

Federal Government Shutdown Impacts Certain Immigration Processes

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The effects of the federal government's ongoing shutdown, which began on October 1, continue to take a toll on employers. It is important for human resources professionals to take note of how the non-operation of certain government offices affects the hiring process and foreign national employees. The shutdown has impacted immigration-related services across a number of different government agencies including:

E-Verify

E-Verify is currently unavailable during the shutdown. The "3-day rule" for E-Verify cases is suspended for cases affected by the shutdown until E-Verify reopens. This does not affect the Form I-9 requirement. Employers must still complete the Form I-9 no later than the third business day after an employee starts work for pay. A hard copy of the Form I-9 is available at www.uscis.gov/i-9.

U.S. Citizenship and Immigration Services

U.S. Citizenship and Immigration Services ("USCIS") continues to function as USCIS operations are funded primarily through user filing fees. We expect the agency to continue operating as normal during the shutdown. All petitions and applications will continue to be accepted during the shutdown.

Department of Labor

The Department of Labor will not accept or process any immigration-related applications or materials it receives, including audit responses, labor condition applications, applications for prevailing wage determination, applications for temporary employment certification, and applications for permanent employment certification.

Department of State

Consular services for U.S. citizens and visa applicants continue to operate at this time. A loss of federal funding, however, will likely impact visa processing as fees cover only a portion of the costs associated with visa processing. Accordingly, foreign nationals should be prepared for delays in consular visa processing and may want to consider postponing travel outside the United States if a new visa would be required to re-enter the United States. For further information, please see www.state.gov.

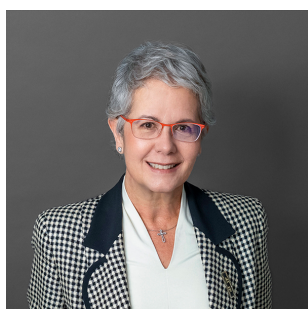
Port Security Operations

Customs and Border Protection ("CBP"), Immigration and Customs Enforcement ("ICE") and Port of Entry Operations have been deemed essential law enforcement operations necessary to ensure safety and protect property. Accordingly, these agencies remain operational.

In the absence of specific guidance from government agencies, it is important for employers to contact immigration

counsel to discuss consequences and strategies during the hiring process. If you have any questions about how the government shutdown affects your company's hiring procedures, please contact Attorney Silas Ruiz-Steele, by phone at 610-898-7153, or by email at sruizsteele@barley.com.

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Silas M. Ruiz-Steele

Counsel

Tel: (610) 898-7153

Email: sruizsteele@barley.com



Becky W. Munscher

Paralegal

Tel: (717) 852-4991

Email: rmunscher@barley.com