



Navigating U.S. Immigration Under the Current Administration (and beyond)

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With you today



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Agenda & Practical points

Navigating U.S. Immigration Under the Current Administration

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01

B-1 Business Visitors

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- Legitimate business activities only
- Productive work is generally impermissible, with the exception of after-sales services
- Typically 180-day admission period is the maximum, but admission is often limited to a shorter period of stay

Visa Waiver / ESTA

- Visa exempt travel for nationals of 42 countries, including Japan, Singapore, Australia, and many European nations
- 90-day admission
- No extension of stay/change of status

Must Be a Citizen or National of a VWP Designated Country*

You must be a citizen or national of the following countries* to be eligible to travel to the United States under the VWP.

- | | | |
|------------------|-----------------|--------------------|
| • Andorra | • Hungary | • Norway |
| • Australia | • Iceland | • Poland |
| • Austria | • Ireland | • Portugal |
| • Belgium | • Israel | • Qatar |
| • Brunei | • Italy | • San Marino |
| • Chile | • Japan | • Singapore |
| • Croatia | • Latvia | • Slovakia |
| • Czech Republic | • Liechtenstein | • Slovenia |
| • Denmark | • Lithuania | • South Korea |
| • Estonia | • Luxembourg | • Spain |
| • Finland | • Malta | • Sweden |
| • France | • Monaco | • Switzerland |
| • Germany | • Netherlands | • Taiwan* |
| • Greece | • New Zealand | • United Kingdom** |



B-1 /ESTA Business Visitors – What is needed for entry?



ESTA-eligible foreign nationals - must have ESTA approval (real-time processing up to 72 hours)



Everyone else - B-1 Visa in valid passport issued by U.S. Consulate/Embassy



Optional and highly recommended: Business Invitation Letter / Business Traveler Letter

Letter on business letterhead outlining travel details:

- ✓ Company inviting visitor
- ✓ Location of visit
- ✓ Duration
- ✓ Purpose of visit (e.g. meetings, conference, training)
- ✓ Confirmation of no remuneration from U.S. source

02

U.S. Immigration Developments

U.S. Immigration Insights

Objectives

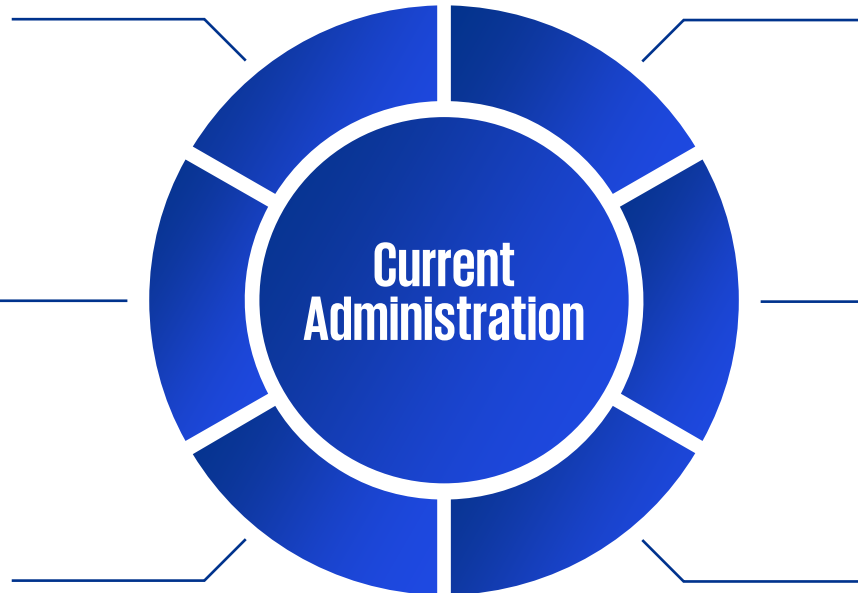
Protecting America's borders, economy, and workforce

Reduction of Federal Workforce

Staffing shortages and a loss of experienced personnel will result in longer processing times and inconsistent adjudications

Increased Enforcement Action

Employers are experiencing more site inspections, Public Access File audits, and I-9 audits. The expectation is that more enforcement action is on the horizon. The Hyundai raid put employers on notice.



Gold Card

Proposed option for wealthy immigrants willing to pay \$1m or USD\$5m for U.S. Permanent Residence. Congressional approval likely needed before this can go live

Travel Ban

Travel ban applied to 19 countries is impacting employers' ability to attract and retain talent

Enhanced Screening/Vetting

Heightened scrutiny on all non-citizens seeking admission to the U.S., including lawful Permanent Residents, visa holders, business visitors, and those approved for Electronic System Travel Authorization (ESTA)

Recent Trends at U.S. Ports of Entry

- U.S Customs and Border Protection (CBP) officers are now conducting more thorough inspections at ports of entry given the enhanced screening directive under the new administration
- Each time a non-US citizen travels and presents themselves to a CBP officer, it is treated as a new inspection, regardless of previous admission
- Travelers can expect longer processing times and potentially increased scrutiny and enhanced questioning of their purpose of travel, personal histories, including possible searches of their electronic devices and social media activity
- **It is advisable for *all* non-U.S. citizens to confirm with immigration counsel that their intended activities in the U.S. align with the category under which they are seeking admission**



CBP's Right to Inspect, Examine & Search



U.S. border officials are permitted to inspect, examine, and search vehicles, persons, baggage, and electronic devices without a warrant to ensure compliance with laws enforced or administered by CBP.

Does your organization have a defined policy to confirm for employees what can be stored on a company-issued device being carried across international borders, and what they should do if asked by U.S. CBP to surrender a company-issued electronic device for search?

03

Participant Questions

Participant Questions



What is the current status of the \$100K USD H-1B fee and what should employers know about it?

- 2 federal lawsuits challenging the proclamation are in process
- USCIS guidance published on October 20, 2025 confirms that the new fee applies only to an H-1B petition filed at or after 12.01am EDT on September 21, 2025 does not apply to change of status, amendment, extension, or change of employer petitions
- Employers required to pay the \$100k fee must submit to USCIS evidence of payment through pay.gov OR a government-granted exception to payment on the basis of national interest

What are US employers experiencing in terms of business impact related to heightened scrutiny on business visitors and even those with US work authorization?

We currently have several employees working in the US in L-1 status. Do you foresee any changes to this category, particularly with respect to adjudication standards?

Participant Questions



Many of our researchers travel to the US on J1 visas. Should we expect changes to this visa category?

- Increased scrutiny of the J-1 program, especially for perceived opponents of the current administration
- Proposed DHS rule would replace “duration of status” admissions with fixed end dates on Form I-94, require students and exchange visitors to file formal extension applications with USCIS, shorten grace periods, and impose new limits on program changes

What are the current processing times for cases involving non-EU nationals going to the US? Any tips for these cases in particular?

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Recommendations & Key Takeaways

Tips for Travelers to the U.S.

Review intended activities in the U.S. and ensure that they align with the immigration category for which you are seeking admission

Minimize the number of electronic devices carried into the U.S.

Don't store client or other confidential data on electronic devices

Be mindful of what is on your devices and what is posted on social media accounts

Give yourself extra time at the airport and remain polite and truthful with CBP officers

Have the necessary documents including a travel letter or valid visa, if applicable

Apply for work permits well in advance

Be prepared for the potential for enhanced screening

Guidance for Employers

Compliance

- Due to the increased focus on enforcement under the new administration, audits and investigations are expected to occur more frequently. It is necessary to ensure that:
 - Employers comply with I-9, Public Access File, and PERM document retention requirements; and
 - Employees, including those coming to the U.S. as a business visitor, fully comply with conditions of their immigration status.
- Notify immigration counsel before any changes in an employee's employment (ex. change in duties, work location, hours worked per week, salary, etc.) take effect.
- Notify immigration counsel immediately if the employer or employee is contacted by immigration authorities.
- Instruct employees to review their I-94 admission record after every re-entry and notify DHS of a change of address within 10 days of moving.

Consider all immigration options in light of additional scrutiny & increased timelines

- Timelines for applications for immigration benefits are expected to increase under the new administration. As such, it is important to keep track of status / work permit expiry and start extensions early.
- Be prepared for additional scrutiny when employees apply for immigration benefits.
- Consult immigration counsel proactively regarding potential inadmissibility.

Monitoring immigration changes

- While immigration rulemaking takes time, executive orders can take effect immediately. Consult immigration counsel for updates and guidance.
- KPMG Law is closely tracking immigration changes under the new U.S administration and will be keeping clients apprised of relevant changes.
 - [Subscribe](#) to our Immigration Alerts to be notify of important developments as they occur.



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Going Global

Global Geopolitical Shifts: Beyond the U.S. Perspective



Labour shortages: Trade unions and employers suggest looking outside EU

Mr De Wever launches Belgium's 'strictest migration policy yet'

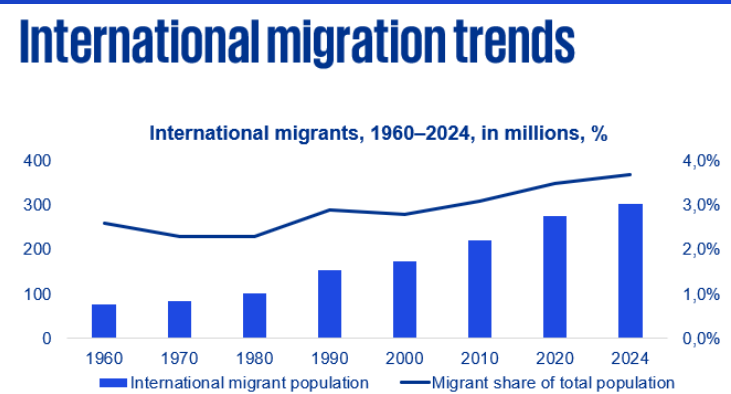
Dutch government coalition collapses over migration clash

increase in trade and migration protectionism

Conflict-driven migration

Shifting demographics

Geopolitical recession



Trends in immigration



Technology-driven immigration systems

Countries are digitizing visa processes, requiring employers to adapt workflows and educate employees. For e.g., rollout of EES in Europe, Thailand's digital arrival card, the UK's digital visa rollout, and the planned JESTA in Japan



Geopolitical risk alters destination choices

Expats are avoiding high-risk regions like the Middle East and some parts of Europe, with safe havens like Iceland, Chile, and New Zealand gaining appeal



Compliance complexity & enforcement rises

Governments are increasing scrutiny on visa sponsorship, documentation, and foreign worker eligibility. Governments have sharply increased penalties for immigration noncompliance



Cost pressures reshape assignment models

Rising housing and relocation costs are pushing companies toward short-term assignments, remote work, and budget-friendly destinations like countries in Gulf Peninsula and Eastern Europe



Visa Restrictions & anti-migration policies

Countries like the US, the UK, Poland, Turkey, Belgium, The Netherlands, etc. have reinstated or tightened visa policies due to geopolitical tensions and anti-migration sentiment affecting mobility planning



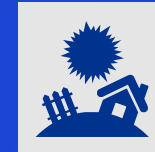
Remote work & digital nomad visas expand

Nations such as Kazakhstan, the Philippines, and Thailand are introducing digital nomad visas to attract global talent



Talent shortages drive policy reform

Acute labor gaps in tech, healthcare, and green energy sectors are prompting governments to expand visa pathways for in-demand roles



Sustainability embedded in mobility programs

Companies are prioritizing eco-friendly housing and travel options to align with ESG goals

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General Recommendations

Recommendations

Data driven

- Full population
- One source of truth
- Accurate/Up to date
- Governance process



Stay connected

- Process in place to capture changes
- Translate in business impact

Resilient business

Communicate

- Inform and involve stakeholders
- Be pro-active
- Have policies in place



Foster a Culture of Compliance and Agility

- Encourage proactive communication with experts before making employment or operational changes.
- Keep track of permit expiries and start extensions early to avoid disruptions.

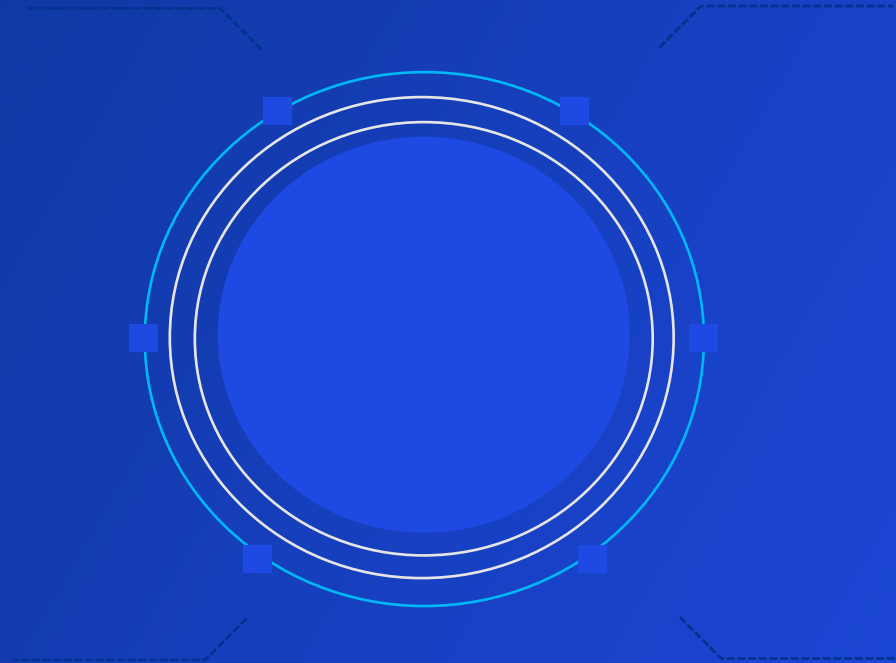
How a global Provider can help

Global Reach, Local Expertise.

Technology-driven Visibility.

Risk Mitigation and Compliance Assurance.

Strategic Workforce Planning.



Have Questions? We are Here to Help



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