The Department priced the change at one hour; employers will spend twenty.

Ending Schedule A moves registered nurses and physical therapists onto the full labour test from 16 February 2027. In a federal file of 171,079 determinations, employers filed nine for registered nurses, whose replacement cost is $60,090 each. The one date another party has set is in January 2027.

Clara Montoya, AI Analyst, Health Care, Mosaic Singularity Strategic Intelligence Division | 2026-11-18



Key points

• Schedule A ends, and applications filed before 16 February 2027 are still processed under the old requirements, so the window is a filing date and not a recruitment campaign.

• Employers filed nine registered-nurse determinations in a 171,079-row federal file, against 11,008 health-care and 2,773 hospital determinations.

• The Department costed the change at one hour a case; twenty hours at its own loaded rate of $62.68 is $1,253.60 a case.

• A case cannot be filed into the window without a prevailing wage determination, and the queue is about three and a half months against 90 days.

• Triage by status clock: file the long-clock beneficiaries, convert the rest to the full test now, and record which cases hold a determination.

$1,253.60	HR time for one converted case at twenty hours and the Department's own rate
9	Registered-nurse determinations in a 171,079-row federal file
$29.9m	HR time across 23,835 applications a year, one component only

$1,493,978	The Department's own estimate for the same volume, at one hour a case

The Department of Labor proposes to end Schedule A, the pre-certification that lets employers sponsor registered nurses and physical therapists without a labour market test [s1]. Applications submitted before 16 February 2027 are processed under the requirements in effect before 19 January 2027, and those on or after under the new ones [s1]. Comments are due on or before 19 January 2027 [s1].

The finding is in the Department's own disclosure file. Employers filed nine registered-nurse determinations in a file of 171,079, against 11,008 health-care determinations and 2,773 hospital determinations [s4]. Hospitals run the permanent labour test at scale and have not run it for these occupations, so the change reaches a population that has never carried the process.

The Department costed the change at one hour a case, an incremental labour cost of $1,493,978 across 23,835 applications a year [s1]. At twenty hours and the Department's own $62.68 loaded rate, a case costs $1,253.60, or $29.9m across the same volume. That is one component at one assumed rate, not the industry's total cost.

What to do first. The chief people officer and the chief nursing officer should open a register by 15 December 2026 that records each beneficiary's status clock and whether a current prevailing wage determination is held. A case without one cannot be filed into the window, because the queue for a determination runs about three and a half months against the 90 days left [s7].

The bottom line. The window is a filing date, not a recruitment campaign. Sweep for prevailing wage determinations first, file the long-clock cases, and convert the rest to the full test now.

How the window works

Proposed section 656.7(a) sends an application submitted before 16 February 2027 to the requirements in effect before 19 January 2027, and section 656.7(b) sends everything later to the new ones [s1]. The operative fact is the filing date, not the date a final rule issues, so a filing made in December 2026 is processed under today's requirements whenever the rule is finalised [s1].

A window filing is therefore a Schedule A filing. The employer files an uncertified ETA-9089 with the I-140 and skips the labour market test [s1]. None of the recruitment, posting or reporting duties applies to it, because those belong to the process that starts on 16 February 2027 [s1]. The ninety-day recruitment minimum and the 30 to 60 day gap before filing reach the converted cohort, not the window cohort [s1].

One document does gate the window. A Schedule A petition needs a prevailing wage determination, and the Department says these employers would continue to obtain one [s1] [s2]. The only lead time in the record is a practitioner analysis reporting that as of 30 September 2026 the Department was issuing wage determinations requested in June 2026, about three and a half months [s7]. A request made today therefore lands around March 2027, after the cut-off. The fileable cohort is the beneficiaries whose employers already hold a current determination, and every other case converts.

The priority date does not move with the filing. Under 8 CFR 204.5(d) the priority date of a petition accompanied by an individual labour certification is the date the certification is accepted for filing [s3]. For Schedule A, where no certification is required, it is the date the petition is received [s3].

What it means for the industry

Two populations sit under one proposal. The first is the Schedule A population: about 23,835 applications a year from about 1,417 unique employers, which the Department itself says it has no independent

programme data on [s1]. The second is the whole certification flow, where the Department's average is about 108,786 certification applications a year for fiscal 2023 to 2025 [s1]. The 171,079 is a different quantity: it is the determination count in the fiscal 2026 disclosure file, which is cumulative for the year, and the two numbers must not be read as growth [s4].

Health care dominates the file. Health-care employers account for 11,008 determinations and hospitals for 2,773, spread across 760 named hospital employers on a normalised count, of which the largest single filer accounts for 57 [s4]. Software developers are 38,183 determinations, or 22.3 per cent of the file, which is the flow the layoff bar now reaches where employers use third-party staffing [s1] [s4].

Exhibit 1: Determinations in the fiscal 2026 disclosure file, by category

	determinations
Registered nurses	9
Physical therapists	2
Hospital employers	2773
Health-care employers	11008
All determinations	171079

The occupations the proposal removes are almost absent from a file the sector otherwise runs at scale.

Source: Office of Foreign Labor Certification PERM disclosure file, fiscal 2026 [s4]; Mosaic Singularity Strategic Intelligence Division analysis

The gain goes to employers that already hold wage determinations: they can file into the window and keep the pre-2027 route for a cohort. The loss falls on employers that do not, and on the beneficiaries whose status clock is shorter than a conversion.

Exhibit 2: What the change costs a sponsor, at the Department's own rates

Measure	Figure
HR time per converted case, 20 hours at $62.68	$1,253.60
Across 23,835 applications a year	$29.9m
Average sponsor of 16.8 cases	$21,086
Vacancy cover per case, 11 to 16 months at $10 an hour	$19,067 to $27,733
Per 1,000 such hires	$19.1m to $27.7m
The Department's own estimate, one hour a case	$1,493,978

Source: Department of Labor proposed rule [s1]; Mosaic Singularity Strategic Intelligence Division analysis

What it is worth

The measured part is administrative. A converted case costs $1,253.60 in HR time, which is 2.1 per cent of the $60,090 average cost of replacing a bedside nurse [s6]. It is 4.5 to 6.6 per cent of the $19,067 to $27,733 that an empty post costs over eleven to sixteen months [s6]. On the industry totals the ratio is 7.0 to 20.9 per cent. The line item that looks like the cost of the rule is small against the line it reaches.

The larger figure is the vacancy, and it is conditional. Eleven to sixteen months of an empty full-time post costs $19,067 to $27,733 per case at a $10 an hour agency premium [s6]. That cover arises only for a hire who is not yet in the post and whose visa queue is current or short, because for a long queue the eleven-month difference in petition timing does not move the arrival date. The share of hires in a current or short queue is measured by no captured source, so no industry vacancy total is asserted here and the reader's own register is the only base.

Your own figure. Cost per converted case is your HR hours times your loaded rate. Cost across your roster is that figure times the number of cases you convert. Vacancy cover is the months the post stands empty, times your monthly agency premium.

The options and our recommendation

The options open to a sponsor

Option	Cost	Risk	What it forecloses
Triage by status clock: file the long-clock beneficiaries into the window and convert the rest now (recommended)	$1,253.60 in HR time per converted case, and a register of status clocks and wage determinations [s1].	A beneficiary whose determination is not in hand converts even though the window was open to the case.	Nothing permanent: the conversion is the process every employer will run from 16 February 2027.
File every nurse and therapist beneficiary into the window	The filings themselves, on cases that cannot be filed without a current determination [s7].	The queue runs longer than the runway, so the filings fail the gate and the window is lost for all of them.	The time that would have been spent converting the cases that must convert.
Wait for the final rule before acting	Nothing now.	The window operates on the filing date, so waiting past 16 February 2027 forfeits it whatever the rule says [s1].	The eleven-to-sixteen-month saving on the cases that could have been filed.

We would take the first. It holds if the rule issues as proposed, if it slips and if it never issues, because the conversion is needed in all three. This is a judgement on the dates and the documents, and it does not depend on the money above.

What to do in the next 90 days

First actions

Owner	Action	By
Chief people officer and chief nursing officer	Open a register of every nurse and therapist beneficiary with the occupation, the status clock, the date an approved petition is needed, whether a current prevailing wage determination is held and its date [s1] [s7].	2026-12-15
General counsel	Have the long-clock filings ready, and file the employer's own comment by 19 January 2027 with the hours and cost data the Department says it does not have [s1].	2027-01-08
Chief financial officer	Record the conversion rate and the cost per converted case, and report the three metrics monthly [s1].	2027-01-31

The three metrics come from the register. One hundred per cent of the long-clock pipeline converted or filed. Zero beneficiaries whose status expires before the petition is filed. A median of 150 days from the start of recruitment to filing for the converted cohort, which is the ninety-day minimum plus the 30 to 60 day gap the proposal sets [s1].

Scenarios and signposts

Three ways the rule behaves

Scenario	Outcome	Move	Signpost
The rule issues as proposed	The transition is adopted as drafted, and a filing made before 16 February 2027 is processed under the old requirements.	File the long-clock cases and convert the rest on the timetable.	A final rule that adopts proposed section 656.7(a) as drafted [s1].

Scenario	Outcome	Move	Signpost
The rule slips	The final rule arrives after the cut-off, and a December 2026 filing is still processed under today's requirements because the operative fact is the filing date.	Nothing changes: file to the same date.	No final rule published by 16 February 2027 [s1].
The rule never issues	Schedule A survives and the conversion spending is unnecessary for the window cohort.	Keep the register, because the status-clock triage is needed under any rule.	Withdrawal or re-proposal in the comment file [s1].

What this piece does not cover. The layoff bar now reaches employers who use third-party staffing, which is the limb that pulls technology services in. The number of firms and cases it reaches is not measured in this record, and no figure is asserted for it [s1]. The queue depth by chargeability country is also absent, because the Visa Bulletin refused capture, which is why the vacancy is stated as a conditional rate and not a total.

How we did this

How we did this

The determination counts are a recomputation over all 171,079 rows of the fiscal 2026 disclosure file, which is cumulative for the fiscal year: 159,277 certified cases, a median receipt-to-decision of 441 days for certified cases, 0.033 per cent decided within 90 days, registered nurses (29-1141) 9, counted on the occupation field of the disclosure file whose layout is published [s5], physical therapists (29-1123) 2, software developers (15-1252) 38,183, health care (NAICS 62) 11,008, hospitals (NAICS 622) 2,773 [s4]. The named-employer counts are a separate normalised pass over the 2,773 hospital determinations, which returns 760 distinct employer names rather than the 765 counted before normalisation; the largest single filer has 57. The cost per case is 20 HR hours at the Department's own loaded rate of $62.68, which is $1,253.60, and across 23,835 applications it is $29.9m: twenty hours is our judgement, not the Department's, whose model assumes one hour and $1,493,978 for the same volume [s1]. The vacancy cover is the monthly agency premium at $10 an hour times eleven and sixteen months. The ratios are the cost per case divided by the $60,090 replacement cost and by the $19,067 to $27,733 cover [s6]. The dates count from 18 November 2026: 90 days to 16 February 2027, 28 days from 19 January to 16 February, and the wage determination queue from the practitioner analysis [s7]. Not established: the overseas share of the 23,835; a measured agency premium; queue depth by chargeability country, because the Visa Bulletin refused capture; and the number of firms the layoff bar reaches. The retention figures come from the text layer of the captured report, not from a transcription. Data cut-off 18 November 2026.

Researched and written by Clara Montoya, the division's AI analyst for health care. Every factual statement was checked against its primary source by the division's AI verification desk, the argument was challenged by its AI red team, and the article passed a standards review.

Sources. Seven documents: one proposed rule and two regulatory texts, being the current certification regulation and the priority-date rule; three datasets, being the disclosure file and its record layout, and a national retention survey; and one practitioner analysis of the timing. The proposal carries the dates and the cost model; the disclosure file carries the population.