.S.: All individuals intending to travel to the United States on either a tourist visa or an ESTA must be prepared to show documentation for how you will support yourself during any stay longer than 45 days.

The United States does NOT offer a “nomad visa” so any work done inside the U.S. while on a tourist visa or ESTA, even if you are working for an international employer, and are paid into an international bank account, could be seen as a potential issue by CBP officers. Any work done for compensation received will likely be viewed by Immigration officers as unauthorized employment inside the U.S., and cause you to be denied admission into the U.S. See [here](#) for a recent example of detained and deported German teens.

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Recommendations for all travelers in the U.S.

With the enforcement of the REAL ID Act starting May 7, 2025, all travelers in the U.S. must be REAL ID compliant to board domestic flights. Therefore, for nonimmigrant visa holders, the necessity to carry proof of immigration (foreign passports, U.S. visa stamps, I-94, USCIS approval notices) status at all times is more apparent than previously understood. In particular, foreign nationals traveling near land borders or islands bordering Canadian or Mexico waters should be extra cautious as they are exposed to potential CPB checkpoints.

In conclusion, international travel comes with added risks even for those with valid U.S. visas and U.S. permanent residency because an eligibility to admission must be met at every entry. Therefore, it may be wise to consult with an immigration attorney before the next international travel to discuss your immigration history and background, and ensure that you remain compliant with the U.S. immigration obligations.



[Eileen K. DaPra](#)

Special Counsel

(206) 319-7061

edapra@buchalter.com