

### Potential Government Shutdown Could Have Immigration-Related Consequences

April 6, 2011

The potential government shutdown could have immigration-related consequences, especially for those immigration functions performed by the U.S. Department of State (DOS) and the U.S. Department of Labor (DOL). Although no official announcements have been made concerning what services would be affected by a shutdown, it is likely that DOS, which among its many functions issues visas to foreign nationals at U.S. consular posts abroad, would operate on a severely limited basis. Foreign nationals should be prepared for delays and may want to consider postponing travel outside the country if a new visa stamp would be required to re-enter the United States. Prevailing wage determinations, online PERM filings, and labor condition applications would be impacted by a DOL shutdown if iCert does not remain online, resulting in delays for both PERM processing and H-1B filings. PERM filings could be mailed if necessary.

U.S. Citizenship and Immigration Services (USCIS) is funded through fee-based petitions and applications and would not likely be affected by the shutdown. In addition, most Customs and Border Protection operations are considered an essential function, but if there are staffing cuts, it is possible that there would be some delays processing applications presented at the border and in border crossings. There may also be delays in waiver adjudication.

We will continue to monitor the situation and will update you with any new information.

For more information, or if you have any questions regarding the issues discussed in this Immigration Alert, please contact any of the following attorneys:

#### Washington, D.C.

Eleanor Pelta 202.739.5050  
Eric S. Bord 202.739.6040

[epelta@morganlewis.com](mailto:epelta@morganlewis.com)  
[ebord@morganlewis.com](mailto:ebord@morganlewis.com)

#### San Francisco

A. James Vázquez-Azpiri 415.442.1343  
Lance Nagel 415.442.1345

[ajvazquez@morganlewis.com](mailto:ajvazquez@morganlewis.com)  
[lnagel@morganlewis.com](mailto:lnagel@morganlewis.com)

#### Now Available: *AILA's Focus on Immigration Practice Under AC21*

Written by Eleanor Pelta and A. James Vázquez-Azpiri, *AILA's Focus on Immigration Practice Under AC21* provides invaluable insight on the effect AC21 has had on the H-1B visa category. For more information, please visit [www.ailapubs.org/ac21.html](http://www.ailapubs.org/ac21.html) or call 1.800.982.2939 to order a copy.

#### About Morgan, Lewis & Bockius LLP

With 22 offices in the United States, Europe, and Asia, Morgan Lewis provides comprehensive transactional, litigation, labor and employment, regulatory, and intellectual property legal services to clients of all sizes—from global Fortune 100 companies to just-conceived startups—across all major industries. Our international team of attorneys, patent agents, employee benefits advisors, regulatory scientists, and other specialists—nearly 3,000 professionals total—serves clients from locations in Beijing, Boston, Brussels, Chicago, Dallas, Frankfurt, Harrisburg, Houston, Irvine, London, Los Angeles, Miami, New York, Palo Alto, Paris, Philadelphia, Pittsburgh,

Princeton, San Francisco, Tokyo, Washington, D.C., and Wilmington. For more information about Morgan Lewis or its practices, please visit us online at [www.morganlewis.com](http://www.morganlewis.com).

This Alert is provided as a general informational service to clients and friends of Morgan, Lewis & Bockius LLP. It should not be construed as, and does not constitute, legal advice on any specific matter, nor does this message create an attorney-client relationship. These materials may be considered **Attorney Advertising** in some states. Please note that the prior results discussed in the material do not guarantee similar outcomes.

© 2011 Morgan, Lewis & Bockius LLP. All Rights Reserved.

