



News & Types: Client Advisories

Federal Circuit Declares Some Trump Tariffs Illegal, All Tariffs Remain in Force

9/2/2025

By: Asa W. Markel

Practices: Commercial, Competition & Trade

Last Friday, the Federal Circuit Court of Appeals in Washington, DC declared that some of the Trump Administration's new tariffs were invalid: the Trafficking Tariffs against China, Canada, and Mexico; and the Reciprocal Tariffs against virtually all countries. These tariffs imposed additional import duties on all goods ranging from 10% to over 40%. However, for now, the additional import duties will continue to be collected at US ports of entry, because the Court of Appeals stayed its decision until October 14, in order to allow the Trump Administration to appeal the decision to the United States Supreme Court.

Separate from the Trump Administration's Trafficking Tariffs and Reciprocal Tariffs, the Administration has imposed additional import duties of up to 50% on certain steel, aluminum, copper, and automotive parts and products. These additional tariffs were ordered under a different set of laws and have not been challenged. Therefore, these Section 232 tariffs on certain steel, aluminum, copper, and automotive items remain unchanged by the courts.

For now, importers will continue to see invoices for the same levels of import duties from their customs brokers for the full array of Trump Administration import tariffs. However, after October 14, some of these additional duties may disappear, or simply continue to be in force pending a decision in the courts.

We will continue to monitor these developments and provide updates to our clients as information becomes available.

Masuda Funai is a full-service law firm with offices in Chicago, Detroit, Los Angeles, and Schaumburg.