

U.S. Supreme Court Dismisses Travel Ban Case

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On Tuesday, Oct. 10, the U.S. Supreme Court dismissed an appeal in *Trump v. International Refugee Assistance Project* (16-1436), one of the cases challenging a provision in a now-expired version President Trump's travel ban ([Executive Order No. 13780](#)). The Court had already cancelled its oral arguments on the travel ban that were scheduled for Tuesday.

In its brief decision, the Supreme Court wrote that since President Trump's executive order had "expired by its own terms" on September 24, 2017, the appeal "no longer presents a 'live case or controversy.'" The Court vacated a federal appeals court ruling that blocked President Trump's original travel ban as a violation of the Constitution's protections against religious discrimination and remanded the case to the U.S. Court of Appeals for the Fourth Circuit with instructions to dismiss the challenge as moot. The Court did not rule on the merits of the case.

A second appeal remains pending at the U.S. Supreme Court from the U.S. Court of Appeals for the Ninth Circuit ([Trump v. Hawaii](#), 16-1540) over a suspension of the country's refugee program that is still in effect. However, this case may also be dismissed when the refugee ban expires on October 24.

The Court had already cancelled its oral arguments on the travel ban that were scheduled for Tuesday, following President Trump's issuance of a revised [Proclamation](#) on September 24, 2017, and asked the parties for briefs addressing whether the Proclamation would render the two appeals moot. In a [letter](#) dated Oct. 5, Solicitor General Noel J. Francisco, on behalf of the Trump administration, argued that the appeals were moot and urged the court to vacate the decisions from the lower Courts of Appeals. The challengers to the travel ban [urged](#) the Supreme Court to hear the appeals or let the Courts of Appeals decisions stand even if the appeals were dismissed, writing "[t]his case is not moot. Plaintiffs retain an all-too-real stake in the outcome of the case. The 90-day ban on their relatives has now been converted into an indefinite ban with the potential to separate their families, and thousands of others', for years."

President Trump's Revised Proclamation

On Sept. 24, 2017, President Trump issued a revised [Proclamation](#), superseding the [March 16, 2017, travel ban](#) which affected six majority-Muslim countries. The current Proclamation imposes new limitations on travel to the United States and visa issuance for nationals of eight countries: Iran,

Libya, Somalia, Syria, Yemen, Chad, North Korea, and Venezuela. Unlike the previous travel bans, the current Proclamation treats certain countries and types of travelers (including tourists and students) differently than others.

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