

Government Shutdown Could Impact Immigration-Related Government Agencies

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U.S. President Trump has indicated that he will not take action to avoid an expected government shutdown tomorrow, which could impact several immigration-related government agencies. Although the U.S. Senate approved a stop-gap measure Wednesday night aimed at averting the shutdown, President Trump refused to sign the spending package proposed by the Senate since it does not include border security funds sought by the Trump Administration. A government shutdown occurs when the U.S. Congress and the President fail to pass appropriations legislation funding government agencies and operations.

Eleven months ago from this day, the U.S. government similarly shut down. The January 2018 shutdown was also driven by immigration-related funding and programming disagreements, and lasted two days. It was followed by another funding gap lasting nine hours overnight on February 9, 2018, which was largely reported in the press as another government shutdown. Rumors of a government shutdown have been swirling since this past summer, largely driven by the same issue that is forcing Congress's hand at the moment.

A U.S. government shutdown may still be avoided, should Congress amend the Senate bill with funding for border security and pass the bill before the Friday shutdown deadline.

If a government shutdown (for budgetary reasons) occurs, all government workers not considered “essential” personnel are not permitted to work. However, this generally does not include workers within government agencies which are fee-funded, such as the U.S. Citizenship & Immigration Services (USCIS), or visa and passport operations through the U.S. Department of State (DOS). Other immigration-related agencies may be impacted, including Customs and Border Protection (CBP). While CBP personnel would keep the ports open and operating, immigration applications at the border—such as those permitted for Canadians under NAFTA—may be impacted. Immigration and Customs Enforcement (ICE) would also remain open, although certain services through the agency could be curtailed until a budget is passed. Key U.S. Department of Labor functions impacting immigration—including processing of labor certification applications—would also be placed on hold.

LMWF will continue to post updates on this issue as they become available.

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