

INSIGHTS

Immigration Issues Included in the Omnibus Appropriation Bill

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Congress has agreed on the omnibus appropriations bill, which will provide discretionary funding for the government through the end of the fiscal year, September 30, 2016. The bill includes a number of immigration-related issues which were highly debated in the run-up to the bill's release. Some of these issues include:

- **Business Immigration:** The bill will extend the EB-5, Conrad 30, Special Immigrant Religious Workers, and E-Verify programs through the end of FY2016.

The **current draft of the EB-5 extension** contains a provision setting aside 6,000 of the 10,000 visas available per year under the program for certain designated projects (i.e., urban priority projects, projects in rural areas, and projects with a minimum \$1 million investment each receive 2,000 visas set aside). This provision would leave only 4,000 visas available for other investment projects which would drastically **increase the current wait time** for an EB-5 category green card.

The bill also includes the following changes to the currently expired H-1B/L-1 fees for companies with **more than 50 employees, that have 50% or more of their employees in H-1B or L-1 status**:

- A fee increase from \$2,250 to \$4,500 for L-1's for 50/50 companies;
- A fee increase from \$2,000 to \$4,000 for H-1B's for 50/50 companies;
- These fees must be paid on initial petitions as well as extensions;
- The new fees are authorized for ten years, running through September 30, 2025; and
- The funds generated by these fees will be split between the 9-11 programs and the Biometric Entry-Exit program.

The bill will also make certain changes to the **H-2B program** by providing:

- Use of private wage surveys;

- Definition of "seasonal" as ten months;
- Limitations on the Department of Labor's ability to implement some aspects of the interim final rule;
- Exempting H-2B returning workers from the 66,000 annual cap for FY2016; and
- Allowing flexibility for H-2B workers in the seafood industry regarding when they can start employment.
- **Visa Waiver Program:**The bill includes [*the House-passed bill reforming the Visa Waiver Program \(VWP\)*](#), which contains categorical exclusions for nationals of Syria, Iraq, Iran, and Sudan, as well as people who travel to those countries.
- **Refugees:**The bill does not contain [*proposals that harm, restrict, defund, or end the U.S. refugee program's resettlement of Syrian and Iraqi refugees*](#).
- **Detainers:**The bill does not include [*proposals that would defund or harm so-called "sanctuary" cities*](#).
- **DAPA/DACA:** The bill does not include proposals that would block the Administration from continuing the operation of original DACA or defending the DAPA or expanded DACA programs in the ongoing litigation.
- **Detention:** The bill does not include language mandating the detention for all noncitizens who fall under enforcement Priority 1 and Priority 2 set forth in [*DHS Secretary Johnson's November 20, 2014, memo*](#).

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