

Updates Related to the U.S. Government Shutdown

Dear International Community:

The Office of International Programs (OIP) would like to take this opportunity to provide several updates from our office, specifically pertaining to the U.S. government shutdown and its effects on our international students, faculty, and staff. State and local governments currently remain unaffected. Please take a moment to review this important information and to visit our website for updates at ois@csu.edu. This information was compiled for the Council for Global Immigration and the various government agencies.

Please be advised that the situation is ever changing and that links to the individual government agencies are provided below for more updated details and information.

Department of Homeland Security

The DHS contingency plan for the shutdown can be found at

http://www.dhs.gov/sites/default/files/publications/dhs-lapse-contingency-plan-09-27-2013_0.pdf

USCIS Adjudications

USCIS is mostly fee funded, and therefore the impact on adjudications will be minimal compared to most immigration processes. In fact, out of the 12,558 USCIS employees, all but about 300 will be reporting to work during a shutdown.

This means that processing at USCIS will be relatively normal, other than processes affected by other agencies (for instance, no new Labor Condition Applications (LCAs) will be issued by Department of Labor for H-1Bs and no new Labor Certifications will be issued for Legal Permanent Residency). Previously filed H-1Bs, O-1s, I-539s, I-140s, and I-485s should not be affected by the government shutdown. Please contact the OIP advisor for more information.

Student and Exchange Visitor Program (SEVP)

Regardless of the current government shutdown, the Student and Exchange Visitor Program's (SEVP's) offices will remain open. This continuation of operations is possible because SEVP is a fee-funded program and does not receive any government-appropriated funds. During this time, all of CSU's F students and scholars must continue to meet all regulatory requirements.

E-Verify

Unlike the rest of USCIS, E-Verify is not fee funded and will be inaccessible during a shutdown, including employment verification, resolution of Tentative Nonconfirmations (TNCs) and Self Check. USCIS has provided the following guidance:

- The 'three-day rule' for E-Verify cases is suspended for cases affected by the shutdown. We'll provide additional guidance once we reopen. This does NOT affect the Form I-9 requirement—employers must still complete the Form I-9 no later than the third business day after an employee starts work for pay.
- The time period during which employees may resolve TNCs will be extended. Days the federal

government is closed will not count towards the eight federal government workdays the employee has to go to SSA or contact DHS. We will provide additional time once we reopen.

- For federal contractors complying with the federal contractor rule, please contact your contracting officer to inquire about extending deadlines.
- **Employers may not take any adverse action against an employee because of an E-Verify interim case status, including while the employee's case is in an extended interim case status due to a federal government shutdown** (consult the E-Verify User Manual for more information on interim case statuses).

Departments that must use E-Verify for hiring must follow the above guidance until the shutdown is resolved or new guidance from the Department of Homeland Security is issued.

Customs and Border Protection

Most CBP functions will continue, as most CBP staff are considered essential, but adjudication of TN applications by Canadian citizens are stopped during a government shutdown.

Immigration and Customs Enforcement

ICE will retain most of its staff because they are considered essential. We do not expect any major issues with enforcement.

Department of Labor

The Office of Foreign Labor Certification (OFLC) notice regarding the shutdown can be found at <http://www.foreignlaborcert.doleta.gov>

OFLC will essentially shut its doors during a shutdown. This means no processing of labor certifications, LCAs or prevailing wage determinations during a shutdown. No one will be able to log into the PERM and iCERT websites during a shutdown to submit new applications. There is a push for grace periods in situations such as recruitment expiration while the agency is closed but there are no updates as of yet.

Department of State

In previous situations where a shutdown was looming, we were told that a shutdown would basically mean cessation of consular affairs, visa processing and passport issuance altogether, except for certain narrow exceptions such as humanitarian exceptions.

With this shutdown, however, the Department of State appears to have a temporary solution but the details are unclear. The official statement from the Department of State is: Consular operations domestically and overseas will remain 100% operational as long as there are sufficient fees to support operations.

CSU students needing to obtain a visa from a U.S. Embassy or Consulate overseas should consult with that location regarding the availability for doing so. As a best practice, all travel overseas that will require the issuance of a new visa stamp should take into consideration the possibility that their re-entry into the U.S. will be delayed.

Department of State guidance on the shutdown can be found at <http://www.state.gov/m/rls/2013/214880.htm>

Social Security Administration (SSA)

Social Security field offices are open with limited services. SSA, however, cannot issue new or replacement Social Security cards. CSU students that are being paid by CSU that require a Social Security Number will be unable to apply for one until the conclusion of the government shutdown. SSA's [Online Services](#) will remain open.

More information can be found at <http://ssa.gov/shutdown/>.

If you have any further questions or concerns, please do not hesitate to contact our office at oiip@csu.edu or 773-995-2582. Thanks in advance for your immediate attention to this pertinent information.