

Northern Border Updates: Tips for a Smooth Entry to U.S.



By [Elizabeth M. Klarin](#)

August 16, 2023 | **IMMIGRATION**

Coming to the U.S. from Canada can be a stressful experience for some. U.S. Customs and Border Protection (CBP) - a law enforcement arm of the U.S. Department of Homeland Security - is one of the world's largest law enforcement organizations, tasked with keeping terrorists and their weapons out of the U.S. while facilitating lawful international travel and trade.

But certainly, to travellers, it can and often does feel like the focus is more on the former part of that mission than the latter. Although 9/11 happened more than 20 years ago, some officers responsible for adjudicating requests for admission to the U.S. were employed with the CBP at the time of the attack, and still remember how the terrorists who perpetrated the atrocity were able to slip through the cracks at the border. It's a fair bet that the caution stimulated by 9/11 has been a prime agency mandate ever since.

When requesting entry to the U.S., it is primarily important to remember that the officers adjudicating your request take their job - and the consequences of failing at it, even inadvertently - seriously. It is also important to remember that they are human beings, and as such, can have a bad day or a subpar attitude just like the rest of us, from time to time. Keeping these two things in mind can make entries to the U.S. quicker, less complicated and less of a

general headache for travellers.

To facilitate a smooth entry, there are a few specific tips to keep top of mind:

1. **Do not lie!** The absolute worst thing you can do is commit fraud, which can result in a permanent bar to entry to the U.S. for any reason. I so often hear from clients, "Oh, I was coming in for work, but knew it would be a problem so just told them I was coming in for a visit to my aunt." That's taking a big risk, folks.
2. **Always remain calm and respectful.** Sounds obvious, right? The officer adjudicating your entry has full discretion to deny your entry for almost any reason. Remember, if they feel that they need a reason to deny your entry, they will likely find one - or at least make your trip extremely difficult, delayed and uncomfortable if they decide to subject you to enhanced questioning. Remaining calm and respectful is your responsibility, and also your choice. If you lose your cool when encountering an officer with a poor attitude or a sharp tongue, you won't do yourself any favours.
3. **Answer the question you're asked.** Again, this sounds obvious, but nerves are a funny thing; people often try to anticipate what an officer might want to know next, or might be looking for, which can get you in trouble. Some officers get annoyed when they feel travellers are "talking around" their question, or not directly providing the information they have asked for. You might also inadvertently say something that triggers suspicion regarding the purpose of your entry, the truth of something else you have already said, or your general admissibility under U.S. immigration regulations. Therefore, keep your answers direct, to the point, and short. If an officer needs or wants more information, they will ask for it.
4. **Be prepared.** We have several clients who have work authorization, and presume that they are being admitted in the correct status each time they enter or re-enter the U.S. Be aware that you should specifically request what status you would like to be admitted in; if you do not, many officers will admit you as a visitor - in which case, you won't be work authorized. Bring your U.S. Citizenship and Immigration Services (USCIS) approval notice along with you as well, so you can show that you are work authorized, in case CBP can't easily see it in its system.
5. **Be careful before arguing with an officer regarding your admissibility.** At times, foreign travellers entering the U.S. might assume they are admissible because of past entries, when actually, they require work authorization. Keep in mind that once you have been denied admission and told you need work authorization, you will have a hard time getting back in without it - and trying to "port shop" by going to a different border crossing to request admission can result in a bar to admission (with or without work authorization) for several years. You're much better off speaking to a qualified immigration lawyer about your work authorization options. If you don't need work authorization, you will likely need a letter explaining why you should not require it and should be admitted as a visitor, the next time you show up asking for admission to the U.S. All that said, you can certainly (calmly and respectfully) request to speak with a supervisor, if you feel that a decision is unfair or incorrect, and that walking away will result in more hassle than getting a second opinion at the border would.

Most immigration lawyers will be happy to answer questions about admissibility ahead of time as well, if you have concerns that your activities might be crossing a line into those that require work authorization. You're always better off asking questions ahead of time, so you're not unpleasantly surprised on your way into the U.S. for an important meeting or event.

If you or someone you know is interested in better understanding the nuances of admissibility into the U.S., contact [Elizabeth M. Klarin \(eklarin@lippes.com\)](mailto:eklarin@lippes.com) or [Eileen M. Martin \(emartin@lippes.com\)](mailto:emartin@lippes.com) of the Lippes Mathias LLP immigration practice team.

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Related Team



Elizabeth M. Klarin
Partner



**Nisha V. Fontaine
(Jagtiani)**
Partner



Eileen M. Martin
Partner | Team Co-
Leader - Immigration
| Team Leader -
Canada-U.S. Cross
Border



Andrew M. Wilson
Partner | Chief
Advisory Officer |
Team Co-Leader -
Immigration

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