



News & Types: Immigration Update

Government Shutdowns and Immigration: What Happened During the Last Shutdown and What to Expect

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Practices: Immigration

During the most recent federal government shutdown, certain immigration-related agencies continued operating while others experienced delays, depending on their funding structure. With the possibility of another shutdown in January, employers and foreign nationals should be prepared for similar impacts.

HOW AGENCIES OPERATED DURING THE LAST SHUTDOWN

- **U.S. Citizenship and Immigration Services (USCIS):** USCIS is primarily funded by petition, application, and other filing fees and therefore continued operating as usual. However, programs reliant on congressional appropriations were suspended or otherwise impacted, including E-Verify, the EB-5 Immigrant Investor Regional Center Program, Conrad 30 J-1 physician waivers, and certain non-minister religious worker programs.
- **Department of State (DOS):** Visa and passport operations, which are largely fee-funded, continued during the shutdown. That said, U.S. embassies and consulates could experience reduced services if insufficient fees were available at a particular post. In those circumstances, posts generally prioritized diplomatic visas and “life or death” emergencies.
- **Department of Labor (DOL):** The Office of Foreign Labor Certification ceased processing applications during the shutdown. As a result, prevailing wage determinations and PERM labor certification filings for H-1B and EB-2 and EB-3 green card processes were not processed and could not be filed.
- **U.S. Customs and Border Protection (CBP):** As an essential agency, CBP continued operating throughout the shutdown, and ports of entry remained open with inspection and enforcement activities ongoing.

PLANNING

AHEAD

If another government shutdown were to occur, similar disruptions may be expected, particularly with Department of Labor–related filings. Employers and foreign nationals are encouraged to plan ahead, submit filings early where possible, and consult immigration counsel to minimize potential delays.

For questions regarding immigration planning in anticipation of a possible government shutdown, please contact one of the attorneys at Masuda, Funai, Eifert & Mitchell, Ltd.

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