



Samantha Wolfe

Partner
303.295.8479
Denver
sdwolfe@hollandhart.com

How Does the Federal Government Shutdown Affect Immigration Agencies and Processes?

Insight — October 1, 2025

As of October 1, 2025, the federal government has officially shut down. While many immigration processes continue, certain programs and agencies are impacted. Below is an overview of how your immigration matters may be affected.

Shutdown Impact Overview

- Most USCIS filings and adjudications continue, but certain programs (E-Verify and Conrad 30) are suspended.
- Immigration courts are still operating for non-detained cases, a change from prior shutdowns.
- DOL processes are halted, which may cause delays in PERM, H-1B, H-2A, and H-2B filings.
- Border and consular operations generally continue, but with limited staff, applicants could face additional delays.

Executive Office for Immigration Review (EOIR)

Non-detained docket cases are currently proceeding as scheduled, which is a change from prior shutdowns when such cases were typically postponed. If any hearings are reset, the court should issue a new notice of hearing to the respondent or their representative.

U.S. Citizenship and Immigration Services (USCIS)

USCIS is primarily fee-funded, so most of its operations continue during a government shutdown. However, programs that rely on appropriated funds may be affected, including E-Verify, which is expected to be temporarily unavailable, though employers may continue to use the alternate I-9 remote document verification process; the Conrad 30 J-1 Waiver Program, which will be suspended; and the Special Immigrant Religious Workers Program, which sunset on September 30, 2025, unless it is extended.

In addition, because of the complications with the Department of Labor (outlined below), some non-immigrant and immigrant petitions will need to be placed on hold (e.g., H-1B petitions requiring Labor Condition Applications, H-2A and H-2B petitions requiring temporary labor certifications, and certain immigrant petitions that require permanent labor certifications or PERM). In past shutdowns, USCIS has also accepted late

I-129 filings when the shutdown was the primary reason for the delay.

U.S. Department of State (DOS)

Visa and passport operations are generally fee funded and will remain open during the shutdown; however, if a specific consular post does not have sufficient fee revenue to support operations, services may be scaled back to processing only diplomatic visas and emergency cases.

U.S. Customs and Border Protection (CBP)

Ports of entry remain open and inspections and passenger processing are continuing, though certain applications filed at the border may experience delays.

U.S. Immigration and Customs Enforcement (ICE)

Enforcement and Removal Operations (ERO) continue during the shutdown, with government attorneys focusing primarily on detained docket cases, while the Student and Exchange Visitor Program (SEVP) remains unaffected as it is fee-funded.

U.S. Department of Labor (DOL)

The Office of Foreign Labor Certification (OFLC) is closed during the shutdown and the FLAG system is offline. This will impact the submission and processing of PERM applications, prevailing wage requests, Labor Condition Applications (LCAs), and Temporary Employment Certifications (for H-2A and H-2B visas). Employers with approaching deadlines should closely track each case so that they can file once they are able to. The current lapse in operations may create complications for various non-immigrant visa filings (such as H-1B, E-3, H-1B1, and H-2A and H-2B visas) and also cause challenges for securing PERM employment-based green card processes, especially where individuals may be maxing out of their H-1B or L-1 maximum period of stay.

Congressional Constituent Services

Some congressional offices may close or reduce their services during the shutdown, so clients seeking assistance from their representatives should anticipate possible delays.

We will continue to monitor developments and provide updates as agencies issue further guidance.

Subscribe to get our Insights delivered to your inbox.

This publication is designed to provide general information on pertinent legal topics. The statements made are provided for educational purposes only. They do not constitute legal or financial advice nor do they

necessarily reflect the views of Holland & Hart LLP or any of its attorneys other than the author(s). This publication is not intended to create an attorney-client relationship between you and Holland & Hart LLP. Substantive changes in the law subsequent to the date of this publication might affect the analysis or commentary. Similarly, the analysis may differ depending on the jurisdiction or circumstances. If you have specific questions as to the application of the law to your activities, you should seek the advice of your legal counsel.