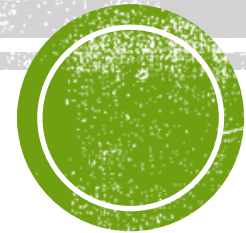


EB-2 / EB-3 “PERM” PROCESS FOR PERMANENT RESIDENCE

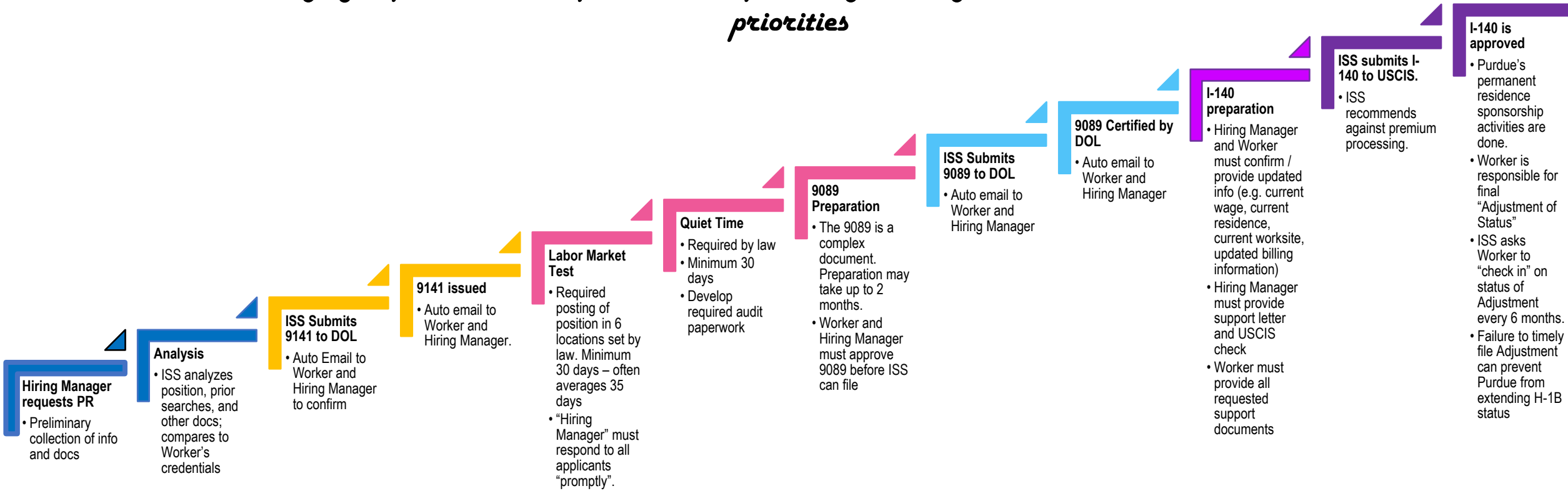
International Scholar Services

Purdue University





Timelines are largely dependent on responsiveness of Hiring Manager and Worker, and overall caseload and priorities



DEFINED TERMS

▪ **Permanent residence**

- Normally, foreign workers are presumed to be “temporary”. Their work “visas” (H-1B, etc.) have limits on them. For example, foreign workers normally may hold H-1B status only for 6 years.
- Permanent residence enables a foreign person to reside in the USA indefinitely. It also permits them to freely access the US Labor Market. It is documented by a “greencard”.
- You are reviewing this powerpoint because you or your Hiring Manager has indicated that permanent residence sponsorship is desired for an employee within the Department

▪ **Employment-Based**

- Permanent residence can be based on a familial relationship or an employment relationship. Purdue pursues permanent residence that is based on employment relationships. This is often abbreviated to “EB”

▪ **Preference Category**

- US law sets a hierarchy as to how much the USA “prefers” different kinds of foreign workers, as part of the permanent residence process
- The preference category is based on the minimum requirements for the position (Job Family and Career Stream) as set by HR and reflected in SuccessFactors
 - EB-2 is for positions where a master’s degree is the minimum education requirement
 - EB-3 is for positions where a bachelor’s degree is the minimum education requirement

▪ **Opportunity**

- The employment position that the foreign worker “will hold.”
 - The law views the “opportunity” as something that will exist in the future, once the greencard is issued.
 - The fact that the worker is employed now by Purdue in a remarkably similar role is a magical coincidence that the law considers irrelevant.
 - The permanent residence sponsorship process has nothing to do with the foreign worker’s current permission to work.

▪ **Worker**

- The foreign worker for whom permanent residence sponsorship is sought.
- Usually this is a current Purdue employee holding, for example, H-1B status.
- Some immigration classifications do not permit “immigrant intent” – the intention (by the foreign national) to immigrate (reside and work indefinitely in the USA). Examples are F and J status. Normally we move foreign nationals into an appropriate immigration classification as part of our preparation for permanent residence sponsorship.

STEP 1

- Analysis

OVERVIEW

- There are four steps to Purdue’s process for the “EB-2” permanent residence procedure:

Step		What is it	Validity / Deadline
1	Form 9141	<ul style="list-style-type: none"> Request for a formal wage determination from the DOL Sets the federal government’s view of the “occupational classification” and the “wage level” required for the opportunity 	<ul style="list-style-type: none"> Once issued, valid only through June 30 of the following government fiscal year (or, if issued in April or later, valid for 90 days) 9089 must be filed during the validity of the 9141
2	LMT	<ul style="list-style-type: none"> Labor Market Test <ul style="list-style-type: none"> A test of the US Labor Market – done by posting notice of the opportunity in a variety of places, as set by law Quiet Time <ul style="list-style-type: none"> By law, a period of time when no posting may appear anywhere 	<ul style="list-style-type: none"> Labor Market Test <ul style="list-style-type: none"> No less than 30 days No more than 6 months 9089 must be filed within 6 months of the first recruitment effort Quiet Time <ul style="list-style-type: none"> No less than 30 days
3	Form 9089	<ul style="list-style-type: none"> Request for certification (approval) of the employer’s submission that they have an opportunity for which there is no qualified American Worker ready willing and available to accept the opportunity The employer must attest to the details and results of the Labor Market Test 	<ul style="list-style-type: none"> 9089 must be filed <ul style="list-style-type: none"> During the validity of the 9141 Within 6 months of the start of the Labor Market Test <ul style="list-style-type: none"> Once the Quiet Time ends Before the beginning of the foreign worker’s final year of H-1B eligibility Once approved, valid for 6 months. The I-140 must be filed during the validity of the 9089
4	Form I-140	<ul style="list-style-type: none"> Request for approval by the USCIS of the employer’s petition Must include the certified 9089 Must include documentation verifying the foreign worker’s qualifications 	<ul style="list-style-type: none"> Does not expire
	Form I-485	<ul style="list-style-type: none"> Individual application to change from a temporary immigration classification to permanent resident status (greencard). A separate application must be filed by the foreign worker and each family member 	<ul style="list-style-type: none"> The law creates a bottleneck in the permanent residence process by creating limits to the number of immigrants who may be approved each year, based on <ul style="list-style-type: none"> The “preference category” of the permanent residence procedure, and The country of birth of the immigrant (foreign worker)

STEP 1

- 9141

1. FORM 9141 - BACKGROUND

- The US permanent residence process, and this 9141 form, is based on
 - A specific known worksite address
 - A permanent decision by a department to telecommute must be specifically built into the form using specific legal language
 - A position that involves a significant amount of travel also must be reflected in the opportunity using specific legal language
 - A specific level of education as the minimum education level *required*
 - Searches that do not list a level of education, or are open to the level of education, are problematic
- The Form 9141 request includes all the details of the opportunity including the minimum education, training, experience and other requirements, the duties, and other terms
 - ISS will begin this analysis based on the Job Family and Career Stream set by HR and reflected in SuccessFactors
 - If a department wants to list a level of education or duration of experience that is different from that set for the position (based on its Job Family and Career Stream), the department must work with HR to reclassify the position
 - Additional clarifications of the base requirements may be provided. ISS will work with the department to develop these.
- The Form 9141 is a request for a formal wage determination from the DOL
 - Sets the federal government's view of the "occupational classification" and the "wage level" required for the opportunity
 - The law requires the employer to agree to pay whatever this wage is, based on the occupation and level, once the greencard is issued
 - USCIS procedures mandate Purdue to also demonstrate during the H-1B extension process and I-140 petition process that this is in fact the wage the foreign worker is receiving at the time of each of those filings.

REQUIRED DOCUMENTS


A. Dept provides (via upload to My.iSS eform)

- Position Description / Job Details / prior ads/postings / Five Core Duties
- Offer Letter

B. Worker provides (via upload to My.iSS eform)

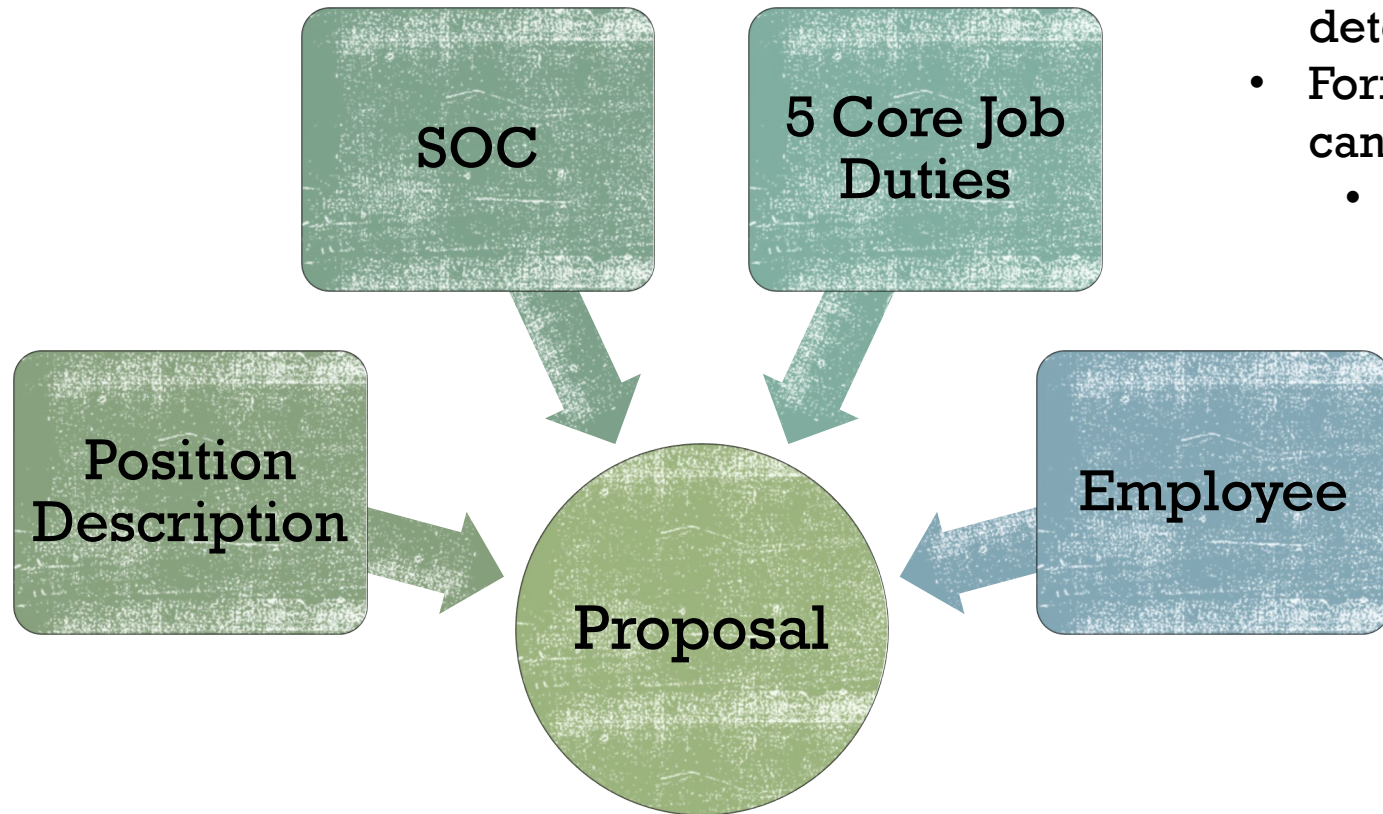
- Education documents
- CV
- Publications (if any)
- Certifications, licenses (if any)
- Career Details eforms
- Passport, immigration paperwork
- Accompanying family information

FORM 9141 — ACTION

- ISS
 - Begins with
 - A list of five core duties provided by the department, and
 - The SuccessFactors' Job Family and Career Stream requirements for education and experience
 - Adds to this base
 - The Standard Occupational Classification we want to use for the permanent residence process
 - A consideration of the Worker's qualifications as an example of how 'minimum competency in the role' has previously been demonstrated
 - (But WITHOUT tailoring the proposal to the Worker's unique professional circumstances)
- From this, ISS develops a proposal for the position for the
 - Job duties
 - Education Requirement
 - Training, Experience and other Special Skills and Requirements

The "Proposal" for the Opportunity
- The hiring manager must approve the proposal before the process moves forward
- None of the listed elements of the opportunity in this summary can change, at any point prior to the issuance of the greencard
 - The I-140 must "matchy-match" the 9089, which must "matchy-match" the 9141
 - A change in any detail potentially destroys the jigsaw puzzle

DEVELOPING THE PROPOSAL



Proposal

- Feeds the 9141 which determines the SOC which determines the wage
- Forms the base for the filters through which candidates are evaluated
 - ‘minimally qualified workers’
 - Do they have the education
 - Do they have the other requirements (exp, tech, tools, lang)
 - “Can they otherwise perform the duties of the role after a reasonable period of on the job training”
 - Is your workflow too busy to accommodate training
 - Are there costs involved with training that cannot be supported
 - Is the consequence of error too big to be supported

WHEN DEVELOPING THE 5 CORE JOB DUTIES...

- Hiring managers should ask the following questions

- Is the element rationally connected to the duties?

- Requiring Japanese language skills from an electrical engineering

- Is the duration of training, experience or other qualification reasonably connected to the attainment of the requisite level of skill

- Requiring 11 years of postdoctoral experience for an entry-level position

- Is the element a meaningful filter? Are there applicants who might satisfy the other elements and yet not be able to satisfy this element?

- For example: Requiring a Bachelor's Degree in Computer Engineering and then also asking for 3 months experience in C programming

- Is the element “fluff”? Or it is listed to create an environment that might be unattractive to some candidates?

- “Must be able to prioritize and manage heavy workloads, and to work evenings and weekends as needed”

- Is the element measurable at all? If the applicant says they have this skill and you say they do not – which might prove which of you is accurate?

- “Distinguished academic record”

If the answer to any of the above questions is “no” then the hiring manager should probably think about eliminating the element

- Is the element (and its duration) truly required for minimum competency in the role?

- If yes, then it likely needs to be listed

FORM 9141 — ACTION

- Once approved
 - ISS will submit these requirements to the DOL on the Form 9141
 - These elements are how applicants responding to the Labor Market Test may be evaluated
 - With respect to each listed requirement:
 - Does the applicant satisfy each requirement, exactly as it is presented
 - If not, could the applicant otherwise be minimally competent at the duties of the position
 - If not, could the applicant become minimally competent through a reasonable period of on-the-job training
- **The DOL takes up to 8+ months to process 9141 requests**

STEP 2

- Labor Market Test
- Posting of Notice

2. THE LABOR MARKET TEST - BACKGROUND

- Determines whether there are qualified workers available in the labor market who are ready and willing to accept the opportunity
 - We place ads that describe the opportunity with enough detail so that anyone who might be qualified and interested would be able to tell the opportunity exists
 - Ensure the ads appear often enough and in locations that are likely to be seen by qualified workers
- The education, training and experience requirements set in the 9141 form the basis for the evaluation of applicants who respond during the Labor Market Test
 - An applicant may be rejected **ONLY** if
 - They fail to satisfy the requirements, *and*
 - We can document that they would not be minimally competent at the duties of the role after a reasonable period of on the job training
 - ISS will provide a checklist to you to assist during the Labor Market Test for the evaluation of applicants
- **This is not a recruitment campaign** (although it looks like one)
 - The foreign worker need not apply
 - A requisition need not be opened
 - The foreign worker does not need a new offer
- If an applicant applies who meets the minimum requirements, then we have “failed” the Labor Market Test
 - We cannot file the 9089
 - Nothing happens to the foreign worker’s current employment. Remember: permanent residence sponsorship is all about a future opportunity and has nothing to do with the position that the foreign worker now holds.
 - The law does not limit the employer in whether a new Labor Market Test may be undertaken. In general, we recommend waiting 6 months at least before beginning again, if this is what the department wants to do.

THE LABOR MARKET TEST – THE ADS

- The content of the ads is determined by regulation. ISS will structure the ads in our order to the advertising vendor.

Description	Locations
<ul style="list-style-type: none">✓ Employer Name✓ Location✓ Job title✓ Requirements✓ Special conditions (travel, relocation, night shift, etc.)	<ul style="list-style-type: none">✓ 30-day posting in Indiana CareerConnect✓ Two Sunday newspapers (Lafayette Journal & Courier)✓ Three other locations from choices below (<i>ISS chooses</i>)<ul style="list-style-type: none"><input type="checkbox"/> Radio ads<input type="checkbox"/> Campus Placement Office<input type="checkbox"/> Job Search Website<input type="checkbox"/> Local Paper (Lafayette Leader)

THE LABOR MARKET TEST - BEGINNING

- The Department must provide to ISS the generic email address where applicants may submit their materials
 - [Dept]jobs@purdue.edu)
- ISS will draft the advertisement, including the instructions for applying (to the email address provided) and share with the Department for approval.
- The Department must identify a “Hiring Manager” to coordinate the review of applicants, should there be any
 - Usually the Hiring Manager is the Worker’s supervisor or manager
 - The Hiring Manager must be available to ISS at all times during the Labor Market Test (i.e. 60 days)
 - If the Hiring Manager has plans to be away from the office during the Labor Market Test, then s/he must appoint someone else to serve as the Hiring Manager for this stage; this person must have subject matter expertise about the role and the office, to be able to provide meaningful feedback about applicants.
- ISS partners with external agency to schedule all required postings
 - ISS will submit the advertisement with instructions to the agency
 - The agency will issue an invoice (“Quote”) via email with a link for credit card payment. The payment must be received in full before the ads are posted. ISS forwards the email with the link to the Department for payment. The Department must confirm with ISS when the payment is received.
 - The agency then will post the ads as required by law, providing copies of all postings to ISS
 - The Department is responsible for timely monitoring the applications, reviewing them, and providing evaluations to ISS
- The Labor Market Test concludes when
 - The Quiet Time has passed (see Slide 7) *and*
 - The Dept no longer is receiving applications
- ISS will draft for the Department a Recruitment Report. The Department must review for accuracy and, if accurate, sign and return the Report to ISS.

REVIEWING APPLICATIONS

- ISS provides an “Evaluation Checklist” to the Hiring Manager
 - As applicants submit their materials, the Hiring Manager must timely review the applications and evaluate whether they are minimally qualified.
 - DOL considers a “timely” review to be within 3 business days of application
- Evaluation of Applicants
 - Hiring Manager provides to the ISS Counselor assigned to the case
 - The Evaluation checklist
 - The applicant’s CV or resume
 - Any other materials submitted by the Applicant
 - ISS may decide that a telephone interview is required to assess whether the applicant is “minimally qualified”. If so –
 - The Dept will schedule the telephone interview
 - ISS will sit in on the interview silently, to ensure prohibited questions are not asked
 - The goal of the interview is solely to evaluate whether the applicant meets the minimum requirements of the position, as set forth in the ad. The Hiring Manager must use a Checklist to evaluate applicants.
- The Checklist lists the criteria that may be used by the Hiring Department in its evaluations of applicants. No other criteria may be used.
 - The Checklist will include only those elements listed in the ad (which parallel the requirements listed in the 9141 Application and the 9089 Application)
 - The law prohibits the employer from considering any other elements in evaluating applicants during a Labor Market Test
 - This is not a normal recruitment where you are looking for the “best fit”
 - This is a Labor Market Test where you are identifying whether the American Labor Market comprises minimally qualified workers who would be available for the job, thereby removing the need to hire a foreign worker
- There are three possible determinations for any listed element
 - Yes (the applicant satisfies this element)
 - No (the application materials clearly document that the applicant does not satisfy this element)
 - Not apparent (the application materials do not provide enough information to assess this element)
 - If the applicant’s satisfaction of a required element is “not apparent” a telephone interview or other communication will be required to positively confirm or refuse the applicant’s eligibility for the position

THE LABOR MARKET TEST - OUTCOMES

- The international employee (the Worker) cannot be involved in any part of the Labor Market Test
 - From the moment it begins until the moment it is ended, the employee cannot ask about the status, applicants, or any other aspect of the Labor Market Test
 - ISS will advise the employee once the Labor Market Test is complete and what the outcome is

Possible Outcomes	Comment
There are no applicant(s)	This is acceptable. In the current economy, this is increasingly normal
There are applicant(s), but they clearly are not minimally qualified	This is acceptable, but must be documented carefully
There are applicant(s) who appeared <i>potentially</i> to be minimally qualified, but telephone interview or other communication confirmed that they were not minimally qualified	This is acceptable, but must be documented carefully
There are applicant(s) who appear to be minimally qualified. Telephone interview and/or other communications have not been able to eliminate this/these applicant(s)	The Labor Market Test concludes. The permanent residence process cannot continue. The law prohibits the “permanent” employment of a foreign worker where American workers are available. The law does <i>not</i> require the department to hire the applicants identified by the Labor Market Test, though, so the foreign worker may continue to work on the temporary work authorization already approved (H-1B, etc.). The law does not prohibit the department from trying again, if it chooses. If this is desired, then Purdue policy requires a 6-month wait before a new Labor Market Test may be initiated.

PROVIDING NOTICE

- The Department must physically post notice of the department's intention to sponsor permanent residence for a foreign worker in connection with the opportunity
 - The law requires that the posting occur at the physical worksite
 - Unfortunately, the law is old and (unlike H-1B regulations) does not accommodate situations where the worker might telecommute or otherwise not have a fixed campus worksite address
 - PISA will coordinate the physically posting of the notice for no less than 10 business days. We cannot file the 9089 without a copy of the actual posted notice in our records. DOL will deny the application if they believe posting did not occur.
 - We recommend also posting notice electronically because the campus is not fully back to "on site presence" for all workers
 - ISS will facilitate the electronic posting
- The notice is not intended as a means of recruiting potentially qualified workers
 - It is intended to alert American workers to the employer's intention to sponsor a foreign worker for permanent residence
 - If an American worker believes that
 - the employer is not representing the opportunity honestly or
 - there are minimally qualified American workers available who are being rejected by the employerthe notice provides information about which DOL office the American worker should contact
- The law tightly defines what must be included in the notice
 - For Basic PERM cases, this includes the high and low end of the pay band associated with the Job Family / Career Stream associated with the position

STEP 3. FORM 9089

3. FORM 9089

- The Form 9089 is a legal summary of
 - The opportunity
 - The wage determination issued by the DOL previously
 - The Labor Market Test
 - The foreign worker's qualifications
 - Other details about the employer and the general terms and conditions of employment
- The Form 9089 is a 14+ page government form that seeks to reduce the opportunity and the foreign worker to a series of checkboxes.
 - Both the Hiring Manager and the foreign worker must review and approve this application to ensure that we are describing the opportunity and the foreign worker's credentials accurately.
- The Form 9089 is filed electronically
 - Nothing is filed in support of the application.
 - However, the law mandates that we maintain an audit file containing certain documents by no later than the date of filing.
 - In ~30% of cases, the DOL issues an audit notice
 - In these cases, we have 30 days from the date the notice was issued to provide all audit documents to the DOL
 - ISS will not file the 9089 until we have every audit document in our files

STEP 4. FORM I-140

4. FORM I-140

- This is the final step in the process *for Purdue*
 - The foreign worker still has a step to complete
- A petition by Purdue on behalf of the foreign worker, asking for USCIS approval that
 - The opportunity is available, and
 - The foreign worker is qualified
- Documentation of all of the legal elements must be provided
 - The certified 9089, to show
 - There are no qualified American workers...
 - The minimum requirements for the opportunity
 - A summary of the foreign worker's qualifications
 - A Department Support Letter, to confirm that the position is offered
 - A letter from Purdue's finance offer, to show that Purdue has the financial ability to pay the proffered wage,
 - Documentation of the foreign worker's qualifications
 - Documentation of education
 - Documentation of experience
 - Documentation of every other element mentioned in the 9141
- During adjudication, the USCIS confirms the preference category applicable to the Immigrant (which is what the foreign worker now may be called)
 - We almost always file within EB-2
 - We occasionally file within EB-3

AFTER THE I-140

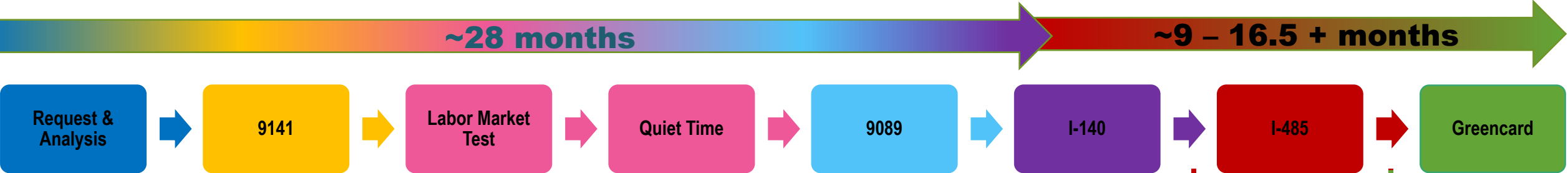
SUMMARY TO THIS POINT



FORM I-485

- Is an individual request to change from an immigration classification (H-1B) to permanent resident status
 - Must be filed by each person wanting a greencard
- Eligibility for approval is based on individual circumstances
 - Everything related to the employment is in the I-140
 - The I-485 is solely focused on the individual applicant
 - Health
 - Criminal History
 - International / National activity / travel
 - Etc.
- Purdue policy prohibits direct involvement in the I-485
 - ISS cannot assist applicants.
 - We do not prepare the I-485 for anyone. That being said, we do offer general guidance about reliable resources, and an overview of what is involved in the application
 - Purdue departments cannot directly pay for any costs associated with the I-485 process for any employee or their accompanying family member
 - Departments may reimburse individuals for their fees if they choose
- I-485s are increasingly complicated
 - The US immigration environment is more complex all the time
 - There have been reversals, and reversals of reversals, of the procedures involved in I-485s throughout 2020, yielding the potential for significant confusion as to what is required
 - USCIS adjudications are increasingly antagonistic
 - A personal interview occurs at the end where the individual who is being interviewed is responsible for that which was submitted
- We ***strongly*** recommend Purdue employees hire a qualified immigration attorney for the I-485 stage.

REVISED SUMMARY TO THIS POINT



When this happens is in part up to the foreign worker
Purdue is not involved, although we are interested.

Occasionally, there is a gap in time between approval of the I-485 and the issuance of the greencard itself.
When the greencard is issued is outside of everyone's control.
It is largely subject to USCIS processing timelines.

BACKLOGS AND BOTTLENECKS

- The minimum time, as shown on slide 3, for Purdue to complete our permanent residence sponsorship tasks, is between 2 and 3 years.
- USCIS processing times for I-485s is between 9 and 29.5 months
 - Sometimes the USCIS processing of the I-485 can begin as soon as the I-140 is filed
 - Sometimes the USCIS processing for I-485s is delayed
 - In between the Purdue steps and the filing of the I-485 application by the foreign worker is a potential bottleneck, that may prevent the foreign worker from being able to file the I-485 for a period of time
 - This bottleneck is called a “Priority Date”



PRIORITY DATES

Preference Category	“All Other”	China	India
EB-2			
EB-3			

- The law limits the number of foreign workers who may receive an employment-based greencard
 - The limit does not apply to their accompanying family members
 - The limit is based on the government fiscal year, which goes from October to September each year
- The limit is based on the foreign worker’s
 - Employment-based preference category
 - EB-2 – where the opportunity requires a master’s degree or higher
 - EB-2 – where the opportunity requires a bachelor’s degree or higher
 - Country of Birth
 - Called a Country of Chargeability
- The limits are controlled by a concept called “Priority Date”
 - This is the date the employer filed the first formal step for permanent residence for *this* foreign worker
 - Form EB-2 and EB-3 = **the date the Form 9089 is filed with the DOL**

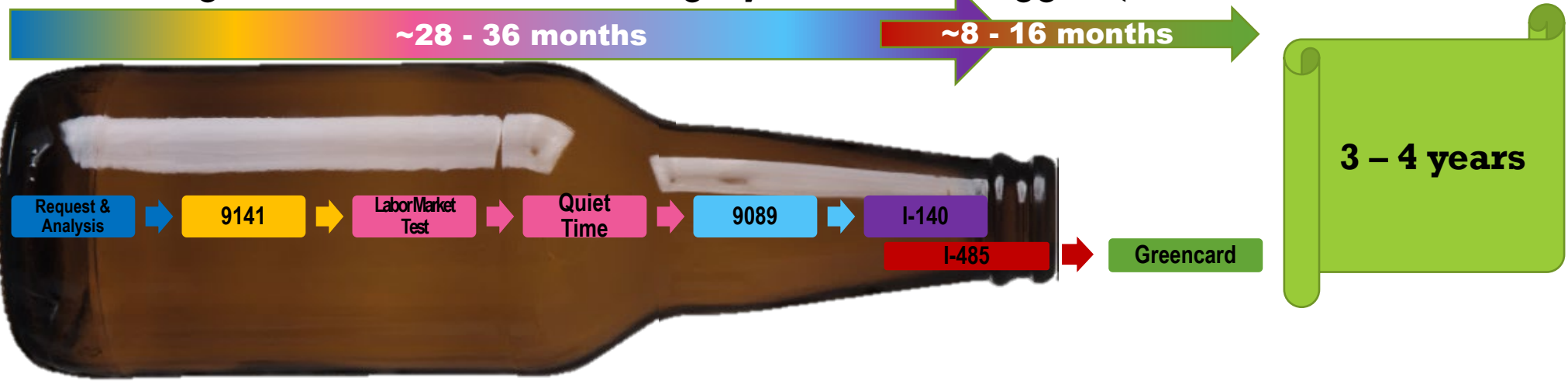
PRIORITY DATES

Preference Category	“All Other”	China	India
EB-2	C	01JAN16	08JUL09
EB-3	01APR19	15FEB17	01OCT09

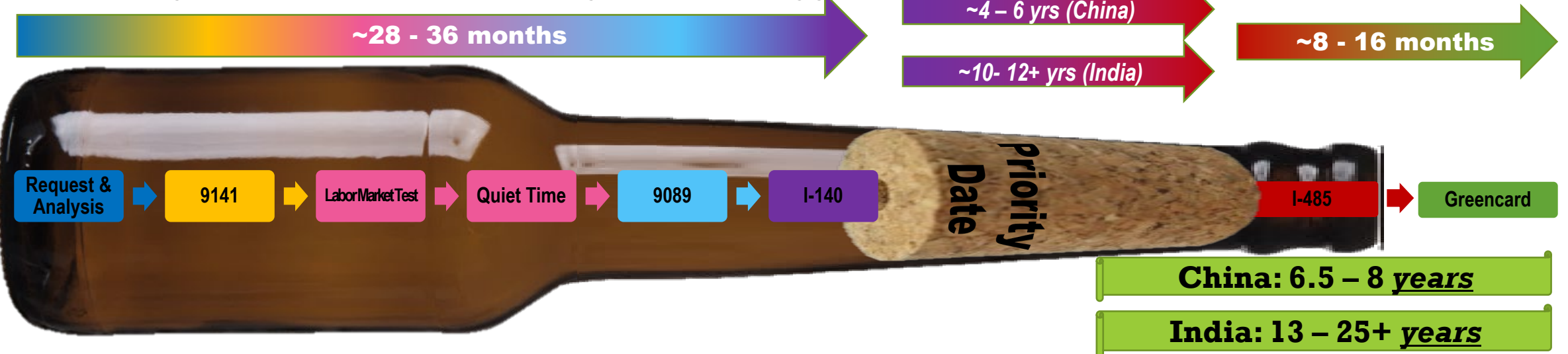
- For historical reasons, the agency that controls Priority Dates is the US Department of State (“DOS”)
 - Not the Department of Homeland Security or the USCIS or any other agency that makes sense
- The DOS publishes a summary of the Priority Dates each month called a “Visa Bulletin”
 - An excerpt is shown to the left, from the Visa Bulletin for September 2020
- The Visa Bulletin is organized along the following elements
 - The immigrant preference categories (EB-1, EB-2, EBb-3...)
 - The countries for which backlogs exist (China, India and others)
 - “All Other” refers to any country *other* than one of the listed backlogged countries
- Priorities Dates may be
 - C = current which means there is no backlog
 - U means unavailable which means no one is able to file anything
 - Or a specific date
 - This is listed as a “floodgate” to encourage s controlled body of applicants to submit their I-485s
- Each month, the published Priority Dates may move
 - Forward, allowing more people to file their I-485 applications, or
 - Backward, reducing the number of people who may file
- Significant backlogs have developed for foreign workers born in China or India
- The foreign worker’s Priority Date must
 - The same or earlier than the posted date, or
 - the Category/Country must be “C” for “current”
- And this must be true at TWO points in time
 - When they file the I-485, and
 - When the I-485 is approved and the USCIS wants to issue the greencard
- When ISS files the I-140 petition for a worker:
 - If their preference category is not backlogged, then they may also file their I-485 (once we receive the I-140 receipt from the USCIS)
 - If their preference category is backlogged, then the foreign worker must wait to file the I-485

IMPACT OF PRIORITY DATES

- If the foreign worker's Preference Category is NOT backlogged (the worker was NOT born in China or India)



- If the foreign worker's Preference Category is backlogged



IMPACT ON PRIORITY DATES

- A foreign worker's eligibility for H-1B classification is normally 6 years
 - It will take longer than 6 years for foreign workers from China or India to receive a greencard
 - Workers born in China: 6 – 8 years
 - Workers born in India: 13 – 25 years
 - Sometimes Purdue departments begin the permanent residence process for a foreign worker when there is not 2 -3 year remaining in their eligibility for H-1B status
- The law permits employers to extend a worker's H-1B status *beyond* 6 years if
 - The priority date for the worker's Purdue-sponsored permanent residence process is *earlier* that the date on which the worker begins their sixth year of H-1B status, or
 - We have an approved I-140 petition but there is a “per country” backlog preventing the worker from filing their I-485 adjustment application
- ISS strongly recommends that the H-1B “work visa” is extended at all times until the foreign worker receives their greencard

CONCLUSION

“BASIC” LABOR CERTIFICATION

Question	Answer
Who leads the PR Process	International Scholar Services
Cost	<p>\$7,000 - \$8,000</p> <ul style="list-style-type: none">• See ISS Fees online “Permanent Residence for Staff who do not Teach (“EB-2 PERM”)• Labor Market Test: \$4,000+• US government filing fee = \$700
Who Pays	<ul style="list-style-type: none">• The law prohibits the employee from paying any portion of the costs associated with employer portion of the permanent residence process, through to the approval of the I-140 petition.• Purdue policy prohibits Department payment of the worker’s costs associated with the final step of the process, called the I-485 application.
Timeline	<ul style="list-style-type: none">• 28 – 36 months <i>on average</i>• Can be done more quickly if necessary, depending on circumstances
Risks	<ul style="list-style-type: none">• Labor market<ul style="list-style-type: none">• Are there comparable workers “out there”• Balance between requirements and wages<ul style="list-style-type: none">• Government wage data is inaccurate and tends to be higher than offered in reality• Reducing position requirements may lower the required wage rate but increases the potential candidate pool

OVERVIEW OF TASKS

Analysis	9141	Labor Market Test + Quiet Time	9089	9089 certified	I-140	I-140 Approval
<ul style="list-style-type: none"> • Dept provides <ul style="list-style-type: none"> • Position Description / Job Details / prior ads/postings • Offer Letter • Worker provides <ul style="list-style-type: none"> • Education documents • CV • Publications (if any) • Certifications, licenses (if any) • Longform Career E-form (online) • Passport, immigration paperwork • Accompanying family information • ISS completes spreadsheet mapping Worker qualifications to position requirements 	<ul style="list-style-type: none"> • ISS <ul style="list-style-type: none"> • File 9141 with DOL • Begins developing 9089 • Worker and Department develop employment verification letters • Dept posts 9089 “NOF” (Notice of Filing) 	<ul style="list-style-type: none"> • <u>Labor Market Test</u> <ul style="list-style-type: none"> • ISS places advertising order with Agency • Dept <ul style="list-style-type: none"> • Monitors ads, responses • Provides timely evaluations of applicants to ISS for review • Telephone interviews as needed • Develops final PERM paperwork • <u>Quiet Time</u> <ul style="list-style-type: none"> • ISS <ul style="list-style-type: none"> • Finalizes 9089 • Shares with Worker and Dept for comment 	<ul style="list-style-type: none"> • ISS <ul style="list-style-type: none"> • Files 9089 with DOL • Begins to develop I-140 • Worker <ul style="list-style-type: none"> • Submits I-140 Update eform • Uploads any new documentation to Connect.ISS • Dept provides <ul style="list-style-type: none"> • USCIS check(s) • USCIS I-140 Support Letter • New account number for Fedex 	<ul style="list-style-type: none"> • Electronic copy only • ISS signs • Worker Signs 	<ul style="list-style-type: none"> • ISS files with USCIS • Monitors for approval 	<ul style="list-style-type: none"> • ISS responsibility is done • Worker <ul style="list-style-type: none"> • Is responsible for filing I-485 bundle • Must provide updates to ISS as requested • Must provide receipts for I-485 when filed

WHAT HAPPENS NEXT

- ISS' involvement in this permanent residence process will last about 3 years, with three different layers of government processing
 - An auto email will confirm the submission of paperwork to a government agency, each time this occurs
 - If time passes and you have not heard an update it probably is because nothing has happened (this is the ultimate “hurry-up-and-wait-so-you-can-hurry-up-and-wait-again” process)
 - We will never file a 9089 without obtaining both foreign worker and Department input/approval
 - ISS offers a “Overview of Purdue-Sponsored Permanent Residence” and “Overview of I-485 Adjustment” at the beginning of each Fall and Spring semester

QUESTIONS?

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