

What's In and What's Out of the Omnibus Spending Bill

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The omnibus spending bill has been passed and signed by President Donald Trump in time to avoid a government shutdown. From an immigration perspective, here is what is “in” and what is “out” for the rest of the 2018 fiscal year.

In:

- \$1.6 billion in funding for southern border fencing (but not the \$25 billion requested by the President for “the wall”);
- Funding for 328 additional CBP officers;
- Sanctuary cities were not defunded, so funding is in;
- Reauthorization of EB-5 Regional Center Program, E-Verify, the Non-ministerial Special Immigration Religious Worker Program, and the Conrad State 30 J-1 Waiver for physicians; and
- [H-2B visa relief](#)
 - Secretary of DHS has the discretion to raise the number of visas available for the fiscal year to 129,547 (from 66,000)
 - Employers may use private wage surveys
 - The 10-month work season is still in

- Flexibility for the seafood industry to stagger the entry of workers is still in

Out:

- DACA is not mentioned and is left in limbo;
- ICE must cut its detention beds; and
- The dairy industry lost the suspension of the “seasonal requirement” for H-2A visas.

At the last moment, Trump threatened to veto the bill because it did not include the wall funding and did not address the “dreamer” issue. During his signing announcement, the President expressed his unhappiness with the bill, but ultimately said he signed it as a matter of national security and to take care of the military.

Called on to speak about the bill, DHS Secretary Kirstjen Nielsen added that it was “unfortunate that Congress chose not to listen to the security on the front lines” about the wall. [She also noted she will continue to work with Congress](#) to “fund the department and give it the tools and resources it needs to execute the mission the American people have asked us to do.”

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