



# Strategic Employment-Based Immigration Planning for 2025: What Recent Talent Demand in the U.S. Means for Proactive Employers

Advance planning is key for future employment-based immigration needs. Employers should identify their hiring needs early and plan in advance for the best possible result.

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## About Us

ILBSG is a law firm focusing on U.S. Immigration and Global Mobility Services.

Our business is to understand yours - and your challenges. We are trusted for our successful representations, primarily in immigration, international arbitration, and contracts. Our clients consistently rate us highly, noting our strategic insights, attention to detail, and personal attentiveness.

With proprietary technology central to our processes, we deliver an efficient and personalized legal solution, enabling clients to access our services anytime, anywhere. Clients also see the status of each case anytime, in real-time.

Our organization is MSDC-certified minority-owned, ISO-9001 Quality Management System certified, and our attorneys are licensed to practice in the states of NY, CA, and IL. We are also licensed in the U.S. District Court for the Northern District of Illinois, U.S. District Court for the Southern District of California, U.S. Court of International Trade, U.S. Tax Court, and multiple foreign jurisdictions.

Our team speaks 11 languages and employs high levels of cultural sensitivity, always focused on the experience of the individual.

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While general hesitance about the state of the U.S. economy has been persistent over the last few years, immigration trends don't reflect those concerns. Further, a recent report from the ADP Research Institute showed 233,000 private sector jobs were added in October alone. As we gear up for the 2025 H-1B visa season, it is worth reflecting on the current market, the employment-based immigration landscape, what we learned in 2024, and how employers can be proactive in the year ahead.

## **Current Job Market**

Of the 233,000 private sector jobs added in October 2024, 31,000 were in technology. Another 53,000 were added in healthcare, with 37,000 added in construction in response to recent hurricanes. In a report from **CompTIA**, a non-profit tech industry association, there were 528,402 active job postings for technology-related positions listed last month. Most of the postings were for software development, engineering, IT project management, data analysis and data science, and emerging tech. Positions for database architects were up 10%, while network and computer systems administrators increased by 6%. These numbers signal strong demand for highly skilled tech workers, which is in line with this year's employment-based immigration trends.

In FY 2024, USCIS received 446,000 registrations for unique beneficiaries in the annual H-1B cap. For FY 2025 (which runs from 10/1/2024–09/30/2025), USCIS received 442,000 registrations from unique beneficiaries, signaling that demand for foreign, highly-skilled labor remains steady. The H-1B visa is the most used work visa and demand continues to outpace supply in a significant way. Each year, there are 65,000 new H-1B visas available with an additional 20,000 for those who hold a master's degree from a U.S. university. For the last four consecutive years, USCIS has received 300,000+ applications for those 85,000 available spots.

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Looking at employment-based immigration visa applications as whole (including all categories), there were 4.1 million applications in 2023. It is obvious that any economic concerns have not slowed down immigration visa demand among employers in any identifiable way. On the contrary, these numbers continue to grow. According to the Brookings Institution, the demand for U.S. employment-based visas is expected to exceed 7 million by 2030.

## **What We Learned from 2024**

Overall, in 2024 we saw a very favorable employment-based immigration climate. Approval ratings were high, denial rates were incredibly low, and processing times were manageable. For those who registered in the FY 2025 H-1B cap, which changed to a beneficiary-centric process (meaning if picked, a beneficiary could apply through any employer who had registered them), the selection rate came in around 29%. While that number may be discouraging to some, it's not surprising considering the high demand for these visas. Unless Congress acts to raise the annual cap limitation, we can expect selection rates to hover around 30% or less, based on previous years' data. Employers should plan accordingly and register sufficient prospective employees to account for the selection rate in order to meet their staffing needs.

Evidentiary requirements throughout 2024 have also been quite reasonable, with USCIS regularly approving H-1B petition without requests for further documentation. Looking at ILBSG data for H-1B cap cases, we experienced a straight approval rate in 2024 of around 76%, meaning USCIS approved the H-1B petitions without any further inquiry. The RFEs we did receive, if any, were simple one-issue RFEs (most commonly for education evaluations of foreign credentials) and the approvals were issued swiftly after response. In the absence of the restrictive 2010 & 2018 policy memos (which were struck down in 2020), USCIS can no longer require contracts and end client letters for IT workers placed on consulting projects at third party client sites. This has resulted in a process that is less cumbersome than in previous years and much more accessible for smaller employers.

## **Immigration Policy Considerations**

U.S. immigration policy, regardless of the recent election, is unpredictable. While we don't foresee any immediate action in this area of immigration law, employers should act now while the employment-based immigration landscape remains favorable. While we may see future changes to the H-1B lottery or further restrictions on the H-1B program in general, the current immigration landscape in this area is undeniably reasonable and employers should take advantage now, while the framework is still predictable.

## **How to Solidify Plans Now**

As we look ahead to 2025, employers should be proactive in their approach. High approval ratings and an overall positive immigration climate for employment-based immigration may result in increased demand for available visas. High rates of registration in the upcoming H-1B cap could result in a lower selection percentage. Employers should identify their hiring needs early and plan in advance for the best possible result.

While there are a limited number of new H-1B visas available each year, employers can take advantage of filing H-1B transfer petitions for eligible employees already in the U.S. looking to change employers, who are not subject to the annual cap.

For the upcoming H-1B cap, employers should be aware that the H-1B registration process now favors the prospective foreign employee. The foreign employee can register through multiple employers and, if selected, choose which company to file the H-1B petition through. This means that employers must be competitive to retain this highly sought-after talent. Running a seamless, organized, and transparent immigration program is critical to attracting and retaining foreign talent. Foreign employees want reassurance they are working with an experienced employer, who can help navigate the U.S. immigration processes with ease.



At ILBSG, we recommend that employers train hiring managers on visa processes, so that employees have a knowledgeable point of contact within the company to help guide them on these procedures, even if the company is working with a skilled immigration attorney. Particularly ahead of the H-1B visa cap season, making sure hiring managers are aware of the intricacies of the process and well-equipped to work with foreign talent on these matters is crucial to employee confidence.

## **Conclusion**

The current job market, when considered in light of U.S. immigration trends, reveals an important reality: U.S. employers need highly skilled foreign talent to meet their current hiring needs, and this demand is not likely to slow any time soon. To ensure the best possible results in 2025, U.S. employers should focus on strengthening their internal immigration programs, identifying their future hiring needs early on, and planning ahead to ensure a seamless H-1B cap season.

Proactive companies that work ahead to strengthen their global mobility programs and fine-tune their immigration processing will have a competitive advantage over other employers. Prospective employees want reassurance that their immigration status will be a priority. Experienced employees who offer transparency and a knowledgeable, experienced staff to help navigate these processes will be able to attract and retain this much needed talent.

At ILBSG, we're here to help. [Reach out to an ILBSG attorney](#) today to get the right advice.



**If you have questions about any employment-based visa, please reach out to an ILBSG attorney today.**

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