Immigration Law Updates for International Business Travel 2026: International Mobility: Business Travel & Visa Controls



Introduction – Presented by Tracy Sanders Rucker, Esq.



Agenda

What changed, why it matters, and how to advise business travelers?

On December 16, 2025, a Presidential proclamation was issued restricting entry to the United States by nationals of 39 countries, as well as individuals traveling on Palestinian Authority–issued travel documents. The proclamation, effective January 1, 2026, expands upon a June 4, 2025 proclamation that suspended entry of certain foreign nationals from 19 countries. Together, the proclamations distinguish between countries subject to full suspension of entry and those subject to partial suspension affecting specific immigrant and nonimmigrant classifications. The CLE program reviews the statutory authorities cited by the Administration, including Section 212(f) of the Immigration and Nationality Act, which permits the President to suspend the entry of classes of noncitizens when deemed detrimental to national interest, and INA §215(a), which authorizes limitations and exceptions on entry and departure.

Agenda

What changed, why it matters, and how to advise business travelers?

The CLE program examines the practical implications of these developments for immigration and travel compliance. Topics include expanded visa bond requirements for certain B-1/B-2 applicants, such as bond amounts, designated ports of entry, and breach triggers, as well as consular processing constraints following the Department of State's narrowing of interview-waiver eligibility, with particular impact on visa renewals and short-notice travel.

The CLE Program also addresses recent changes to the H-1B cap selection process and their implications for workforce planning, budgeting, and timelines for fiscal year 2027. Attendees will receive a structured overview of how these immigration law developments affect business travel, employment-based immigration strategy, and compliance obligations.

Key Topics

What changed, why it matters, and how to advise business travelers?

- Entry restrictions by proclamation (June 2025 + December 2025) — full vs. partial suspensions
- Statutory authority cited: INA §212(f) and INA §215(a)
- Consular processing constraints: interview-waiver eligibility narrowed (effective Oct 1, 2025)
- B-1/B-2 Visa Bond Pilot Program: scope, bond amounts, designated ports, breach
- H-1B cap selection: weighted selection rule (effective Feb 27, 2026)
- Compliance playbooks for travel, HR, and in-house counsel

Scope, sourcing, and “as-of” date

Built from federal executive-branch and U.S. Code sources; checked as of 02/25/2026

Overview

- The CLE program is a compliance-focused review of current federal guidance on entry restrictions, consular processing, B-1/B-2 visa bonds, and H-1B cap selection.
- All “current federal administration” references are sourced from federal publications and administrative agency guidance available as of 02/25/2026.
- For day-of-travel decisions, confirm the traveler’s facts and check the latest agency posts (travel.state.gov, CBP guidance, and U.S. Consular instructions).

INA § 212(f): STATUTE (CONGRESS) vs. PRESIDENTIAL ACTION (EXECUTIVE BRANCH

LEGISLATIVE BRANCH (CONGRESS)

- **Statute:** Immigration and Nationality Act (INA) § 212(f).
- **Codified at:** 8 U.S.C. § 1182(f).
- **What it authorizes:** The President may suspend entry of any class of aliens, or impose restrictions, when entry would be detrimental to U.S. interests.
- **Why it matters for travel:** Can drive rapid, country- or category-specific entry restrictions affecting consular processing and travel plans.

INA § 212(f): STATUTE (CONGRESS) vs. PRESIDENTIAL ACTION (EXECUTIVE BRANCH

EXECUTIVE BRANCH IMPLEMENTATION

Presidential Proclamations / Executive Orders

- **Form:** Often issued as a Proclamation citing INA § 212(f) as authority.
- **Effect:** May suspend entry or impose conditions for specific countries, visa categories, or traveler classes.
- **Practice impact:** Immediate changes to admissibility, airline boarding, consular issuance, and travel advisories

INA § 212(f): STATUTE (CONGRESS) vs. PRESIDENTIAL ACTION (EXECUTIVE BRANCH

Agency Follow-Through (DOS + DHS/CBP)

- **DOS:** Implements via consular guidance, visa issuance instructions, and post-specific operational changes.

- **CBP:** Implements at ports of entry through inspection/admission procedures and carrier guidance.

CLE takeaway: INA § 212(f) is a broad statutory delegation—implementation often happens via executive proclamations, then DOS/CBP operational guidance.

U.S. Department of State (DOS) /U.S. Customs and Border Protection (CBP)

INA § 215: STATUTE (CONGRESS) vs. REGULATIONS (EXECUTIVE BRANCH)

LEGISLATIVE BRANCH (CONGRESS)

- **Statute:** Immigration and Nationality Act (INA) § 215.
- **Codified at:** 8 U.S.C. § 1185 (Travel control of citizens and aliens).
- **What it does:** Creates legal authority to regulate travel/entry-exit controls and set statutory requirements.
- **Why it matters:** Agencies must act within the authority Congress grants in the statute.

INA § 215: STATUTE (CONGRESS) vs. REGULATIONS (EXECUTIVE BRANCH)

EXECUTIVE BRANCH (ADMINISTRATIVE AGENCY)

DHS / CBP Regulations (U.S. Department of Homeland Security)

- **8 C.F.R. pt. 215:** Controls of Aliens Departing from the United States.

- **Role:** Implements statutory travel-control authority through operational rules (procedures, controls, compliance).

DOS Regulations (U.S. Department of State)

- **22 C.F.R. pt. 53:** Passport requirement and exceptions.

- **Role:** Implements travel-document requirements and related exceptions under statutory authority, including 8 U.S.C. § 1185.

CLE takeaway: The U.S.C. states the rule (Congress -Legislative). The C.F.R. tells you how implemented by administrative agency (DHS/CBP/DOS -Executive).

Key effective dates (2025 → 2026)

A compliance timeline for counsel, mobility, and business travelers

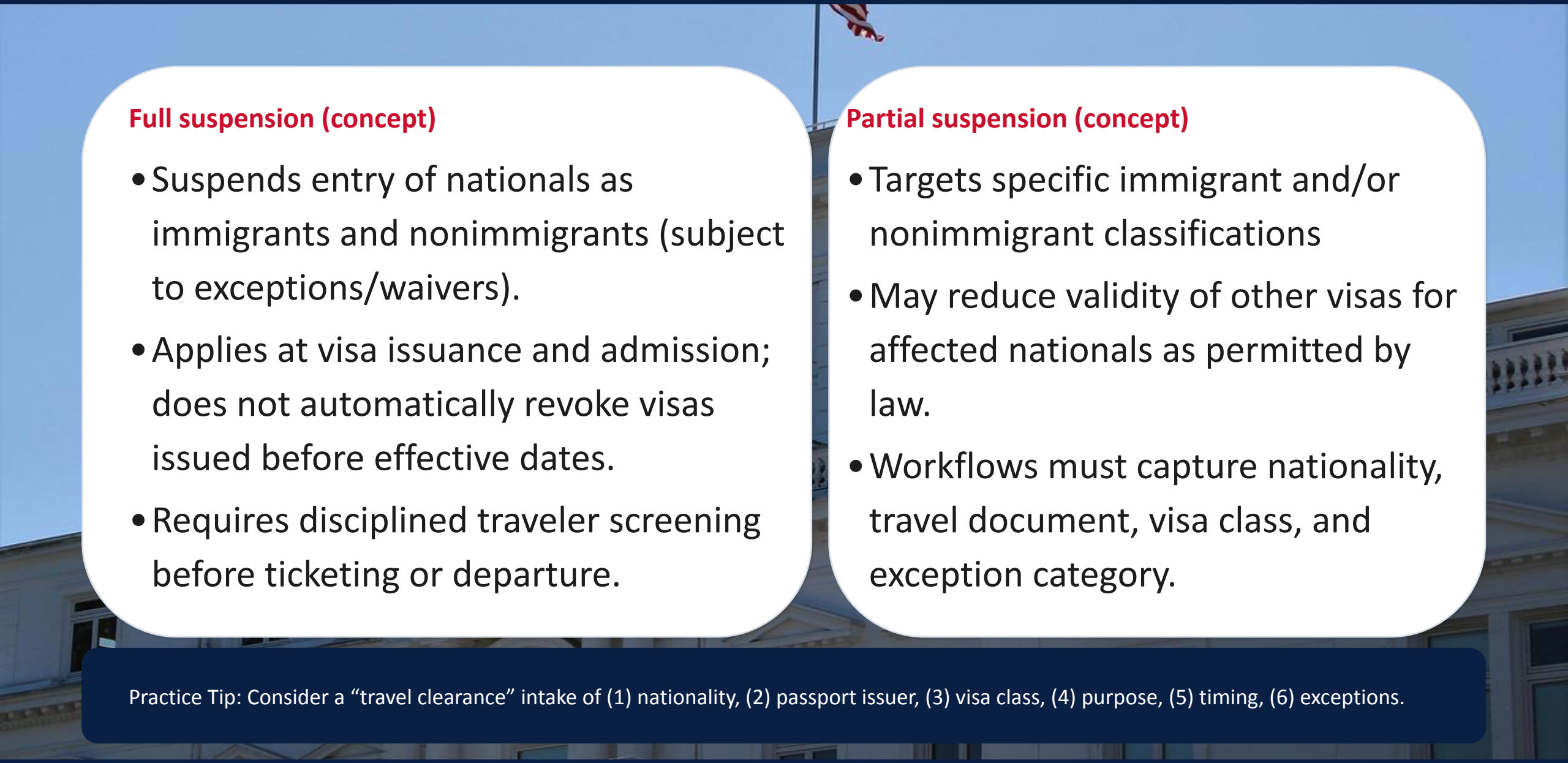


Use this timeline to: plan business travel, visa renewals, and H-1B cap-season considerations.

Key dates sourced from federal proclamations, DoS notices, and DHS rule summaries

Entry restrictions by proclamation:

Full suspension vs. Partial suspension



Full suspension (concept)

- Suspends entry of nationals as immigrants and nonimmigrants (subject to exceptions/waivers).
- Applies at visa issuance and admission; does not automatically revoke visas issued before effective dates.
- Requires disciplined traveler screening before ticketing or departure.

Partial suspension (concept)

- Targets specific immigrant and/or nonimmigrant classifications
- May reduce validity of other visas for affected nationals as permitted by law.
- Workflows must capture nationality, travel document, visa class, and exception category.

Practice Tip: Consider a “travel clearance” intake of (1) nationality, (2) passport issuer, (3) visa class, (4) purpose, (5) timing, (6) exceptions.

Proclamations: June 4, 2025 (effective June 9, 2025) and Dec 16, 2025 (effective Jan 1, 2026)

Trump v. Hawaii, 138 S. Ct. 2392 (2018).

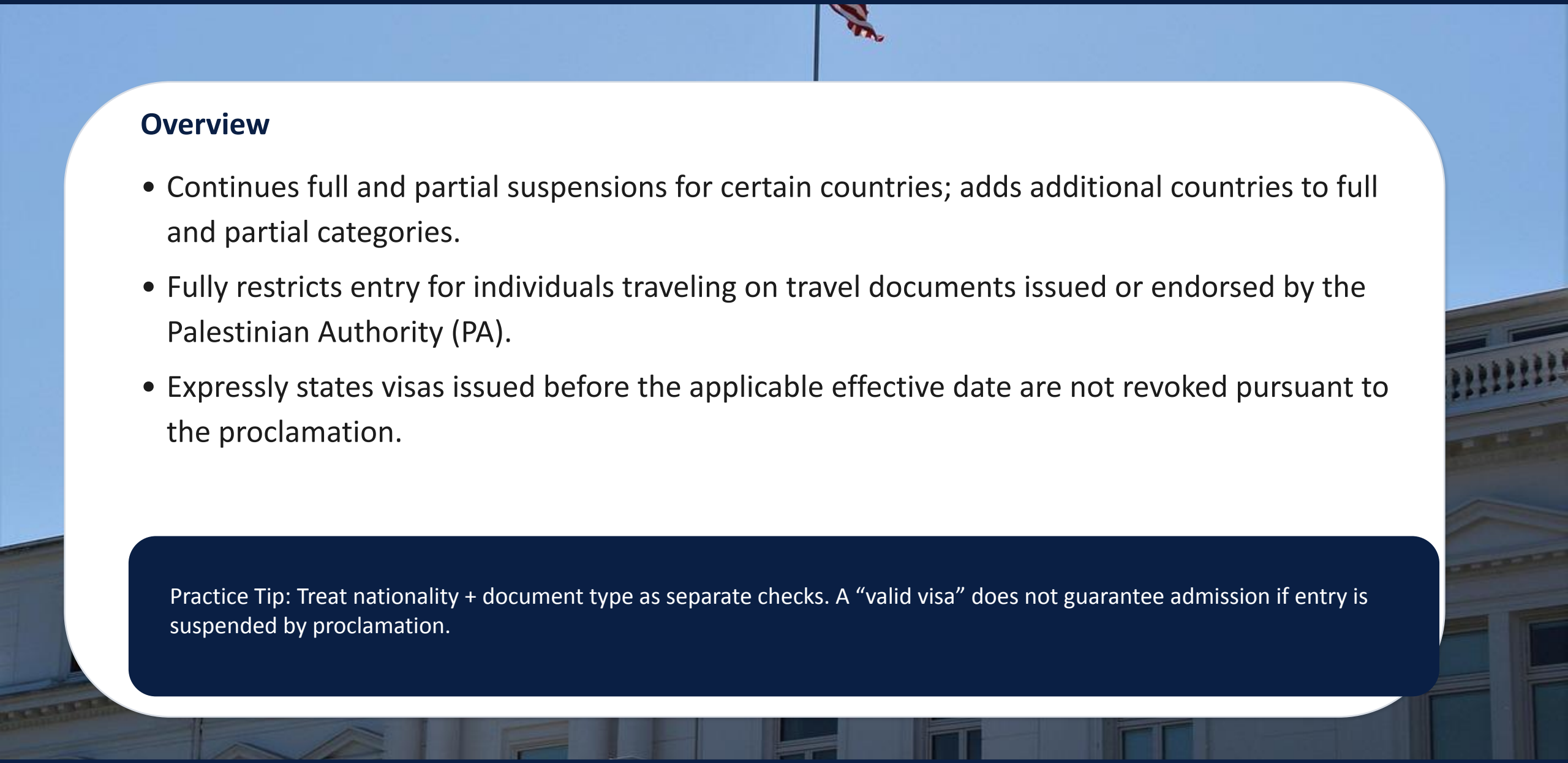
The SCOTUS held: "without deciding that plaintiffs' statutory claims are reviewable, notwithstanding consular nonreviewability or any other statutory nonreviewability issue. See Sale v. Haitian Cen ters Council, Inc., 509 U. S. 155. Pp. 8–9. 2. The President has lawfully exercised the broad discretion grant ed to him under §1182(f) to suspend the entry of aliens into the Unit ed States. Pp. 9–24. (a) By its terms, §1182(f) exudes deference to the President in every clause. It entrusts to the President the decisions whether and when to suspend entry, whose entry to suspend, for how long, and on what conditions. It thus vests the President with "ample power" to impose entry restrictions in addition to those elsewhere enumerated in the INA. Sale, 509 U. S., at 187. The Proclamation falls well with in this comprehensive delegation. The sole prerequisite set forth in §1182(f) is that the President "find[ ]" that the entry of the covered al iens "would be detrimental to the interests of the United States." The President has undoubtedly fulfilled that requirement here."

Presidential Proclamation 10949

RESTRICTING AND LIMITING THE ENTRY OF FOREIGN NATIONALS TO PROTECT THE SECURITY OF THE UNITED STATES:

”Proclamation 10949 directed the United States Government to fully restrict and limit the entry of nationals of the following 12 countries: Afghanistan, Burma, Chad, Republic of the Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Somalia, Sudan, and Yemen. The proclamation directed the United States Government to partially restrict and limit the entry of nationals of the following 7 countries: Burundi, Cuba, Laos, Sierra Leone, Togo, Turkmenistan, and Venezuela. Additionally, the proclamation directed the Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence, to immediately engage each of the countries identified in the proclamation on measures that must be taken to comply with United States screening, vetting, immigration, and security requirements.”

Presidential proclamation 10998



Overview

- Continues full and partial suspensions for certain countries; adds additional countries to full and partial categories.
- Fully restricts entry for individuals traveling on travel documents issued or endorsed by the Palestinian Authority (PA).
- Expressly states visas issued before the applicable effective date are not revoked pursuant to the proclamation.

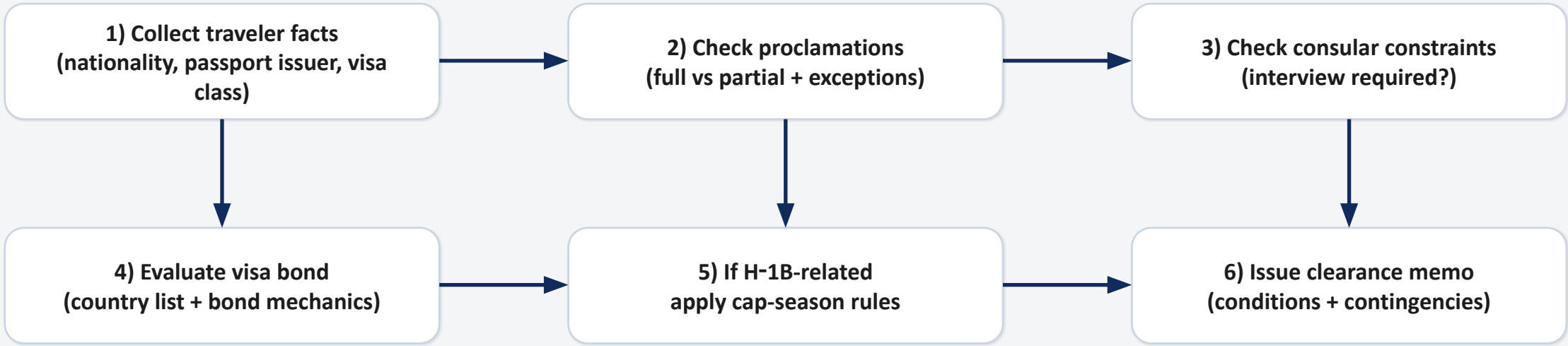
Practice Tip: Treat nationality + document type as separate checks. A “valid visa” does not guarantee admission if entry is suspended by proclamation.

Presidential Proclamation 10998

"Sec. 2. Continued Full Suspension of Entry for Nationals of Countries of Identified Concern. The entry into the United States of nationals of the following countries continues to be suspended and limited as set forth in Proclamation 10949 and herein, subject to the categorical exceptions and case-by-case waivers described in section 6 of this proclamation: Sec. 3. Continued Partial Suspension of Entry for Nationals of Countries of Identified Concern. The entry into the United States of nationals of the following countries continues to be suspended and limited as set forth in Proclamation 10949 and herein, subject to the categorical exceptions and case-by-case waivers described in section 6 of this proclamation: Sec. 4. Full Suspension of Entry for Nationals of Countries of Identified Concern. The entry into the United States of nationals of the following countries is hereby suspended and limited, as follows, subject to the categorical exceptions and case-by-case waivers described in section 6 of this proclamation:"

Operational workflow: “travel clearance” intake

A simple, repeatable approach for business travelers



Standard Operating Procedure

- Travel clearance memo (eligibility + exceptions + constraints)
- Contingency plan for visa delays or admission refusal
- Recordkeeping: screenshots/URLs of applicable (DOS/DHS/CBP) guidance on decision date

This workflow is built directly from the federal sources cited in notes.

Statutory authority cited: INA §212(f) (8 U.S.C. §1182(f))

Presidential authority to suspend entry by proclamation

Statutory Authority - Congress

INA §212(f) allows the President to suspend the entry of "any aliens or any class of aliens" when he finds their entry would be detrimental to U.S. interests, and to impose restrictions on entry as deemed appropriate.

Business Travel implications?

- Entry restrictions can apply broadly to immigrants and nonimmigrants and can change quickly via proclamation.
- Screening must be tied to effective date and exceptions/waivers described in the Presidential Proclamation.

Statutory authority cited: INA §215(a) (8 U.S.C. §1185(a))

Authority to prescribe limitations and exceptions on entry/departure

Statutory Authority - Congress

INA §215(a) makes it unlawful for an alien to depart from or enter the United States except under rules, regulations, and orders—and subject to limitations and exceptions—the President may prescribe.

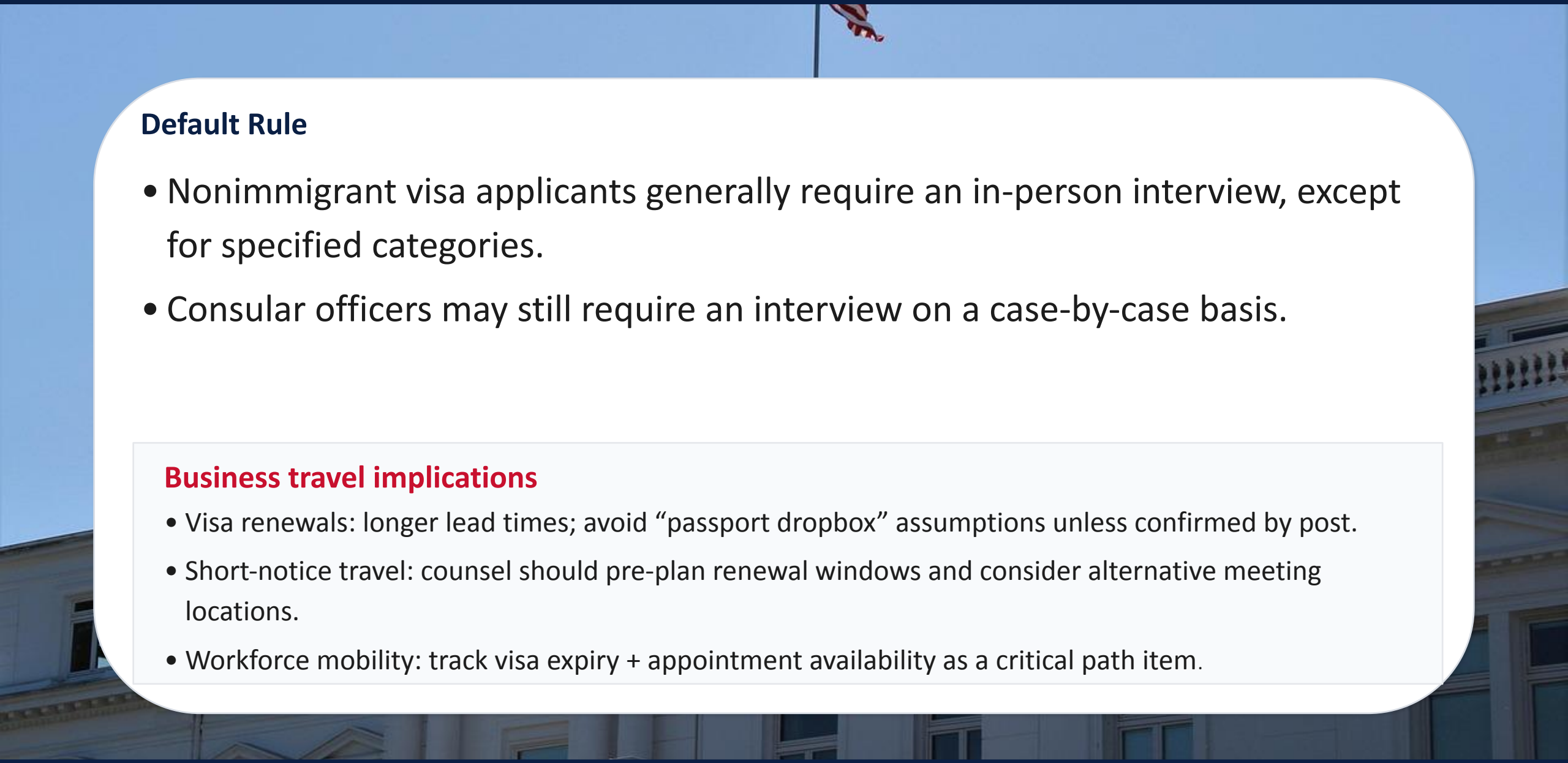
Relevance to business travel compliance?

- Supports executive-branch controls on entry/departure mechanics (documentary and procedural requirements).
- CBP/DOS rules that affect traveler routing, inspection, and proof of departure.

Statutory text referenced in proclamation frameworks.

Consular processing constraint: interview-waiver eligibility narrows

DoS update effective Oct 1, 2025



Default Rule

- Nonimmigrant visa applicants generally require an in-person interview, except for specified categories.
- Consular officers may still require an interview on a case-by-case basis.

Business travel implications

- Visa renewals: longer lead times; avoid “passport dropbox” assumptions unless confirmed by post.
- Short-notice travel: counsel should pre-plan renewal windows and consider alternative meeting locations.
- Workforce mobility: track visa expiry + appointment availability as a critical path item.

Source: DoS Interview Waiver Update (Sept 18, 2025).

B-1/B-2 Visa Bond Pilot Program: Overview

Bonds as a condition of B-1/B-2 issuance for designated nationals

Core mechanics (federal summary)

- A consular officer may require a refundable bond (generally $5,000 / $10,000 / $15,000) as a condition of B-1/B-2 visa issuance for covered nationals.
- The Immigration (Visa) Bond is posted via Form I-352 – Immigration Bond
- As a condition of the Visa bond, travelers must use designated ports of entry/exit; failure can lead to admission issues or unrecorded departure.

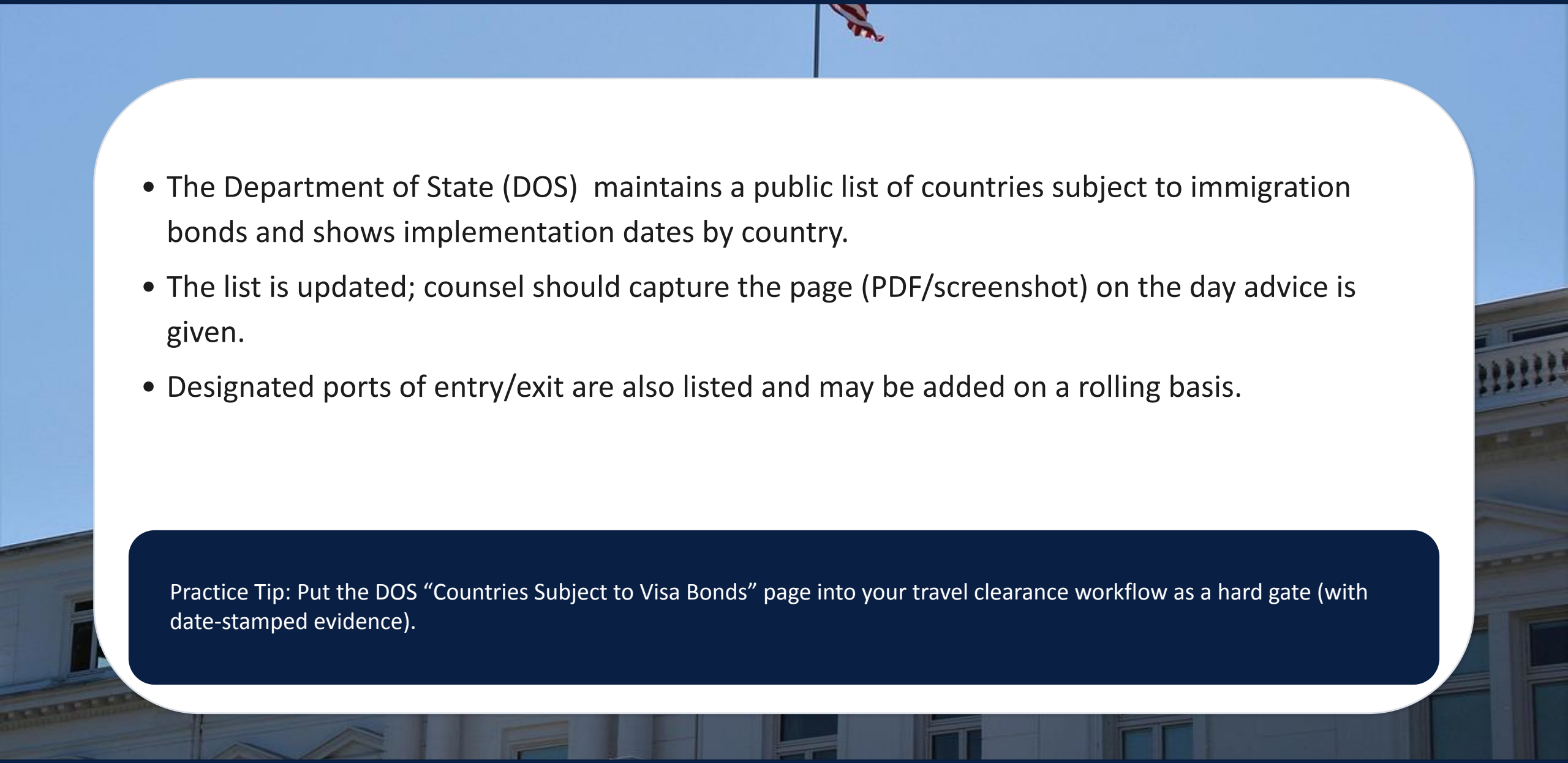
Question?

Who is the obligor, how is payment documented, and what is the corporate reimbursement policy?

Federal sources: DoS visa bond list + Federal Register TFR.

Visa bonds: covered countries + “rolling basis” updates

Use travel.state.gov as the source of truth (last updated Jan 8, 2026)



- The Department of State (DOS) maintains a public list of countries subject to immigration bonds and shows implementation dates by country.
- The list is updated; counsel should capture the page (PDF/screenshot) on the day advice is given.
- Designated ports of entry/exit are also listed and may be added on a rolling basis.

Practice Tip: Put the DOS “Countries Subject to Visa Bonds” page into your travel clearance workflow as a hard gate (with date-stamped evidence).

DoS page last updated Jan 8, 2026 (as displayed on the site).

Visa bond amounts + posting process

I-352 + Pay.gov + “do not pay unless directed”

Amounts & discretion

- Bond amounts are generally $5,000, $10,000, or $15,000, determined at the visa interview.
- Bond is a condition of issuance for covered applicants; it does not guarantee issuance.

Posting rules (avoid high-risk mistakes)

- Applicants should submit Form I-352 only after a consular officer directs them to do so.
- Payment occurs via Pay.gov through a direct link; avoid third-party payment sites.
- Incorrect payments may be non-refundable per DOS warnings.

Practice Tip: Add “bond payment governance” to company travel policy (who pays, proof storage, and refund policy).

DoS visa bond guidance + Federal Register TFR program design.

Designated ports of entry/exit (bond condition)

Failure to use designated ports can create admission or departure-record problems

DoS-designated ports (sample — see site for current list)

- BOS (Boston Logan), JFK (New York), IAD (Washington Dulles) — initial designated ports.
- Full List: https://travel.state.gov/content/travel/en/News/visas-news/countries-subject-to-visa-bonds.html
- Additional ports listed on travel.state.gov (subject to rolling basis).
- DOS warns that using non-designated ports may lead to denied entry or departure not properly recorded

Why do ports of entry matter?

Discharge depends on recorded compliance (timely departure / no travel / denial at POE) through the designated port mechanisms described by DOS and in the Visa Bond Pilot Program.

Source: DoS “Countries Subject to Visa Bonds” (ports list) + Visa Bond Pilot Program TFR.

Bond breach & bond cancellation/refund

What creates forfeiture risk and how bonds are canceled?

Breach risk (examples)

- Failure to comply with Form I-352 conditions (e.g., maintaining status; timely departure).
- Using non-designated ports (risk of denied entry or unrecorded departure).
- Substantial violation can trigger bond breach and forfeiture; DHS makes final determination under applicable regs.

Cancellation & refund (examples)

- Visa Bond Pilot Program describes cancellation when there is “substantial performance” of bond conditions.
- Refund scenarios include: timely departure recorded; visa expires with no travel; or denial at port of entry (as captured in DHS systems).
- No accrued interest is described for canceled bonds in the Visa Bond Pilot Program.

Practice Tip: Provide travelers a “bond compliance travel brief” (designated airports + departure proof) and store documents in matter file.

Source: Visa Bond Pilot Program TFR + DoS implementation page.

Weighted Selection Process for Registrants and Petitioners Seeking To File Cap-Subject H-1B Petitions

A Rule by the Homeland Security Department on 12/29/2025

"The U.S. Department of Homeland Security (DHS) is amending its regulations governing the process by which U.S. Citizenship and Immigration Services (USCIS) selects H-1B registrations for unique beneficiaries for filing of H-1B cap-subject petitions (or H-1B petitions for any year in which the registration requirement is suspended). Through this rule, DHS is implementing a weighted selection process that will generally favor the allocation of H-1B visas to higher-skilled and higher-paid aliens, while maintaining the opportunity for employers to secure H-1B workers at all wage levels, to better serve the congressional intent for the H-1B program. This rule will be effective in time for the FY 2027 registration season."

Practice Tip: Build H-1B cap season budgets and timelines that account for wage-setting, internal approvals, and Labor Condition Application lead time.

H-1B cap season: planning impacts for FY 2027

Budgeting, timelines, and internal control points

Where does counsel adds value?

- Budget: registration, filing, premium processing decisions, and downstream travel constraints.
- Governance: compensation inputs and job level decisions require cross-functional signoff (HR, finance, business). Timing selection uncertainty drives contingency plans (cap-exempt options, alternative work authorization, offshore staffing).
- Legal Compliance: ensure consistency across registration data, LCA, and petition support (key for integrity scrutiny).

Business Travel Risk

Entry restrictions + interview constraints can amplify H-1B planning risk when employees need stamping or international travel during cap season.

Source: GAO CRA report describing the rule's purpose and effective date.

Legal Compliance Playbook

What to implement immediately for international business travel?

Entry restrictions

- Maintain an up-to-date country/document screening matrix.
- Implement pre-travel clearance memo + exceptions documentation.
- Train travelers: "visa ≠ admission."

Consular processing

- Track visa expiry and appointment windows.
- Assume interviews are required unless confirmed eligible.
- Build short-notice contingency plans.

Visa bonds

- Screen DOS country list before B-1/B-2 travel.
- Governance for I-352 / Pay.gov payment + evidence storage.
- Route travel through designated ports.

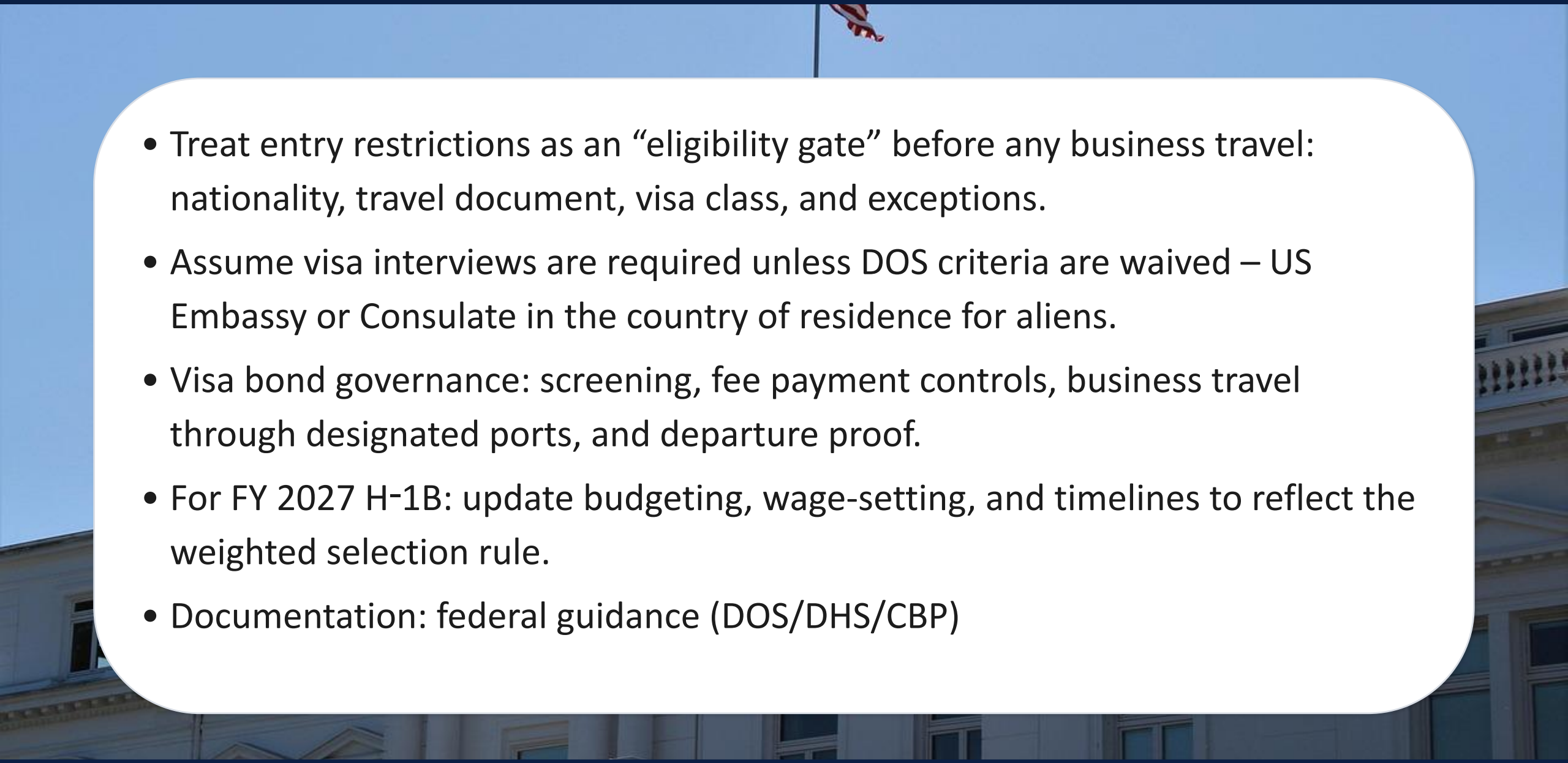
H-1B cap

- Update internal calendar and approvals for cap season.
- Align wage decisions with selection mechanics.
- Maintain strict data consistency.

Built from: White House proclamations, DoS guidance, Federal Register visa bond rule, DHS H-1B rule (GAO summary).

Key takeaways

A structured overview of business travel, immigration strategy, and legal compliance



- Treat entry restrictions as an “eligibility gate” before any business travel: nationality, travel document, visa class, and exceptions.
- Assume visa interviews are required unless DOS criteria are waived – US Embassy or Consulate in the country of residence for aliens.
- Visa bond governance: screening, fee payment controls, business travel through designated ports, and departure proof.
- For FY 2027 H-1B: update budgeting, wage-setting, and timelines to reflect the weighted selection rule.
- Documentation: federal guidance (DOS/DHS/CBP)

Sources in notes; check updates before advising on real cases.

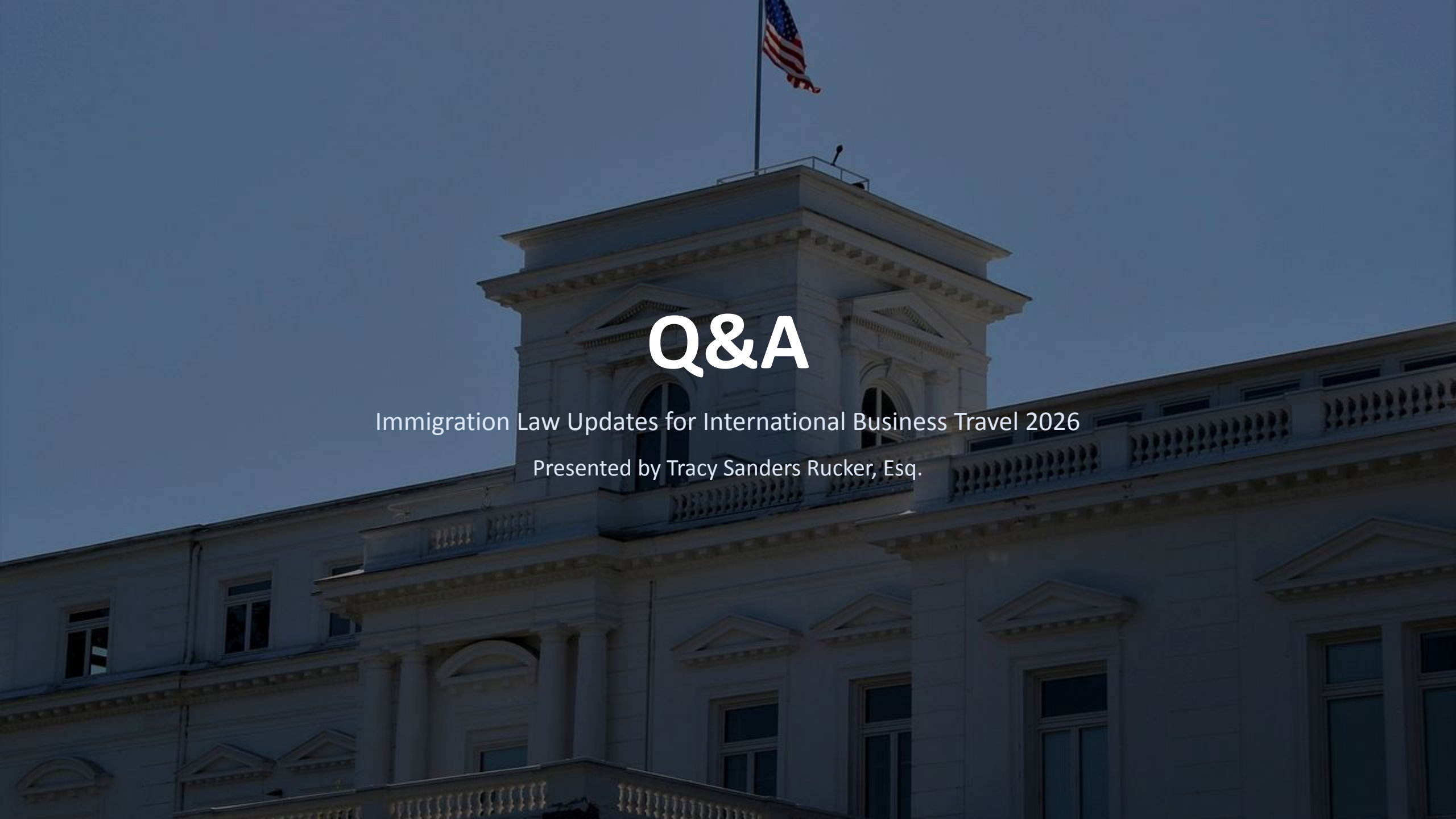
Primary federal sources

Use these as “source” links

Links

White House — June 4, 2025 proclamation (Proc. 10949)	https://www.whitehouse.gov/presidential-actions/2025/06/restricting-the-entry-of-foreign-nationals-to-protect-the-united-states-from-foreign-terrorists-and-other-national-security-and-public-safety-threats/
White House — Dec 16, 2025 proclamation (Proc. 10998)	
DOS — Suspension of visa issuance / proclamation implementation	https://travel.state.gov/content/travel/en/News/visas-news/suspension-of-visa-issuance-to-foreign-nationals-to-protect-the-security-of-the-united-states.html
DOS — Interview waiver update (effective Oct 1, 2025)	https://travel.state.gov/content/travel/en/News/visas-news/interview-waiver-update-sept-18-2025.html
DOS — Countries subject to visa bonds + designated ports	https://travel.state.gov/content/travel/en/News/visas-news/countries-subject-to-visa-bonds.html
Federal Register (public inspection PDF) — Visa Bond Pilot Program	https://public-inspection.federalregister.gov/2025-14826.pdf
GAO CRA report — DHS H‑1B weighted selection rule (major rule)	https://www.gao.gov/products/b-337984
Federal Register — DHS weighted selection rule (H‑1B)	https://www.federalregister.gov/documents/2025/12/29/2025-23853/weighted-selection-process-for-registrants-and-petitioners-seeking-to-file-cap-subject-h-1b
U.S. Code — 8 U.S.C. §1182 (INA §212)	https://www.law.cornell.edu/uscode/text/8/1182
U.S. Code — 8 U.S.C. §1185 (INA §215)	https://www.law.cornell.edu/uscode/text/8/1185

Practice Tip: capture PDFs/screenshots of these pages when advising on specific travelers.



Q&A

Immigration Law Updates for International Business Travel 2026

Presented by Tracy Sanders Rucker, Esq.