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National Interest Exception Strategy: Preparing for Potential Travel Ban Expansion

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On June 4, 2025, President Trump issued Proclamation 10949 (June 2025 Proclamation), significantly expanding visa restrictions on foreign nationals from countries deemed to pose national security or public safety threats to the United States. As of June 9, 2025, the entry of both immigrants and nonimmigrants from 19 countries has been either fully or partially suspended. With growing speculation that up to 36 more countries could be added later this summer, individuals and businesses impacted by these bans must consider the limited, but crucial, mechanism for relief: National Interest Exceptions (NIEs).

Overview of the June 2025 Travel Ban

The June 2025 Proclamation marks a return to the expansive travel bans seen during President Trump's first administration. This latest order identifies 19 countries with “inadequate identity-management or information-sharing protocols,” and/or high visa overstay rates, and imposes visa suspensions accordingly.

Fully Suspended Countries: (Immigrant and Nonimmigrant Visas): Afghanistan, Burma (Myanmar), Chad, Republic of the Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Somalia, Sudan, and Yemen.

Partially Suspended Countries: Burundi, Cuba, Laos, Sierra Leone, Togo, Turkmenistan, and Venezuela.

The travel restrictions apply to nationals of the listed countries who were *outside the United States and did not hold a valid visa* as of June 9, 2025. The travel ban does not apply to:

- S. Lawful Permanent Residents
- Dual nationals of designated countries when they are traveling on a passport from a non-restricted country
- Visa holders in the following 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
- Athletes and coaches traveling for the World Cup, Olympics, or other major sporting events
- Spouses, parents, or children of U.S. citizens applying for permanent residence, in certain circumstances

- Adoptions
- Afghan Special Immigrant Visas
- Special Immigrant Visas for U.S. government employees
- Immigrant visas for ethnic and religious minorities facing persecution in Iran
- Individuals granted asylum
- Refugees already admitted to the U.S.
- Individuals granted withholding of removal under the Convention Against Torture

Anticipated Expansion: Additional 36 Countries Under Review

According to a leaked internal memo reported by Reuters, the Trump administration is actively evaluating whether to add 36 more countries to the list of visa-restricted nations by mid-August 2025. These countries reportedly have high visa overstay rates, insufficient identity-management or information-sharing practices, or limited cooperation in accepting nationals reported to those home countries.

The 36 countries currently under review include:

Africa (25 countries): Angola, Benin, Burkina Faso, Cabo Verde, Cameroon, Democratic Republic of the Congo, Djibouti, Egypt, Ethiopia, Gabon, The Gambia, Ghana, Ivory Coast (Côte d'Ivoire), Liberia, Malawi, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, South Sudan, Tanzania, Uganda, Zambia, and Zimbabwe.

Asia, Caribbean, and Pacific (11 countries): Antigua & Barbuda, Bhutan, Cambodia, Dominica, Kyrgyzstan, Saint Kitts & Nevis, Saint Lucia, Sao Tome & Principe, Syria, Tonga, and Vanuatu.

Based on currently available information, we expect a determination in or around mid-August, consistent with the 60-day timeline outlined in Executive Order 14161, which directed the Department of State and other agencies to review country compliance and recommend suspensions under INA § 212(f).

What is National Interest Exception (NIE)?

Consistent with the framework used during the 2017–2021 travel bans, the June 2025 Proclamation authorizes case-by-case discretionary waivers, referred to as National Interest Exceptions (NIEs), for individuals whose entry into the United States is deemed to serve a critical national interest. These waivers may be granted by the Secretary of State, often in coordination with the Department of Homeland Security, and in certain limited circumstances, by the Attorney General.

To qualify for an NIE, the applicant must demonstrate that his or her travel advances a significant U.S. interest, such as contributing to national security, public health, or economic recovery. Additionally, the applicant must show that the purpose of travel cannot be fulfilled by an alternative means or by another individual. Finally, the benefits of the

individual's entry must outweigh the risks associated with admitting a national from a country subject to suspension under the proclamation.

Examples of cases that may warrant NIE consideration include a researcher working on a federally funded biomedical study, an engineer essential to the maintenance of U.S. energy infrastructure, or a senior executive managing high-value operations at a U.S.-based subsidiary. Humanitarian roles supporting refugee resettlement or disaster relief efforts may also be strong candidates for this discretionary relief.

Applicants must support their request with clear documentation. This should include evidence of the individual's qualifications and their specific role, details outlining the U.S. employer's urgent need for their services, and a demonstration that delays caused by visa suspension would result in material harm or missed critical opportunities to the employer's business. The urgency of the travel timeline and the lack of viable alternatives are both central to the strength of the application.

The NIE process typically involves submitting a formal request to the relevant U.S. consular post or the designated National Interest Exception review team within the Department of State. In most cases, the request must accompany or follow a completed visa application. Close coordination with legal counsel is strongly advised to ensure the request is both complete and well-aligned with the applicable national interest standards.

Lessons from the 2017–2021 Travel Bans

During the earlier Trump administration travel bans, National Interest Exceptions proved essential to enable the entry of thousands of individuals, including students, medical professionals, and corporate executives. While the NIE process provided a critical lifeline, outcomes were far from uniform. Approval rates varied widely depending on the consular post and were often shaped by the quality of documentation and the clarity of the national interest justification.

One of the most important lessons from that period was the value of early submission. Given the opaque nature of the review process and the long lead times involved, timely and thorough applications significantly improved the likelihood of success. It also became evident that strong personal or professional ties to the United States did not guarantee approval. Each request had to be supported by compelling, well-documented evidence that met the government's evolving national interest criteria.

In close cases, advocacy from legal counsel and U.S. employers often played a decisive role. Persuasive framing of the applicant's qualifications and the urgency of their role could tip the balance in favor of approval. As the government again turns to national interest exceptions as a discretionary tool, these lessons remain highly relevant.

Conclusion

With additional travel restrictions expected in August 2025, and limited avenues for relief, the National Interest Exception offers a strategic pathway for businesses and individuals to preserve mobility and maintain continuity. While success is not guaranteed, careful preparation, compelling documentation, and knowledge of the evolving policy landscape can make a decisive difference.

Attorneys and HR professionals should proactively identify at-risk individuals and prepare potential NIE applications in anticipation of future announcements.

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