

# Policy Matters Podcast - The Immigration Lens, Episode 7: What Changed? Trump's Travel Bans in 2017 and 2025

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## **Dani Mayer**

Hello and welcome to our podcast, The Immigration Lens. My name is Dani Mayer. I'm an attorney here at Seyfarth on the Global Immigration and Mobility team. Today, I'll be your host. Our practice specializes in helping multinational organizations develop and manage comprehensive global mobility programs. To learn about our practice or our team, please visit [Seyfarth.com](https://www.seyfarth.com) and check out our blog. I'm thrilled to speak with Leon Rodriguez today, a partner here at Seyfarth in our DC office, to discuss the 2025 travel ban. Thanks for joining us, Leon. Can we start by an introduction of yourself and your practice for any new listeners tuning into the podcast today?

## **Leon Rodriguez**

Sure. Well, well, first of all, terrific to be here with you this morning, Dani. My practice at Seyfarth is diverse, but important parts of my practice include the fact that I'm one of the co-chairs of our firm's Immigration Compliance and Enforcement Team, and also the chair of the firm's government relations and policy group. And so my practice involves compliance with Visa requirements, compliance with work authorization requirements, defending audits and enforcement actions. Those areas been in Seyfarth for about eight and a half years. Now, hard to believe I've been here that long. It's kind of flown by. But before that, I was the director of US Citizenship and Immigration Services for three years, and before that, had really spent most of my career as a federal and state criminal prosecutor. So that's, that's my story.

## **Dani Mayer**

Well, thank you for that introduction. So I think it's helpful to start today's episode looking back to 2017 and the travel ban that was in effect at that time. So could you tell us a little bit about that travel ban, the countries that were impacted and the litigation that followed.

## **Leon Rodriguez**

Sure. So back in 2017 the then incoming Trump administration very quickly instituted a travel ban. And as I recall, that travel ban affected Syria, Iran, Somalia, Yemen... I'm not gonna be able to give you the exhaustive list of which countries those were, but as I recall, there are approximately seven countries on the list at that time. It was implemented very quickly, and a lot of our listeners will remember that first weekend at major airports in the United States, including here in DC, at Dallas, up there in Boston and New York, where there was a fair amount of chaos, and then that ban was challenged multiple times in the courts, and eventually it was sort of refined to a version that was actually deemed acceptable by the federal courts, and which remained in effect for a while. It's also worth noting that there was a separate

set of travel bans that came into effect during COVID That also reached a broad swath of employment based visa holders, both not immigrant and non immigrant visa holders from pretty much the entire world, which were subject to certain exceptions, but which definitely became an impediment to travel for that group of people.

**Dani Mayer**

So, let's fast forward to January, and the White House in January issued a directive on establishing a proposal for another travel ban. Can you discuss what that initial proposal was back in January?

**Leon Rodriguez**

So, what the order did is it required various key federal agencies, including the Department of State and the Department of Homeland Security, to prepare a list of countries that would be subject to travel bans. And they were given, I think they may have already said that they were given 60 days to do that, and the key criteria would be one countries that were seen as in some way a threat to the national security or the foreign policy of the United States, but also countries that lacked the identity verification and information sharing resources and systems that would cause our government to view their documentation about their nationals as trustworthy. So those were the, you know, the stated criteria in that order. 60 days came and went and there was no order. Then there were a bunch of rumors about, you know, upwards of 40 different countries that were potentially going to be on the list. And then finally, a couple weeks ago, the order was finally issued to be effective this past Monday, on June 9, and it actually had two categories of countries that were subject to restrictions, which we can jump into and talk about.

**Dani Mayer**

Perfect. So that was going to be my next question. So now, the travel ban went into effect. So can we talk about who's impacted by the current travel ban and the distinction between countries with full entry restrictions and partial entry restrictions.

**Leon Rodriguez**

So, there are two. The full restrictions apply to 12 countries, and I'll whip them off really fast, but easy enough to put in travel ban or to look on our website and see our blog about that. But those countries are Afghanistan, Burma, Chad, Congo, Republic of Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Somalia, Sudan, Yemen. And that is a full restriction, subject to exceptions, which I think we'll talk about in a few moments, but that applies across all immigrant and non immigrant visa categories. Then there is a second group that is subject to a partial restriction that would apply to people in the B, F, M, and J categories. In other words, the B visitor categories and then the F, M, and J Exchange Student and Exchange Visitor categories. And those countries are Burundi, Cuba, Laos, Sierra Leone, Togo, Turkmenistan, and Venezuela.

**Dani Mayer**

And so, those travel restrictions, there are some exemptions in this executive order. Can we talk through who's exempted from the order?

**Leon Rodriguez**

So, first, the scope of application of the order is defined as follows. It is only applies to foreign nationals who are outside of the United States on the effective date of the proclamation. So in other words, it doesn't affect people who were in the United States at that time and who did not have a valid visa on the applicable effective date. So both those conditions need to be in place, so meaning somebody is outside of the United States and already had a valid visa, they are still able to enter pursuant to that valid visa, although that doesn't eliminate completely the prospect of potential restriction or even potential revocation of that visa, but fundamentally, somebody who has a valid visa should be able to enter. Then there is a list of exceptions, the most important of which is that it does not apply to a lawful permanent resident of the United States. But there are others, dual nationals, people on various diplomatic and intergovernment passports, athletes and parenthetically, it had been my understanding that one of the holdups in issuing this order was the potential impact of the order on athletic events in the United States, including the Olympics, which is specifically referenced in the order, immediate family immigrant visas, adoption visas, Afghan Special Immigrant visas and a few other exceptions. There's also discretionary exceptions, which may be granted when they are those are deemed either to be in the national interest or in the interests of US law enforcement.

**Dani Mayer**

So, one last question for you, Leon on this topic: what do you see as the future of this travel ban?

**Leon Rodriguez**

Well, I mean, I think there's a big question here as to how long this will be in place, and if there's any way for countries to either have their nationals restrictions reduced or eliminated. And that's the kind of thing that, by the way, would also affect whether if this is challenged in court, it would pass legal muster. There is a provision section five of the order that directs the Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security and the Director of National Intelligence, to actually develop a process where there will be an ongoing process of determining whether the restrictions will be continued, terminated, modified or supplemented. So it means, you know, they can go they can get easier or they can get harder. We don't know. But the you know, the first required review is within 90 days of the proclamation, and every 180 days thereafter. So there is this sort of directive that this be reevaluated on an ongoing basis. Again, we don't know if that means that means that people are going to come off the list or have their restrictions reduced, or potentially, this could also become a mechanism to actually add additional countries and scopes of restriction to this order.

**Dani Mayer**

Well, thank you for sharing that, that's definitely helpful for employers trying to plan ahead. Listeners, if you're interested in tuning into the conversation, follow our blog at [Big immigration law blog.com](http://Bigimmigrationlawblog.com) or check out our practice page at [Seyfarth.com](http://Seyfarth.com). Thanks for joining us today, Leon.

**Leon Rodriguez**

Always great to be here. Maybe you'll invite me back.

**Dani Mayer**

Thank you.