

WHITE HOUSE ANNOUNCES NEW TRAVEL BAN TARGETING 19 COUNTRIES: WHAT EMPLOYERS NEED TO KNOW

Insights
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President Trump just signed a new Proclamation that significantly expands travel restrictions on foreign nationals seeking to enter the United States – and might cause you to take steps at your workplace. Framed as a national security measure, the new directive announced on Wednesday evening imposes full travel bans on citizens from 12 countries and partial restrictions on travelers from an additional seven. The order is scheduled to take effect at 12:01 a.m. on Monday, June 9. What do you need to know about this travel ban and what steps should employers consider?

Countries Whose Nationals are Affected

- Countries subject to a **full entry ban** are Afghanistan, Chad, Republic of the Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Myanmar (Burma), Somalia, Sudan, and Yemen.
- **Partial restrictions** will apply to travelers from Burundi, Cuba, Laos, Sierra Leone, Togo, Turkmenistan, and Venezuela.

White House's Rationale Behind Ban

The administration has indicated that the restrictions are based on factors such as insufficient security protocols, countries' failure to share threat-related information with the US, and high rates of visa overstays. This specific focus on overstay rates, which [the DHS publishes here](#), is a new element not found in previous travel bans. Overstays, a

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particular subset of unlawfully present noncitizens, have been a recent emphasis of media reports and the Presidential administration. The other stated factors in determining targeted countries were the extent of countries' cooperation in accepting their citizens who are removable from the US, and the countries' vetting protocols and capabilities.

[The June 4 Proclamation](#) is the result of a report that the President ordered on his first day in office, seeking information he needed to craft prospective travel restrictions. The Proclamation states that the Secretary of State (Marco Rubio) and the Assistant to the President for Homeland Security (Stephen Miller) presented the report on April 9 with information that it states warranted the new bans.

Who is Impacted?

Generally speaking, the Proclamation affects only those who are both outside the US and do not have a valid US visa as of Monday, June 9. Hence, if a traveler from an affected country is outside the US on June 9 but has the valid visa they need to enter the US, then under the terms of the ban they may be admitted on that visa. Note, however, that the State Department has sometimes in the past exercised its power to "prudentially" revoke visas without notice to the visa holder.

Employment-based nonimmigrant visas are generally outside the scope of the seven partially restricted countries. (For those countries, nonimmigrant restrictions are specific to B-1 and B-2 visitor visas, F and M (student) visas, and J (exchange visitor) visas. However, for the 12 countries subject to full suspensions, *all* nonimmigrant entry is suspended.

Again, note that those who are in the US on the effective date and those who are outside the country but already have the required work visa are unaffected. In fact, the Proclamation is worded such that anyone who is in the US through June 9 is not covered by the ban and should be able to depart thereafter and return. Such action, however, should not be taken without the advice of counsel. Interpretation of the Proclamation may be in the hands of airline agents and CBP officers making decisions at ports of entry and at the departure counters and gates.

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All immigrant entry is suspended with exceptions, some of which are noted below. Exceptions include (but are not limited to):

- Lawful permanent residents (LPRs), also referred to as green-card holders, although some LPRs might not have a valid green card at any given moment (such as when they have a pending renewal application).
- Dual citizens who are citizens of a fully or partially banned country but are also citizens of a non-banned country and are traveling to the US on the passport of the non-banned country.
- Athletes, coaches, support personnel, and their immediate relatives for certain major sporting events including the World Cup, which is slated to be played primarily in the US in 2026. While not specifically mentioned, one would hope that the FIFA Club World Cup, scheduled to be played in the US from this June 14 to July 13, is among these exemptions. Note, however, the limitation applies to athletes, coaches, support personnel, and immediate relatives – not to supporters of teams.
- Certain diplomatic and international organization visa holders.
- Specific categories of immigrant visas, including immediate family immigrant visas sponsored by US citizen family members.

What's Next?

This latest announcement by the White House is likely to face legal and political scrutiny. Like the several travel bans implemented during the first Trump administration, there is a high likelihood that courts will soon weigh in. The best way to stay up to speed on the latest developments is to ensure you are subscribed to the [Fisher Phillips' Insight System](#).

What Should Employers Do?

Stakeholders with ties to affected countries, particularly those in the midst of immigration or otherwise relocating to the US, should assess their situation prior to attempting travel.

Work with your FP immigration counsel to identify employees who are nationals of the banned countries who

may be affected by this order. You should advise employees from the impacted countries not to take unnecessary travel.

Foreign nationals in the US should carry originals or clear copies of their legal authorization to be in the country at all times (e.g., copies of the identifying page of their passports, visa stamps and I-94 electronic cards, Permanent Resident Cards, Employment Authorization Cards, Travel Documents, Re-entry Permits, etc.). If stopped by an Immigration and Customs Enforcement agent, or any other law enforcement officer, you should instruct your employees to be prepared to cooperate and present evidence of their US immigration documentation and legal status. However, the foreign national should not sign any forms or other paperwork without consulting with an immigration attorney.

Conclusion

We will continue to monitor this situation and provide updates through [Fisher Phillips' Insight System](#), so make sure you are subscribed to receive the latest offerings. If your business employs individuals who are nationals from any of the countries affected by the travel ban, contact your Fisher Phillips attorney, the authors of this Insight, or any member of our [Immigration Practice Group](#).