

Lawyers advise Canadians working in U.S. to avoid travel amid border crackdown

VANMALA SUBRAMANIAM > FUTURE OF WORK REPORTER

PUBLISHED MARCH 25, 2025

UPDATED YESTERDAY

FOR SUBSCRIBERS



A truck drives past the passenger entry point at the U.S. and Canada border in Surrey B.C., on March 4.

ETHAN CAIRNS/THE CANADIAN PRESS

U.S. immigration lawyers are warning foreigners working and studying in America – including Canadians – to refrain from international travel, saying that crossing the U.S. border has become significantly more unpredictable since U.S. President Donald Trump took office and that they run the risk of being detained or refused entry.

The Trump administration has issued a series of broad executive orders over the past two months that aim to “secure” the American border by expediting the removal of undocumented migrants. But immigration lawyers say the overall hostile tone from the White House toward non-U.S. citizens is emboldening border agents to become more heavy-handed with travellers leaving and entering the country, even those who hold valid work and study visas.

In some cases lawyers are advising clients to prepare for increased scrutiny of their personal histories, including possible searches of their cellphones for evidence of their political leanings.

Earlier this month, New York-based immigration law firm Dyer Harris LLP, which helps foreigners secure work visas in the U.S., sent an e-mail to their clients residing and working in the country recommending that they hold off on international travel altogether, unless in an emergency.

“The hostile chaos emanating from the White House should make everyone cautious on international travel for the time being,” the e-mail read. “Make arrangements with family and friends to be in touch on a daily basis [if crossing the border]. It is crucial someone knows where you are, and that action is taken if you are taken into custody.”

Recently, there have been multiple incidents of business travellers and tourists arbitrarily being stopped at U.S. border crossings and sometimes held for weeks at U.S. immigration detention centres.

Podcast: What you need to know about U.S. travel as detentions rise

Lucas Sielaff, a German citizen travelling back into the U.S. from Mexico with his partner, a U.S. citizen, was aggressively questioned at the border in February and accused of violating the rules of a 90-day tourist permit to enter the U.S., according to reports in the Associated Press. Mr. Sielaff was held in an immigration detention facility for two weeks before being put on a plane back to Germany. It is still unclear why Mr. Sielaff was detained.

Canadian citizen Jasmine Mooney was held in multiple detention facilities for 12 days this month after attempting to get a new TN visa at the San Diego-Tijuana border.

The visa allows professionals from Canada and Mexico to temporarily live and work in the United States. Ms. Mooney had gotten a job as a consultant for a U.S.-based beverage company and had previously obtained a TN visa at the same border crossing.

But this time, immigration officials flagged her for improper paperwork related to her visa application. Instead of being denied entry or deported to Canada, Ms. Mooney was hauled off to two different Immigration, Customs and Enforcement (ICE) facilities – one in San Diego and one in Arizona. She was eventually sent back to Canada, and is now banned from entering the U.S. for five years.

A spokesperson for ICE told The Globe and Mail last week that the agency detained Ms. Mooney for not having legal documentation to be in the country and that she was processed in accordance with Mr. Trump's "Securing our Borders" executive order, which was announced on Jan. 21.

"The problem with this administration is there is no reliable frame of reference to predict how things are going to go at the border," said Jim Hacking, an immigration lawyer based in St. Louis, Mo., whose practice focuses on helping travellers and would-be immigrants from South Asia and the Middle East enter the U.S. "The immigration landscape is shifting based on various hard-line executive orders from Trump. Border officials and ICE agents feel emboldened and are applying immigration laws with extra cruelty."

Mr. Hacking said he is particularly surprised at border officials detaining individuals at the U.S. border who might not have their paperwork in order – as opposed to simply barring them from entering the country.

"My advice is if you're working in the U.S., even as a Canadian, you need to limit the amount of time you cross the border for the next year at least. There's always a chance, even if it still might be small, that you will not get that stamp to return to the U.S."

Canada recently updated its travel advisory to the U.S., reminding travellers of a new rule that requires them to register with the U.S. government if staying longer than 30 days.

There are more than 800,000 Canadians working in America, and approximately 400,000 people cross the U.S.-Canada land border daily, according to data from the Canada Border Services Agency (CBSA). But cross-border travel has declined significantly since Mr. Trump took office: In February, 500,000 fewer travellers crossed the Canadian border into the U.S., CBSA data show.

There are two clear changes in how U.S. border officials are approaching all non-citizens, according to Jonathan Grode, a managing partner at the Toronto-based immigration law firm Green and Spiegel.

“Previous immigration violations are becoming much more scrutinized – if you had a small infraction in your past and you still successfully obtained a green card or U.S. visa, that infraction is now being brought up and re-adjudicated at the border,” he said.

“It appears that they are also cracking down hard on individuals who have made political statements that are not in line with the Trump administration’s agenda, whether it is about Israel-Palestine, or if you’ve been critical of Trump’s policies,” Mr. Grode added.

First Amendment advocates are in an uproar over the recent incident of Mahmoud Khalil, a U.S. green card holder and graduate student at Columbia University who was detained and whose green card was subsequently revoked by ICE agents. Mr. Khalil was an outspoken figure during the Gaza war protests at the university last spring. He was arrested using a rare provision of U.S. immigration law that allows the government to revoke the legal status of people whose presence in the country has “adverse foreign policy consequences.” The White House says Mr. Khalil misrepresented information about his past in his green card application and is spreading “terrorist propaganda.” Mr. Khalil says he’s being targeted for his political beliefs.

The law firm Dyer Harris LLP has warned its non-U.S. citizen clients against participating in political rallies, even while acknowledging those freedoms are not supposed to be curtailed. “To state the obvious, participation in political rallies and events may be risky. Even walking past such activities can be risky,” the firm said in an e-mail to clients.

Canadians are used to taking for granted the ease with which they can cross the border, and right now, they should not, warned Rita Sostrin, a Los Angeles-based immigration lawyer.

Ms. Sostrin said that there is a heightened focus at the border on adjudicating a person's past history. "More often than not, border agents are asking travellers for their phones, and if they see something on social media that is suggestive of some kind of activism not in accordance with U.S. policies, they are likely going to deny admission."

U.S. and Canadian border agents are legally allowed to search individuals' electronic devices, Ms. Sostrin pointed out. She says travellers can choose to travel with a burner phone or wipe their phone of anything that could potentially raise issues with border officials.

Meanwhile, Reuters and The New York Times have reported that the Trump administration is considering a sweeping travel ban on citizens of more than 40 countries, as soon as the end of the month. If the ban comes into fruition, things could get much worse for travellers, said Mr. Hacking, the Missouri immigration lawyer.

"If you're a temporary resident in Canada but originally from one of those countries on the list, and you're travelling from Canada to the U.S. for leisure or work reasons – there's a chance you could be interrogated or held at the border. We simply don't know, and the best move is to avoid travel to the U.S. altogether."

With reports from Andrea Woo

Sign up for our new Business Brief newsletter. A daily look at the most important business stories that are making news and moving markets, written by Chris Wilson-Smith

 SIGN UP | **EXPLORE NEWSLETTERS**

[Report an editorial error](#)