

One Minute Memo®



Another Potential Federal Government Shutdown: Consequences for Immigration Application Processing

By Gabriel Mozes and Michelle Gergerian

Congress is currently at a budget standoff that threatens to shut down the federal government for the second time in two years, effective September 30, 2015 at midnight, the start of the new fiscal year. As with the last government shutdown on October 1, 2013, it is expected that certain fee-based, essential immigration functions will continue, but may experience delays.

U.S. Citizenship and Immigration Services

U.S. Citizenship and Immigration Services (“USCIS”) will likely continue to process applications and petitions, as these operations are fee-based. Although there is a possibility for delays or an increase in processing times, it is expected that the agency will process cases in the usual fashion.

The USCIS website, however, which allows employers and individuals to track the status of their cases, will likely be inoperable. In addition, the E-Verify system will also likely be taken offline during a shutdown. In spite of a potential shutdown, employers will still remain subject to their I-9 obligations.

U.S. Customs and Border Protection

U.S. Customs and Border Protection (“CBP”) will continue to inspect and admit international travelers at the U.S. ports of entry.

U.S. Department of Labor

In the event of a shutdown, U.S. Department of Labor’s (DOL) Office of Foreign Labor Certification (OFLC) will suspend operations. This is particularly impactful in the Labor Condition Application (LCA) and PERM contexts. OFLC’s web site, including the iCERT Portal and PERM Online System, will not process any requests or allow authorized users to access their online accounts. In addition, the agency will not process paper-filed PERMs or audit responses.

Employers with concerns about these deadline-specific functions should consult their Seyfarth Shaw immigration attorney with questions about proper maintenance of status and disruption of immigration processes during these uncertain times.

U.S. Department of State

It is likely that U.S. Department of State's (DOS) visa issuance will continue. Consular operations are likely to remain fully operational as long as sufficient fees exist to support operations. However, if a passport agency is located in a government building affected by a lapse in appropriations, that facility may become unsupported.

Conclusion

Seyfarth Shaw LLP will continue to monitor this situation and will send updates as they occur.

Gabriel Mozes is a partner in Seyfarth Shaw's Boston and Atlanta offices, and *Michelle Gergerian* is an associate in the firm's Boston office. If you would like further information, please contact your Seyfarth Shaw LLP attorney, Gabriel Mozes at gmozes@seyfarth.com or Michelle Gergerian at mgergerian@seyfarth.com.

www.seyfarth.com



Attorney Advertising. This One Minute Memo is a periodical publication of Seyfarth Shaw LLP and should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents are intended for general information purposes only, and you are urged to consult a lawyer concerning your own situation and any specific legal questions you may have. Any tax information or written tax advice contained herein (including any attachments) is not intended to be and cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.)

Seyfarth Shaw LLP One Minute Memo® | September 22, 2015

©2015 Seyfarth Shaw LLP. All rights reserved. "Seyfarth Shaw" refers to Seyfarth Shaw LLP (an Illinois limited liability partnership). Prior results do not guarantee a similar outcome.