



UPDATE ON GOVERNMENT SHUTDOWN

As midnight passed without compromise, the Federal Government shutdown began, resulting in the furlough of thousands of non-essential workers and a disruption of many of the services they provide. The following updates are available today regarding immigration-related government services:

E-Verify – U.S. Citizenship & Immigration Services (CIS) has confirmed that the E-Verify database will not be operational during the government shutdown and employers will not be able to access or take any action on their E-Verify accounts.

In addition, **employees will be unable to resolve Tentative Nonconfirmations (TNCs)**, all telephone and e-mail support will be unavailable, and E-Verify Self Check will not be functioning.

While the CIS has confirmed that the 'three-day rule' for E-Verify cases is suspended for cases affected by the shutdown, this suspension **does NOT** affect the Form I-9 requirement— which requires employers to still complete the Form I-9 no later than the third business day after an employee starts work for pay. However, the time period during which employees may resolve TNCs will be extended and any days the federal government is closed will not count towards the eight federal government workdays that the employee has to rectify the TNC with the Social Security Administration (SSA) or with the Department of Homeland Security (DHS).

The CIS has also instructed employers to not take any adverse action against an employee due to an E-Verify interim case status, including while the employee's case is in an extended interim case status due to a federal government shutdown.

During the shutdown, employers who utilize E-Verify should complete a paper Form I-9 until the E-Verify system is back up, making sure to then complete the E-Verification process once the system is again active.

iCERT and PERM Portals – The Department of Labor (DOL) has ceased processing all applications and will not accept or process any applications or related materials, including Labor Condition Applications (LCA), Applications for Prevailing Wage Determination, Applications for Temporary Employment Certification, or Applications for Permanent Employment Certification (PERM).

The stoppage of LCA adjudications will delay H-1B filings until the shutdown has concluded and certified LCAs are again being issued by the DOL. PERM applications will also not be able to be filed during the shutdown.

Consular Visa Applications – U.S. Department of State (DOS), which is responsible for visa application services at U.S. embassies and consulates abroad, has confirmed that consular posts remain open at present. The Department continues to plan for a shutdown of operations should the budget impasse continue, but for now applicants should plan to attend visa application appointments as scheduled. Applicants with urgent travel needs should take advantage of this interim period to schedule visa appointments as soon as possible in an effort to secure timely visa issuance.

CBP Inspections & Deferred Inspections – Services performed by U.S. Customs & Border Protection (CBP) and other critical law enforcement personnel continue during the shutdown. CBP officers continue to inspect arriving passengers at U.S. air, land and sea ports of entry and have confirmed that deferred inspection sites also remain open. The CBP continues to accept walk-in appointments for Form I-94 record corrections.

Local CIS Offices – Local CIS offices remain open and will be conducting interviews for naturalization or adjustment of status applications as scheduled.

CIS Application Support Centers – Similarly, Application Support Centers remain open and will be accepting biometrics appointments.

CIS Service Centers – CIS adjudication services continue uninterrupted, as the adjudication of immigration benefits is funded by user filing fees rather than by government appropriations. This means that pending H-1B and other non-immigrant visa petitions, Form I-140 immigrant visa petitions, Form I-485 adjustment of status application, Employment Authorization Document (EAD) and Advanced Parole travel document applications, etc., will continue to be adjudicated.

As further information becomes available regarding the continuity or disruption of immigration-related government services, we will provide additional updates via [our firm's website](#) and in future Immigration Update© email bulletins.