

## Immigration Issues Included in the Omnibus Appropriation Bill

December 18, 2015

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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