



December 2, 2020

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## Policy Alert

SUBJECT: Schedule A Designation

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to address Schedule A designations.

### Background

For many employment-based 2nd and 3rd preference (EB-2 and EB-3) petitions, the employer must obtain a labor certification from the U.S. Department of Labor (DOL) before filing an immigrant visa petition with USCIS. DOL, however, has predetermined that there are not sufficient U.S. workers who are able, willing, qualified, and available for certain occupations. For this reason, DOL has pre-certified certain occupations such that employers seeking to classify aliens in these occupations file both the labor certification application and petition with USCIS. These are known as Schedule A occupations. Currently, DOL has designated two groups of occupations under Schedule A: registered nurses and physical therapists (Group I) and aliens of exceptional ability (Group II). Officers adjudicating Schedule A cases apply DOL regulations when determining whether Schedule A designation is appropriate, and DHS regulations when adjudicating all other aspects of the petition.

This guidance, contained in Volume 6 of the Policy Manual, updates and replaces Chapter 22.2(b)(4) of the Adjudicator's Field Manual (AFM), as well as the AFM's related appendices, and related policy memoranda. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

### Policy Highlights

- Clarifies how DOL and USCIS eligibility requirements work together.
- Provides the prevailing wage determination and notice of filing process for Schedule A designation.
- Clarifies the evidentiary requirements to establish that the beneficiary's occupation and the beneficiary qualify for consideration under either Group I or Group II of Schedule A.

- Explains that the petitioner must also demonstrate that the position and the beneficiary meet USCIS requirements for the classification the petitioner seeks.

**Citation**

Volume 6: Immigrants, Part E, Employment-Based Immigration, Chapter 7, Schedule A Designation Petitions [[6 USCIS-PM E.7](#)].