



ANOTHER ROUND OF COUNTRY BANS DRIVEN BY PRESIDENTIAL ANIMUS

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By Cyrus D. Mehta and Kaitlyn Box*

The Trump administration recently announced two new policies that create additional hurdles to lawful immigration.

The first policy, announced on December 16, 2025, is an [expansion](#) of the [earlier](#) Presidential Proclamation which restricted the entry of nationals of Afghanistan, Burma, Chad, Republic of Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Somalia, Sudan, and Yemen into the United States under INA 212(f), which authorizes the President to restrict the entry of aliens if they are deemed "detrimental to the interests of the United States". It also restricts nationals of Burundi, Cuba, Togo, Venezuela, and Turkmenistan from entering the US on immigrant, tourist (B-1, B-2, B-1/B-2), student (F and M), or exchange visitor (J) visas. Nationals of Turkmenistan remain prohibited from entering the United States on immigrant visas.

The new proclamation fully bans nationals of Burkina Faso, Laos, Mali, Niger, Sierra Leone, South Sudan, and Syria, as well as individuals holding Palestinian Authority-issued or endorsed travel documents from entry into the United States. It also introduces partial restrictions for Angola, Antigua and Barbuda, Benin, Cote d'Ivoire, Dominica, Gabon, The Gambia, Malawi, Mauritania, Nigeria, Senegal, Tanzania, Tonga, Zambia, and Zimbabwe.

Lawful permanent residents, current visa holders, dual national of a designated country traveling on a passport of a non-designated country, asylees, diplomats holding A, G, or NATO visas, ethnic and religious minorities in Iran and some athletes traveling for a major sporting event are exempt from the travel restrictions. Special Immigrant Visa (SIV) holder are also exempt from the travel

restrictions, although Afghans who qualify for the SIV program are no longer exempt. The latest proclamation also removes exceptions previously outlined in the June proclamation for individuals with family-based immigrant visas and adoption visas. Individuals whose entry is determined to be in the national interest as determined by the Department of Justice, Secretary of State, or Secretary of Homeland Security may also be eligible for exemptions.

The expanded set of restrictions applies to individuals who are outside of the United States as of January 1, 2026, and do not have a valid visa. The list of impacted countries will be reviewed by the administration every 180 days to determine if any changes are needed.

Although INA 212(f) authorizes the entry of aliens into the US, *see [Trump v. Hawaii](#)*, the Trump administration has [expanded its authority](#) under INA 212(f) to also order a [pause](#) on the adjudication of immigration benefits within the US under the original 19 countries and the countries banned under the expanded proclamation. It remains to be seen whether the courts will allow the Trump administration to expand 212(f) to pause benefits in the US when INA 212(f) speaks only to the entry of aliens into the US and not to the banning of benefits of noncitizens already in the United States. Nationals of 39 countries are now banned under Trump's proclamations.

The Trump administration has also taken aim at the Diversity Visa Program, [suspending](#) the program effective January 1, 2026 at 12:01 AM EST. All current, pending applications under the DV program are subject to a USCIS processing hold pending a "comprehensive review". The impetus for this suspension appears to be the shooting at Brown University and killing of an MIT professor carried out by an individual who initially entered the U.S. pursuant to the DV program.

In a [post on X](#), DHS Secretary Kristi Noem said that: "At President Trump's direction, I am immediately directing to pause the DV1 program to ensure no more Americans are harmed by this disastrous program".

Cyrus Mehta, in a [post on X](#), said: "One person's bad actions should not be used to shut down the entire Diversity Visa program that is mandated by Congress. The Brown University shootings were not as a result of the visa program but based on the motivations of an individual. The President has in the past unfortunately attacked the DV program because it brings people from "shithole" countries to the US. The alleged killer in this case is from Portugal,

which hardly qualifies from among the countries that Trump has denigrated. The administration should not be using these unfortunate killings as a pretext to shut down immigration programs it disfavors."

It should be noted that the Diversity Visa Program was established by Congress and the President cannot suspend the program, only Congress can. Stephen Yale-Loehr, of Miller Mayer, LLP, was quoted by the *New York Times* in [Trump Administration Pauses Diversity Immigration Program After Brown Shooting](#). He noted that the program was created by Congress and presidents "cannot unilaterally negate or terminate an immigration program." He said that although the Trump administration was likely to argue that the president could [bar the entry of any foreign national who posed a national security risk](#), the courts would have to decide whether that authority allowed the president to suspend the diversity visa program entirely. "This is another example of the Trump administration acting first and letting the courts figure out the legality later," he said.

According to an [AILA statement](#), "the Trump Administration continues to weaponize tragedies as a pretext to advance anti-immigrant policies that are unjust and un-American. According to data from the Cato Institute, 'over the next three years 400,000 legal immigrants and nearly 1 million tourists, business travelers, international students, foreign workers, and other temporary visitors will face' bans. We need a system that invests in credible intelligence and security measures that will actually make America safer, rather than these kinds of blanket prohibitions. There are rational, lawful reforms that could address the challenges we face while also upholding our country's commitment to our Constitution and values. That's what we need now, not kneejerk reactions that will not make us safer."

The American Immigration Council, in a December 19, 2025 [report](#), noted that: "Allegations of racism against African and Muslim immigrants continue to linger over the rationales offered in the latest ban, which came just days after President Trump declared that Somalians were 'garbage' and that he wanted to ban all immigration from 'third world countries.' Following the ban being issued, the Department of Homeland Security even [described](#) its restrictions on legal immigration as 'slamming the door shut on the foreign invaders who have undermined our national security.' This rhetoric may provide opportunities for challengers seeking to block the bans in court."

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