

Immigration Legal Alert

October 3, 2013

U.S. Congress's failure to reach a budget deal has caused a partial shutdown of U.S. government offices and services. The full extent to which the government shutdown will impact various aspects of the immigration process is not yet clear. Following is a brief description of known disruptions that will result from the government shutdown:

- **Department of Labor:** Employees for the Office of Foreign Labor Certification (OFLC) have been placed in furlough status. Thus, the OFLC is not accepting nor processing any applications. This includes Labor Condition Applications, Applications for Prevailing Wage Determination and Applications for Permanent Employment Certification (including audit responses). OFLC has not yet issued guidance for managing matters during the government shutdown.
- **Department of State:** The Department of State will continue as many normal operations as possible, including visa appointments at consular posts abroad, using the funding currently available. Operating status and available funding will be monitored continuously and closely and planning for a lapse in appropriations will be continued.
- **U.S. Citizenship and Immigration Services:** E-Verify is currently unavailable. Employers who are enrolled in E-Verify should refer to the information posted online at

<https://e-verify.uscis.gov/emp/vislogin.aspx?JS=YES>

and follow the policies set forth by E-Verify while the system is not available. USCIS will continue to process nonimmigrant and immigrant visa petitions, but the reduction of non-essential employees may affect processing times.

The reduction of non-essential functions may impact other immigration-related entities. Kirton McConkie's immigration attorneys will continue to advise clients of developments as they become known. If you have any questions, please contact the Immigration section at Kirton McConkie (www.kmclaw.com)