

A GUIDE FOR THE BUSINESS & HIGHER ED COMMUNITIES

Supporting Employee and Visitor Travel

While there is understandable trepidation around noncitizens traveling to the United States right now, we know that travel will not stop completely. There are still situations in which noncitizen individuals will need to travel, whether it be for work, as a visiting scholar, or for other reasons. This guide will provide some best practices for necessary travel, including what to expect, how and when to engage legal support, and information about travelers' rights.

Before individuals decide whether or not to travel, it's important to know that U.S. Customs and Border Protection (CBP) has increased scrutiny and social media vetting at ports of entry, including airports and border crossings. Though risk will vary for different kinds of travelers, some noncitizens could be detained or deported when attempting to enter the United States. Travelers entering the United States with visas or other temporary statuses like DACA and TPS, including lawful permanent residents ("green card holders"), [have reported](#) additional questioning, searches of their electronic devices, and detention. Even if the noncitizen traveler has met all the requirements for their visa or green card status, CBP could detain noncitizens or attempt to revoke noncitizens' legal status based on considerations like technical violations or criminal activity from the distant past. Noncitizens should talk to an immigration attorney to understand the risks if they are considering international travel.

Best Practices for Necessary International Travel

WORK WITH AN IMMIGRATION ATTORNEY

Every noncitizen traveler seeking to enter the U.S. should consult with a U.S.-based immigration attorney before finalizing their trip. Immigration attorneys may have helpful insight into which airports might be better suited to international arrivals and an overall sense of the current political environment regarding travel and immigration.

It will also be important for travelers to have a relationship with a U.S. immigration attorney in case things do not go smoothly upon arrival, so they have a lawyer to represent them. Noncitizen travelers should fill out and sign the United States Citizenship and Immigration Services (USCIS) [G-28 form](#) with their attorney before they travel. They should also make sure they have their attorney's phone number written down on their person when they are going through customs, not just in their phone.

When possible, the business or institution for which the noncitizen is traveling should provide financial support for an immigration attorney.

PREPARE THE TRAVELER

Your company or institution should consult with an immigration attorney to prepare the noncitizen traveler for potential situations they may encounter when attempting to enter the country. This brief should include:

- What documents should the noncitizen traveler carry? Whose contact information should they know and carry on their person?
- What are their [rights at ports of entry](#), like airports?
- What is [secondary inspection](#), and what can they [expect to face](#) if they are subject to this additional screening?
- Best practices on [digital security](#).

Critically, noncitizen travelers should know not to sign any documents without their lawyer present. Immigration agents may encourage travelers to sign paperwork that waives their rights to appeal any decisions made about their case or their right to a trial. They could also be encouraged to sign paperwork that effectuates their immediate removal from the U.S.

USE ACCOMPANIMENT FOR SUPPORT

Immigration advocates have often used accompaniment (a strategy of having a citizen partner or buddy go through the process with them) to respond with legal support or advocacy if they encounter enforcement. For example, community members can attend regular ICE check-ins with noncitizens and show up to immigration hearings. When there is widespread community support for an individual, it can reduce the speed and ease with which immigration agents make punitive decisions about individuals and their futures in the U.S. Some accompaniment strategies that businesses and higher education institutions could use include:

- Pairing a noncitizen's travel with a traveling U.S. citizen.
- Having a representative of your institution and/or an attorney waiting at the airport upon the traveler's arrival.

- Ensuring that a noncitizen has a text buddy throughout their travel experience who is on alert to be notified when the noncitizen has boarded a plane, landed, and gone through security/customs.

In these situations, the noncitizen traveler will be able to point to this community support and the fact that people are expecting and waiting for their arrival. If things don't go smoothly, there will also be support very close by.

TRACK TRAVEL CLOSELY

If you are sponsoring a noncitizen's travel to the U.S., you should closely track their travel plans. Make sure you have their up-to-date flight information and monitor it in case of delays.

In some situations, [noncitizens have been denied boarding](#) before departure to the United States. Noncitizen travelers in this situation can file a request for redress with the U.S. government using the [TRIP form](#). This [article from the ACLU](#) offers more information about the TRIP process.

Individuals will usually go through immigration at the first American airport they land at--even if they have a connecting flight. Some airports outside the United States have "preclearance," where individuals clear U.S. immigration before departing for the United States.) Know this when helping to plan or book travel, and use it to inform your accompaniment strategies.

Despite invaluable preparation and planning, entry into the U.S. may not go smoothly. If you are unable to connect with someone after they have arrived in the U.S., here are some steps you can take:

- Contact the immigration attorney who is representing the noncitizen.
- [Call the CBP office for the relevant airport](#) to ask for an update. (Note: CBP may decline to speak to an employer, but should speak to an attorney who can provide a signed G-28 form.)
- Monitor [ICE's Online Detainee Locator System](#) (but know that detainees in airports will not show up unless they are transferred to ICE custody or are in CBP custody for at least 48 hours).
- Use the [National Immigration Law Center guide](#) for additional suggestions.
- In situations where you fear that the noncitizen is at risk of deportation, work with the immigration attorney to contact the noncitizen's consulate or your member of Congress.