



# GMS Flash Alert

## Immigration Edition

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# United States – Potential Immigration-Related Impact of Government Shut-down

Several government agencies in the United States (U.S.) are only funded through December 21, 2018. Although the Senate recently passed a short-term spending bill, it is not certain that President Trump will sign it. Thus, the U.S. federal government is scheduled to partially shut down at midnight December 21, 2018.<sup>1</sup> The situation continues to unfold as of this newsletter's publication, so readers are advised to keep tabs on developments.

This GMS *Flash Alert* highlights the potential immigration-related effects of a U.S. federal government shut-down.

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## WHY THIS MATTERS

Employers and U.S. visa applicants should be aware of the potential consequences of a government shut-down, particularly as they relate to visa appointments and interviews at U.S. Consulates and Embassies abroad. Employers enrolled in E-Verify should also be attentive to how the shut-down could impact the I-9 process.

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## Potential Effects

To avoid a shut-down of the U.S. federal government on December 22, 2018, Congress must pass a long-term budget or at least a short-term funding measure. The Trump Administration has been seeking from Congress USD 5 billion in funding for the construction of a wall along the U.S.-Mexican border. This is proving difficult given how divided the Republicans and Democrats are on this issue. As of December 21, no agreement had been reached. The effects of a partial shut-down include:

- Full funding for the U.S. Department of Labor was passed in September, 2018, meaning that there should be no impact on Labor Condition Applications, Prevailing Wage Requests, or PERM labor certifications if a government shut-down occurs. This makes the potential U.S. government shut-down on December 22, 2018 far less ominous relative to previous shut-down threats.

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- Petitions/applications filed with U.S. Citizenship and Immigration Services (USCIS) should not be impacted by a government shut-down because they are fee-based. There is, however, an outside chance that the current Administration could require USCIS to cease operations as part of a federal government shut-down.
- Visa appointments and interviews scheduled at U.S. Consulates and Embassies should not be impacted immediately, so long as the applicable fees are sufficient to fund operations. If the shut-down continues long enough, there may not be adequate funding for the U.S. Department of State to continue visa services. All persons with a visa appointment or interview scheduled after December 21, 2018, should regularly visit the website of the relevant U.S. Consulate or Embassy for updates in this regard.
- U.S. Customs and Border Protection (CBP) operations should not be impacted, as CBP employees are typically considered to be “essential” government personnel. The current Administration could, however, try to limit the scope of CBP operations during a federal government shut-down, resulting in significant delays for travelers entering the United States.
- The E-Verify system would not be available during a U.S. government shut-down. In the event that a shut-down occurs, enrolled employers would have to complete E-Verify checks for any impacted employees once the federal government resumes operations and the E-Verify system is back online; and
- Certain U.S. immigration programs would be suspended during a shut-down, including the EB-5 Regional Center program, the Conrad 30 waiver program, and the Special Immigrant Non-minister Religious Worker program.

KPMG Law LLP will continue to monitor developments relating to federal government funding and provide updates as they become available.

## FOOTNOTE:

1 For up-to-date information, please visit the government [website](#) of Senate majority leader, Mitch McConnell (R-KY), as well as Senator McConnell’s [Twitter feed](#) . You may also follow the floor proceedings on the [website](#) for the U.S. Senate.

For a news-source, you may visit CNN, by clicking [here](#). *Please note the URL/link takes you to a 3<sup>rd</sup>-party non-governmental/non-KPMG Web site. Provision of this URL/link does not represent an endorsement of this site by KPMG LLP (U.S.) nor KPMG Law LLP Canada.*

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## Contact us

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*\* Please note that KPMG LLP (U.S.) does not provide any immigration services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

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