



**April 7, 2011**

## **Special Immigration Alert:**

### **Potential Consequences of Government Shutdown**

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The latest continuing resolution funding federal government operations is set to expire on April 8, 2011, and the threat of a government shutdown appears more of a reality. Under these circumstances, employers need to consider the potential immigration consequences of a government shutdown on foreign national (FN) employees. While contingency plans have not been published, it is instructive to look at what happened during the last government shutdown for guidance. At that time, both the U.S. Citizenship and Immigration Service ("USCIS") and the U.S. Department of Labor ("DOL") stopped processing applications. Also, the U.S. Department of State ("DOS") stopped all passport and visa-processing operations.

If history repeats itself, we anticipate that a government shutdown, will have significant consequences for employers, FN employees and US citizens travelling overseas in several respects. Employers will have to file nonimmigrant extensions, but they may not be adjudicated. This processing delay may affect the FN employees' ability to extend their drivers licenses, unless states make accommodations for these unusual circumstances. FN employees who need new visas to return to the United States may not be able to secure them, and this may sharply curtail foreign travel. Organizations involved in mergers and acquisitions may not be able to transition FN employees from the target organization and, thus, may have to make contingency plans to maintain their employees' status. Finally, American citizens who need to renew their passports may not be able to do so.

No one wants a government shutdown, however, if one does occur, employers should have contingency plans in place to address possible immigration issues.

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