



The Daily Dish

Schedule A Angst

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Admit it. You've been losing sleep over Schedule A. No, not the IRS Schedule A for itemized deductions. The Department of Labor's (DOL) Schedule A that lists the occupations facing a native-born worker shortage and, thus, are eligible for expedited immigration processing. Yes, *that* Schedule A has not been updated in over 30 years. What-the-labor-bureaucracy is going on here?

Let's back up. As nicely laid out in Isabella Hindley's [latest](#), the U.S. employer community is strapped for workers and increasingly interested in hiring well-qualified immigrants to fill open positions. As she points out: "To hire foreign workers, employers must first complete a permanent labor certification (PERM) which, due to its current one-year processing time, makes supplementing native-born labor with immigrants an unrealistic solution to the U.S. labor shortage."

A year is a long time. PERM *does* require employers to submit a significant amount of paperwork to DOL. "Employers must define the duties of the position, post multiple hiring notices to attempt to hire U.S. workers first, file forms detailing these efforts, and submit a prevailing wage request, which promises to pay the foreign worker the same wage as an American in the same role." Under normal conditions PERM takes a lot of time – 4 to 10 months in 2020 – and now it is even longer.

This brings us to the soon-to-be-infamous Schedule A. "The [Immigration and Nationality Act of 1965](#) established the list and gave DOL's secretary authority to revise it at 'any time upon his own initiative or upon a written petition of any person requesting the inclusion or omission of any occupation....'" Unfortunately, DOL has not updated Schedule A in over three decades, "so today only physical therapists, nurses, and immigrants with exceptional ability in the arts and sciences are listed as in-demand workers...." Terrific.

The real issue is that the entire immigration system is in deep need of an overhaul, and taking advantage of the economic contribution of immigrants should be at the heart of any effort. Unfortunately, immigration reform is proceeding at the pace of, well, updating Schedule A.