



GMS Flash Alert

Immigration Edition

2018-017 | January 23, 2018

United States – Government Shuts Down, Then Reopens: Impact on Immigration

On Saturday, January 20, 2018, U.S. government non-essential functions were shut down. On Monday, January 22, 2018, the U.S. Senate and House of Representatives voted to end the shut-down.¹ Please note however, that Monday's vote only authorizes federal government funding through February 8, 2018.

WHY THIS MATTERS

Although the government was partially closed for less than 72 hours, it is expected that certain government agencies that work on immigration processes will experience temporary delays. This could have an impact on employers and applicants seeking services with/from the Department of Labor, U.S. Citizenship and Immigration Services (USCIS), U.S. Department of State (DOS), U.S. Immigration, Customs and Enforcement (ICE), and U.S. Customs and Border Protection (CBP).

Some Delays for Department of Labor Filings

The U.S. Department of Labor (DOL) is dependent on government funding and does not receive fees for immigration-related functions. The DOL's Office of Foreign Labor Certification (OFLC) will likely take several days to resume processing of PERM and Labor Condition Applications. Based on past experience, OFLC's web-based systems, iCERT and PERM, may continue to be inaccessible for several days.

Minimal Impact upon USCIS and DOS Filings

USCIS, DOS, ICE, and CBP should have been minimally affected by a shut-down of this short a duration.

According to a January 20 message on the Web site for [USCIS](#), “The current lapse in annual appropriated funding for the U.S. government does not affect USCIS’ fee-funded activities. Our offices will remain open, and all applicants should attend interviews and appointments as scheduled.”

During the 2013 government shut-down, DOS fee-funded services, like passport issuance, continued.

Employment Verification

It was expected that USCIS’ E-Verify system would be shut down over the weekend and could take several days to be restored. It is critical that employers understand that they must still complete Form I-9 *Employment Eligibility Verification*, which must be done for new hires, regardless of whether the E-Verify system was unavailable online.

According to a message on USCIS’ [E-Verify](#) Web site: “E-Verify has resumed operations following the Department of Homeland Security (DHS) lapse in appropriations. All E-Verify features and services, including the ability to resolve a Tentative Nonconfirmation (TNC), are now available.”

KPMG NOTE

Context

In the current political climate, employers need to be alert to the possibility of future government shut-downs and should consult with their qualified legal/immigration counsel to plan accordingly.

Future Developments

KPMG Law LLP will continue to provide updates regarding the impact of potential U.S. government shut-downs as and when they become available.

FOOTNOTE:

1 1 To see the January 22, 2018 Press Release on the website for Senate Majority Leader Mitch McConnell (R-KY) [click here](#). See House Speaker Paul Ryan (R-WI) [tweet](#) “After a three-day shutdown, this government funding bill is heading to the @White House”. For the text and status of [H.R. 195](#), Continuing Appropriations Act, with further amendment, [click here](#).

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Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in Canada:



Beth Nanton
U.S. Immigration Practice Leader
KPMG Law LLP – Tax + Immigration,
Canada
Tel. +1-604-691-3316
bnanton@kpmg.ca



Charles Gillman
Senior Manager/Senior Attorney,
U.S. Immigration
KPMG Law LLP – Tax + Immigration,
Canada
Tel. +1-416-943-7882
cgillman@kpmg.ca

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