

Entering the U.S.: How it has Changed



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The process of entering the United States has undergone significant changes in 2025, shaped by executive orders, immigration enforcement priorities and a shifting national security agenda. Changes include heightened visa scrutiny, expanded travel restrictions and limitations, rising visa fees and updated entry regulations.

New travel restrictions and limitations

In June 2025, Proclamation 10949 went into effect, reinstating broad travel restrictions for nationals of 19 countries. These restrictions deny or limit visa issuance and U.S. entry, with few exceptions, for citizens from countries where U.S. immigration violations are a pattern or common among visa holders. The suspension or limitation on visa issuance is not intended to be permanent, but appears to be intended to reduce the enforcement burden on the U.S. government, as it struggles to bring individuals currently in the U.S. into compliance with long-standing immigration laws, rules and requirements.

It is important to understand that current visa holders remain largely protected: the restrictions only apply to people outside the U.S. without valid visas as of June 2025.

Higher visa fees and the new 'Visa Integrity Fee'

Starting July 4, 2025, most visitors travelling to the U.S. for tourism, business or other short-term purposes are subject to a new non-immigrant “Visa Integrity Fee” of US\$250 — a refundable deposit intended to ensure compliance with U.S. immigration terms, such as not working without authorization and not overstaying their visa. The refund is available only after the applicant departs the country in full compliance with the terms of their visa.

Other notable increases include the increase of the Form I-94 Arrival/Departure Record fee from \$6 to \$24, and an increase in the Electronic System for Travel Authorization (ESTA) authorization fee from \$21 to \$40 for Visa Waiver travellers.

U.S. Citizenship and Immigration Services will also introduce or raise fees for various immigration benefits, including asylum applications and annual fees, Employment Authorization Document fees, Special Immigrant Juvenile petitions and Temporary Protected Status registration. These fees cannot be waived.

While the new fees are immediately collectible, the relevant government agencies issuing status and visas do not yet have an operational collection process for these increased or new fees. As such, it may be some time until the new fees — and particularly, the Visa Integrity Fee — are collected.

Interview waivers

Effective Sept. 2, 2025, the U.S. Department of State will update eligibility for non-immigrant visa interview waivers. Generally, all applicants — including those under age 14 and over age 79 — will now require an in-person interview with a consular officer. Previously, this was not the case.

Exceptions remain for certain categories of applicants, including those applying for diplomatic (A and G) and NATO visas. To be eligible for the waiver, the applicants must apply in their country of nationality or residence, have no prior visa refusals and show no apparent ineligibility.

Border control searches of phones and other electronic devices

U.S. Customs and Border Protection’s (CBP) officers have used their authority to search the mobile phones of all travellers regardless of citizenship for many years. Such searches of electronic devices are often integral to determining an individual’s intentions upon entry to the U.S., and thus provide additional information relevant to the admissibility of foreign nationals under U.S. immigration laws. They can also be used to assess whether travellers are in compliance with other types of statutes, customs and criminal laws, for example.

However, electronic devices being searched by customs officers happens only on rare occasions, based on historical data. In fiscal year 2024, “less than 0.01 percent of arriving international travelers encountered by CBP at a port of entry had their electronic devices searched,” per CBP’s website. The majority of these searches were “basic searches,” and less than 10 per cent of these searches were advanced searches using forensic tools. An applicant for entry may refuse to turn over his or her phone or electronic device when requested, but CBP is likely to consider the foreign national’s noncompliance and the inability to inspect the device when making admissibility decisions, ultimately denying the individual entry to the U.S.

Generally, border zones — including U.S. international airports — fall outside of Fourth Amendment protections under the U.S. Constitution, which require a warrant for a device to be searched. This is because travellers make themselves subject to search by the request of the benefit of admission to the United States. As such, CBP has the power to search any traveller's phone or other electronic devices, such as computers and cameras, when he or she is entering the country. U.S. citizens and green card holders can refuse a device search without being denied entry, but they may face additional questioning or temporary device seizures.

Entering the U.S. in 2025 isn't what it was a year ago for some travellers. However, with advanced preparation and expert guidance, travellers can successfully navigate these evolving requirements and enjoy a smooth entry experience. If you have questions or concerns, our team at Lippes Mathias LLP is ready to assist. Please contact Eileen M. Martin (emartin@lippes.com) or Elizabeth M. Klarin (eklarin@lippes.com) to learn more about how we can help.

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