

Immigration Insights & Issues Blog

Key legal insights into modern immigration challenges.

DECEMBER 22, 2025 KATHLEEN CAMPBELL WALKER

Updated Summary of the Travel Ban and its Impact Post December 16

This article provides an updated summary of the implications of the expanded Travel Ban announced by the administration on December 16.

BASIS – PROCLAMATION 10949 of JUNE 4, 2025 – Restricting the Entry of Foreign Nationals To Protect the United States From Foreign Terrorists and Other National Security and Public Safety Threats

TRAVEL BAN EXPANSION – Posted December 16. **Effective 12:01 am eastern, standard time on January 1, 2026.**

- <https://www.whitehouse.gov/fact-sheets/2025/12/fact-sheet-president-donald-j-trump-further-restricts-and-limits-the-entry-of-foreign-nationals-to-protect-the-security-of-the-united-states/>
- <https://www.whitehouse.gov/presidential-actions/2025/12/restricting-and-limiting-the-entry-of-foreign-nationals-to-protect-the-security-of-the-united-states/>

Overview Chart Summary –

RED – notes additions due to December Travel Ban

Black – notes continuation of prior June Travel Ban

Green – notes existing partial travel ban countries moved to the full ban column as of January 1, 2026

	Full Ban IV/NIV – (January 1, 2026)	Partial Ban IV/NIV (B-1,B-2, F, M, and J)* (January 1, 2026)
1	Afghanistan	ANGOLA (added for 1/1/26)
2	BURKINA FASO (added for 1/1/26)	ANTIGUA and BARBUDA (added 1/1/26)
3	Burma	BENIN (added 1/1/26)
4	Chad	Burundi
5	Republic of the Congo	COTE d' IVOIRE (added 1/1/26)
6	Equatorial Guinea	Cuba
7	Eritrea	DOMINCA (added 1/1/26)
8	Haiti	GABON (added 1/1/26)
9	Iran	THE GAMBIA (added 1/1/26)
10	LAOS (switch from partial ban effective 1/1/26)	MALAWI (added 1/1/26)
11	Libya	MAURITANIA (added 1/1/26)
12	MALI (added for 1/1/26)	NIGERIA (added 1/1/26)
13	NIGER (added for 1/1/26)	SENEGAL (added 1/1/26)
14	[PALESTINIAN AUTHORITY – issued or endorsed PASSPORTS – HOLDERS who are traveling using	TANZANIA (added 1/1/26)

these passports] (1/1/26)

15	SIERRA LEONE (switched from partial ban effective 1/1/26)	Togo
16	Somalia	TONGA (added 1/1/26)
17	SOUTH SUDAN (added for 1/1/26)	TURKMENISTAN (NOTE IMMIGRANT VISAS ONLY) (modified 1/1/26)
18	Sudan	Venezuela
19	SYRIA (added for 1/1/26)	ZAMBIA (added 1/1/26)
20	Yemen	ZIMBABWE (added 1/1/26)

Other major changes include: The removal of exemptions from the Proclamation to immediate relatives, adopted children, and recipients of Afghan Special Immigrant Visas as noted below.

PRIOR INITIAL TRAVEL BAN – Posted June 4, 2025. Effective 12:01 am eastern daylight time on June 9, 2025.

- <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/>
- <https://www.whitehouse.gov/fact-sheets/2025/06/fact-sheet-president-donald-j-trump-restricts-the-entry-of-foreign-nationals-to-protect-the-united-states-from-foreign-terrorists-and-other-national-security-and-public-safety-threats/>

Full Ban – (June 9, 2025)	Partial Ban IV/NIV (B-1, B-2, F, M, and J) (June 9, 2025)
Afghanistan	Burundi
Burma	Cuba
Chad	Laos
Republic of the Congo	Sierra Leone
Equatorial Guinea	Togo
Eritrea	Turkmenistan
Haiti	Venezuela
Iran	
Libya	
Somalia	
Sudan	
Yemen	

WHO IS SUBJECT TO THE PROVISIONS OF THE TRAVEL BAN TWO UPDATED PROCLAMATION TERMS?

1. Those who are OUTSIDE OF THE U.S. as OF January 1, 2026 at 12:01 am eastern, standard time; AND
2. Who do not have a valid visa as of January 1, 2026 at 12:01 am eastern, standard time.

WHO IS NOT SUBJECT TO THE PROVISIONS OF THE TRAVEL BAN TWO UPDATED PROCLAMATION TERMS?

1. **Those who are INSIDE (physically present in) of the U.S. as of** January 1, 2026 at 12:01 am eastern, standard time; AND (This “AND” conjunction has been interpreted as an “OR” in practical application.)
2. Those who have a valid visa as of January 1, 2026 at 12:01 am eastern, standard time. *Note that there is no specification as to the type of valid U.S. visa.*

For reference, the [June 7, 2025 Department of State's Visa News post](#) concerning the June 4 Proclamation explained the application of the Proclamation as follows:

This Presidential Proclamation only applies to foreign nationals who are outside the United States on the effective date AND do not hold a valid visa on the effective date (June 9, 2025). Foreign nationals, even those outside the United States, who hold valid visas as of the effective date are not subject to the Proclamation. No visas issued before June 9, 2025, have been or will be revoked pursuant to the Proclamation.

Visa applicants who are subject to this Presidential Proclamation may still submit visa applications and schedule interviews, but they may be ineligible for visa issuance or admission to the United States.

It is important to remember that the travel ban is based on Section 212(f) of the Immigration and Nationality Act, as amended, focusing on “entry” to the U.S., not visa issuance. [1]

WHO IS EXEMPT?

1. U.S. Lawful Permanent Residents. Note that a holder of an immigrant visa is not a lawful permanent resident until admitted to the U.S. using their immigrant visa.
2. Dual Nationals traveling to the U.S. on the passport of a country not subject to the Proclamation.
3. Nonimmigrants traveling to the U.S. with a valid nonimmigrant visa in these categories: A-1, A-2, C-2, C-3, G-1, G-2, G-3, G-4, NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, or NATO-6.
4. Athletes or members of an athletic team, including coaches, persons performing a necessary support role, and “immediate relatives” (e.g. spouse, parent, minor children?) traveling for the World Cup, Olympics, or other major sporting event as determined by the Secretary of State. (e.g., the 2026 FIFA World Cup). Please be aware of the FIFA Priority Appointment Scheduling System (PASS) announced by the Department of State (DOS) on November 17, 2025 <https://www.state.gov/fifa-world-cup-26-visas> and <https://inside.fifa.com/organisation/media-releases/world-cup-2026-ticket-holders-prioritised-visa-appointments-united-states>.
5. Special Immigrant Visas for U.S. Government employees.
6. Immigrant visas for ethnic and religious minorities facing persecution in Iran.

PREVIOUSLY EXEMPT—REMOVED UNDER DECEMBER PROCLAMATION EFFECTIVE 1/1/26

1. Immediate family immigrant visa holders (i.e., IR-1/CR-1, IR-2/CR-2, IR-5) with clear and convincing evidence of identity and family relationship (e.g., [DNA](#)).
2. Adopted children (i.e., IR-3, IR-4, IH-3, IH-4).
3. Afghan Special Immigrant Visas.

WHAT EXCEPTIONS MAY BE APPLIED?

1. Foreign nationals whose travel to the U.S. is found by the Attorney General to advance a critical U.S. national interest involving the Department of Justice (DOJ), including being present in the U.S. to participate as a witness in criminal proceedings. The Attorney General, or her designee, shall make these determinations in coordination with the Secretaries of DHS and State.
2. Foreign nationals whose travel to the U.S. is determined on a case-by-case basis by the Secretary of State to serve the national interest of the U.S. The Secretary of State, or his designee, shall make these determinations in coordination with the Secretary of DHS or her designee.
3. Foreign nationals whose travel to the U.S. is determined on a case-by-case basis by the Secretary of Homeland Security to serve the national interest of the U.S. The Secretary of Homeland Security, or her designee, shall make these determinations in coordination with the Secretary of State or his designee.

MAY IMMIGRANT OR NONIMMIGRANT VISAS ISSUED BEFORE THE JANUARY 1, 2026 IMPLEMENTATION DATE UNDER THE DECEMBER UPDATED PROCLAMATION BE REVOKED PURSUANT TO THE APPLICABLE PROCLAMATION? NO.

Note, the same provision applied to the June Proclamation.

DOES THE PROCLAMATION APPLY TO THOSE GRANTED ASYLUM, TO THOSE ADMITTED TO THE U.S. AS REFUGEES, OR TO THOSE GRANTED WITHHOLDING OR REMOVAL OR PROTECTION UNDER THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CAT)? NO.

HOW LONG WILL THE PROCLAMATION APPLY?

Within 180 days of December 16 (the date of the December Proclamation), which falls on June 14, 2026 and every 180 days thereafter, the Secretary of State must consult with the Attorney General, the Secretary of the Department of Homeland Security, and the Director of National Intelligence in order to submit a report to the President regarding whether any of the Proclamation's suspensions or limitations should be continued, terminated, modified, or supplemented.

EXPANSION OF IMPACT TO USCIS ADJUDICATIONS

We expect that USCIS will expand its current adjudication pause regarding travel ban countries based on the new list of countries outlined above as of January 1, 2026, at some point. It is likely that the pause may be extended contemporaneously with the December travel ban expansion in January, since no new Proclamation was issued to effectuate the December expansion of countries affected. The content of Proclamation 10949 concerning the travel ban has just been modified post the department reviews required by its terms.

What did USCIS change regarding the adjudication of applications/petitions filed by travel ban affected foreign nationals?

USCIS published a Policy Memo on December 2, 2025 ([PM-602-0192](#)), entitled "Hold and Review of All Pending Asylum Applications and All USCIS Benefits Filed by Aliens from High Risk Countries." As to "pending" benefit requests for "aliens" born in or citizens of the listed travel ban countries (full or partial), USCIS has placed a hold on such adjudications pending a comprehensive review of the affected benefit requests regardless of the entry date by the "alien" beneficiary/applicant to the U.S.^[2]

Unfortunately, the Policy Memo does not track the Proclamation's exception for dual nationals entering the U.S. using a passport from a non-travel ban country. In addition, while footnote 4 to the Policy Memo references certain "benefit applications" subject to the Policy Memo [e.g. Form I-485 (Application to Register Permanent Residence or Adjust Status), Form I-90 (Application to Replace Permanent Resident Card (Green Card)), Form N-470 (Application to Preserve Residence for Naturalization Purposes), Form I-751, (Petition to Remove Conditions on Residence), and Form I-131 (Application for Travel Documents, Parole Documents, and Arrival/Departure Records)], USCIS has confirmed to representatives of the American Immigration Lawyers Association (AILA) that the Policy Memo applies to "all" form types [e.g. I-129 (Petition for Nonimmigrant Worker), I-140 (Immigrant Petition for Alien Workers), I-765 (Application for Employment Authorization), etc.].

Note that there are reports of cancellations of various pending applications, such as N-400 Applications for Naturalization interviews due to the implementation of this Policy Memo.

It is important that USCIS clarifies what it means by referring to "PENDING" benefit requests as of December 2, the date of the Policy Memorandum's posting by USCIS.

What about benefit requests filed by citizens of travel ban countries or those born in such countries who file benefit applications AFTER December 2, 2025?

Sure, benefit requests will be "pending" after being filed, but the Policy Memorandum refines the scope of the Memorandum to "benefit requests" PENDING on December 2, and not to those PENDING as of a filing with USCIS AFTER December 2. So, we will see.

What does this mean for planning and travel purposes?

Everyone should closely review the prior Department of State's posting on the impact of the June Proclamation referenced above and below.

Visa applicants who are subject to this Presidential Proclamation may still submit visa applications and schedule interviews, but they may be ineligible for visa issuance or admission to the United States.

On December 3, the State Department expanded its extreme vetting policy to the H-1B and H-4 nonimmigrant categories in addition to the F, M, and J nonimmigrant categories. This change has already resulted in the cancellation of existing nonimmigrant visa appointments. Administrative processing delays should be expected post-consular interviews. In addition, visa applicants do not have the flexibility of applying as Third Country Nationals (TCNs) at consular posts abroad, which was encouraged in the past to address COVID-19 based backlogs for visa appointments. Visa applicants must apply at posts located in their home country, place of residence, or the designated posts stated on the chart posted by the Department of State, when applicable, based on their nationality. In addition, reports of increased visa denials based on any prior brush with law enforcement require heightened consideration, even if such infractions are not subject to a traditional ground of inadmissibility used by the State Department historically. Remember this quote as well from the State Department's posting:

Every visa adjudication is a national security decision. The United States must be vigilant during the visa issuance process to ensure that those applying for admission into the United States do not intend to harm Americans and our national interests, and that all applicants credibly establish their eligibility for the visa sought, including that they intend to engage in activities consistent with the terms for their admission. A U.S. visa is a privilege, not a right.

What about students in particular?

Students must assess the challenges of travel requiring any visa application at a consular post in light of these warnings. USCIS has a fairly robust website regarding student travel, but the content does not include guidance in light of these restrictive and aggressive shifts in admission policy as well as State Department announcements. It is advisable to consult with immigration legal counsel before travel in this unpredictable and changing environment. The current grapevine intelligence is critical.

What are some points to remember?

- Assess the nationality and country of birth of foreign nationals before travel outside of the U.S. and before visa applications or entry to the U.S.
- Assess the timing of the foreign national's presence in the U.S. in relation to the Proclamation date as well as any visa validity to determine exceptions to the scope of the Proclamation.
- Remember that national interest-related exceptions are rare to non-existent from the application of the Proclamation.
- Remember that the travel ban considerations are separate from the \$100,000.00 H-1B Proclamation considerations as to USCIS filings.
- Note that adjudication delays could extend a potential determination beyond normal automatic extensions of nonimmigrant status based on timely extension of nonimmigrant status filings. We have to reassess the period of authorized stay by the attorney general (POSABAG) in light of aggressive use by USCIS of notices to appear (NTA) for the start of removal proceedings even with pending adjudications.
- Remember that the Proclamation affects travel ban country passport holders who have been issued immigrant visas and are applying for their initial entry to the U.S. using the immigrant visa.
- Remember that the Proclamation may be revised every 180 days.
- As to automatic visa revalidation under 22 CFR 41.112(d), the impact of the Proclamation must be first assessed regarding applicable exemptions.

Sources:

[1] See Trump v. Hawaii, 585 U.S. 667 (2018). <https://www.scotusblog.com/cases/case-files/trump-v-hawaii-3/>

[2] Note that the pause does not apply to: USCIS screening activities, including credible fear, reasonable fear, safe third country, third country removal, and threshold screenings under the Asylum Cooperative Agreements.

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