

## **Bordeau Immigration Law, LLC**

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### **WHAT HAPPENS IF THE GOVERNMENT SHUTS DOWN**

Generally, if the government shuts for budgetary reasons, all but "essential" personnel are furloughed and are not allowed to work.

**USCIS:** USCIS is a fee-funded agency, so if the government shuts down, USCIS continues to operate, with the exception of E-Verify. **WHAT THIS MEANS: NO IMPACT TO H-1Bs (that have already been filed); NO IMPACT TO I-140, I-130, I-485, EAD/AP, OR ANY OTHER PETITION ADJUDICATED BY THE USCIS. USCIS has confirmed that DACA renewal processing will continue.**

**DOL:** The OFLC would cease processing all applications in the event of a government shutdown, and personnel would not be available to respond to e-mail or other inquiries. OFLC's web-based systems, iCERT and PERM, would be inaccessible, and BALCA dockets will be placed on hold. **WHAT THIS MEANS: H-1B PROCESSING FOR CASES NOT YET FILED WOULD BE DELAYED (BECAUSE LCA'S CAN'T BE FILED); PERM PROCESSING WOULD BE DELAYED (NO NEW PERMS CAN BE FILED; AND FILED CASES WILL NOT BE REVIEWED UNTIL THE GOVERNMENT FUNDING IS RESOLVED)**

**DOS:** Visa and passport operations are fee-funded and should not be impacted by a lapse in appropriations, but operating status and funding will need to be monitored closely. If visa operations are affected, consular posts will generally only handle diplomatic visas and "life or death" emergencies. **WHAT THIS MEANS: IF YOU TRAVEL INTERNATIONALLY AND NEED A VISA STAMP IN YOUR PASSPORT, YOU SHOULD EXPECT DELAYS**

**CBP:** Inspection and law enforcement personnel are considered "essential." Ports of entry will be open; however, processing of applications filed at the border may be impacted. **WHAT THIS MEANS: L-1/TN APPLICATIONS FROM CANADA COULD BE DELAYED**

**ICE:** ICE enforcement and removal operations will continue, and ICE attorneys will typically focus on the detained docket during a shutdown. The ICE Student and Exchange Visitor Program (SEVP) offices are unaffected since SEVP is funded by fees. **WHAT THIS MEANS: UNLESS YOU ARE IN UNDOCUMENTED STATUS, LIKELY NO IMPACT**

**EOIR:** EOIR's detained docket is typically considered an essential function and would therefore continue to operate. During the 2013 shutdown, EOIR continued to accept court filings, even in non-detained cases. **WHAT THIS MEANS: LIKELY NO IMPACT**

**CIS Ombudsman:** The DHS Office of the CIS Ombudsman would close and would not accept any inquiries through its online case intake system. **WHAT THIS MEANS: LITTLE IMPACT TO MOST CLIENTS**