

Government Shutdown Looms: Immigration Impacts for U.S. Employers and Foreign Workers

September 30, 2025

As of the date of this writing, Congress has not passed the appropriate spending bills to keep the federal government open beyond September 30, 2025. Unless these bills are passed, some government agencies will shut down on October 1, 2025.

Immigration case processing involves several federal government agencies. Below is a breakdown of how each agency will be impacted in the event of a government shutdown:

- **U.S. Citizenship and Immigration Services ("USCIS"):** USCIS is a fee-funded agency. As a result, USCIS will be open in the event of a government shutdown, the exception being certain programs that receive appropriated funds.
- **U.S. Department of State ("DOS"):** DOS oversees visa operations at U.S. Consulates worldwide. In the event of a shutdown, visa and passport operations are not normally impacted, as these processes are fee-funded.
- **U.S. Department of Labor ("DOL"):** **The government shutdown would significantly impact DOL. The DOL would cease processing pending Labor Condition Applications, Applications for Prevailing Wage Determinations, and Applications for Permanent Employment Certification (PERM). DOL will also be unable to accept new applications during the shutdown, and its online filing systems will be inaccessible. Employers may still be able to mail in certain applications, but DOL staff will likely not be available to accept the mailed application.**
- **U.S. Customs and Border Protection ("CBP"):** CBP is considered essential, and therefore inspection and law enforcement at the border will remain active. However, the processing of immigration applications at the border, such as TN applications, may be impacted in the event of a shutdown.
- **Immigration and Customs Enforcement ("ICE"):** ICE operations will continue in the event of a shutdown. The Student and Exchange Visitor Program (SEVP) managed by ICE will be unaffected as it is fee-funded.
- **Executive Office of Immigration Review ("EOIR"):** Immigration court cases on a detained docket will proceed in the event of a shutdown, while non-detained docket cases will be rescheduled for a later date.

Due to the potential impacts on immigration case processing in the event of a government shutdown, employers should contact the authors to discuss how the potential shutdown could impact its new or ongoing immigration matters and foreign national workforce.

Conclusion

The potential government shutdown may present unique immigration-related implications for employers and may have a major impact on an employer's foreign national employee population. For this reason, please contact the authors if you wish to further discuss how any of these matters may affect companies and their employees.

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This information is based on the facts and guidance available at the time of publication and may change.