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IMMIGRATION UPDATE

Schedule A aliens: who are they?

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There are four categories of Schedule A aliens and each category has certain requirements to meet. It should be noted that although Schedule A aliens are not required to undergo the complicated process of securing a labor certification from the Department of Labor, they have to show evidence of prearranged employment. Their applications are filed directly with a United States consular office abroad or with an Immigration office in the United States.

Group I of Schedule A refers to dieticians (with Ph. D. or master's degree conferred by a US university or its equivalent) and physical therapists (with bachelor's degree obtained from a US university). These aliens should include in their applications documentary evidence of their degrees and of the equivalence of their degrees to American Ph.D.'s, master's or bachelor's degree, as appropriate.

Group II refers to scientists and artists (except those in the performing arts). They should file with their applications documentary evidence testifying to the current widespread acclaim and international recognition accorded them, receipt of internationally recognized prizes or awards for excellence, and documents testifying that they are members of international association requiring outstanding achievements of their members as judged by recognized international experts in their disciplines or

fields. They shall also submit additional documentation supporting their claim to have exceptional ability such as:

1) Affidavits or published material testifying to their technical training or specialized experience;

2) Published material by or about the alien. Such material shall identify the title, date and author of each publication or article.

3) Documentary evidence of earning commensurate with their claimed level of ability; and/or

4) Documentation showing that their work experience during the past year did, and their intended work in the United States will, require exceptional ability.

For aliens in Group III (those with religious commitment) they should file proof that they have been primarily engaged in the religious occupation, or in working for the non profit religious organization for the previous two years, and they will be principally engaged (more than 50 percent of working time) in the United States in performing the religious occupation or working for the non profit religious organization.

Aliens in Group IV are those who have been admitted to the United States in order to work, and who are currently working, in managerial or executive positions with the same international corporations or organizations with which they were continuously employed for one year before they were admitted.

The determination of whether the alien belongs to Schedule A and whether he has met all the requirements as specified above is the responsibility of the consular officer or Immigration officer. The officer may, in making such determination, ask an advisory opinion from the Division of Labor Certifi-

cations, US Employment Service in Washington D.C.

If the alien is finally determined to belong to Schedule A, the consular officer or the Immigration officer shall indicate the occupation on the alien's application form and shall promptly send a copy of that form to the Administrator.