



April 10, 2024

PA-2024-10

Policy Alert

SUBJECT: Clarifying the Term “Science or Art” for Schedule A, Group II Occupations

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to update the Schedule A, Group II definition of science or art to align with the U.S. Department of Labor (DOL) definition.

Background

For many employment-based 2nd and 3rd preference (EB-2 and EB-3) petitions, the employer must obtain a labor certification from DOL before filing an Immigrant Petition for Alien Workers ([Form I-140](#)) with USCIS.¹ For certain occupations, referred to as Schedule A occupations, DOL has predetermined that there are not sufficient U.S. workers who are able, willing, qualified, and available.² For these occupations, employers submit the labor certification directly to USCIS, bypassing DOL review. Currently, DOL has designated two groups of occupations under Schedule A. Group I includes registered nurses and physical therapists. Group II includes beneficiaries with exceptional ability in the sciences or arts (except performing arts). DOL defines a science or art as any field of knowledge or skill in which colleges and universities commonly offer specialized courses leading to a degree.³ A separate subset of Group II includes beneficiaries with exceptional ability in performing arts. Since USCIS considers DOL regulations when adjudicating Schedule A petitions, USCIS is now adding reference to DOL’s regulatory definition of science or art⁴ into USCIS’ policy to align with DOL.

This guidance, contained in Volume 6 of the Policy Manual, is effective immediately and applies to requests that are pending or filed on or after April 10, 2024. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

Policy Highlights

¹ See [INA 212\(a\)\(5\)](#).

² See [20 CFR 656.5](#).

³ See [20 CFR 656.5\(b\)\(1\)](#).

⁴ See [20 CFR 656.5\(b\)\(1\)](#).

- Clarifies that DOL, when designating Schedule A, Group II, defines science or art as any field of knowledge or skill with respect to which colleges and universities commonly offer specialized courses leading to a degree in the knowledge or skill.⁵
- Explains that, as with all adjudications, USCIS reviews both quantity and the quality of the evidence.⁶

Summary of Changes

Affected Section: Volume 6 > Part E > Chapter 7 > Section F > Subsection 2, Group II Occupations

- Revises first paragraph of italicized heading “Immigrants of Exceptional Ability in the Sciences or Arts” and first paragraph of italicized heading “Immigrants of Exceptional Ability in the Performing Arts.”

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

Citation

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

⁵ See [20 CFR 656.5\(b\)](#). The beneficiary, however, does not need to have studied at a college or university in order to qualify for Schedule A, Group II. See [20 CFR 656.5\(b\)\(1\)](#).

⁶ See *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010) (“[T]ruth is to be determined not by the quantity of evidence alone but by its quality.”).