

Employment-based Immigration: 2015 Year in Review and 2016 Forecast

February 23, 2016

RELATED PRACTICES Immigration, Labor and Employment

[Download *Employment-based Immigration: 2015 Year in Review and 2016 Forecast*](#)

Immigration, particularly employment-based immigration, was a hot topic in the lead up to 2016's election-year fervor. This *2015 Year in Review and 2016 Forecast* highlights several key developments, including:

- The H-1B cap continues to be a challenge for employers and the foreign nationals they would like to employ, and recent legislation may make things even tougher.
- The United States Citizenship and Immigration Services (USCIS) issued long-awaited guidance in several key areas, including clarification of the standard for L-1B specialized knowledge cases, along with what it means for a job to be "same or similar" enough to allow a foreign national with a pending green card application to "port" the application to a new job.
- Congress extended the Immigrant Investor (EB-5) pilot program through September 30, 2016 without change despite strong support for changes to the minimum investment amounts and the Regional Center investment model.
- The Department of Justice's Office of Special Counsel for Immigration-Related Unfair Employment Practices continued its trend of increased activity, buoyed by its information sharing agreement with USCIS and the E-Verify program.

The *2015 Year in Review and 2016 Forecast* also highlights several issues we expect to see take center stage in 2016.

If you have any questions, please contact one of the attorneys listed below.