



West Virginia University

(All Campuses)

Permanent Residency Flowchart

EB-2/EB-3 Non-Teaching: Second/Third Preference Category

IMPORTANT

1. Please note that this process can only begin after a foreign national has been appropriately hired through the University's employment process. For more information on the University's employment process please go to <http://employmentservices.hr.wvu.edu/oeoaa>
2. Sponsorship for Permanent Residency is contingent upon meeting established job performance standards, and an expectation of continued funding. Sponsorship efforts may be suspended or terminated if employee fails to meet established job performance standards and/or if the funding for the position is eliminated.

PRE-SCREENING

ISSS sends an email to the hiring department (HD)/Immigration Liaison (IL) asking for a summary of the search conducted in order to assess whether the search is compliant with the U.S. Department of Labor regulations governing permanent residency sponsorship for **non-teaching positions**. If compliant, ISSS initiates the process. If not compliant, ISSS will work with the HD/IL to initiate a NEW search process.

(4 weeks)



STEP 1 – LABOR CERTIFICATION (ETA 9089)

- a) ISSS sends HD/IL case initiation email to HD/IL and FN. The HD/IL and the Foreign National (FN) are to gather and submit the supporting documentation to ISSS (4 weeks) – **ORIGINAL search can only be used within 180 days of first recruitment effort date.**
- b) ISSS will file and obtain a prevailing wage from the U.S. Department of Labor/DOL (3 ½ months)
- c) Once ALL documentation is gathered/completed, ISSS will prepare and file the Labor Certification (ETA 9089) with the DOL (2 months)
- d) DOL processing time for Labor Certifications is currently 3 months (if application is selected for an audit, the audit processing time is currently about a year)



STEP 2 – IMMIGRANT VISA PETITION (I-140)

- a) Once the Labor Certification (LC) has been approved by the DOL, ISSS will send I-140 case initiation email to the HD/IL and FN. The HD/IL and the Foreign National (FN) are to gather and submit the supporting documentation to ISSS (2 weeks)
- b) Once ALL documentation is gathered/completed, ISSS will prepare and file the I-140 petition with U.S. Citizenship and Immigration Services (USCIS) (4 weeks)
- c) USCIS processing time for I-140 applications is currently 3-4 months (Expedited USCIS processing for additional fee: 15 business days + 15 additional days if USCIS issues Request for Evidence)



STEP 3 – ADJUSTMENT OF STATUS (I-485)

- a) FN is eligible to prepare and file their I-485 (green card application) at the same time WVU files the I-140 **OR** FN is ineligible to file their green card application concurrently with the I-140 and FN will need to monitor the monthly visa bulletin issued by the U.S. Department of State for their immigrant visa number to become available
- b) Once FN has submitted their I-485 application, s/he must also participate in an interview scheduled by USCIS
- c) I-485 adjudication times vary and can be monitored at <https://egov.uscis.gov/cris/processTimesDisplayInIt.do>

Oversight Committee for the Employment of Foreign Nationals

Any issues that might impact the normal process will be presented to the Immigration Committee for review and determination