

Permanent Residence for Staff

International Scholar Services
Purdue University

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.

Permanent Residence for Staff

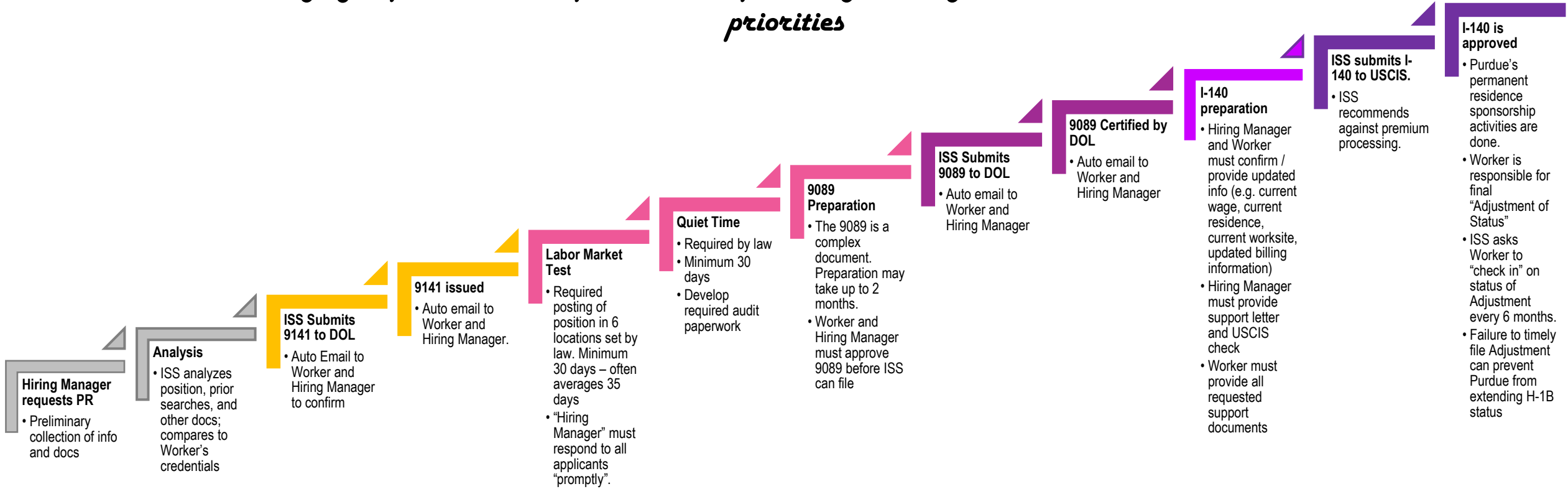
- As background, US law has
 - a “basic” permanent residence process, and
 - Specific pre-set “exceptions” to that basic permanent residence process
 - For individuals who engage in teaching or instruction at the university level, or
 - For individuals who have significant accomplishments and impact in research
 - Documentation of which is beyond that of most of their peers, or
 - Which address specific national targets or programs, especially in STEM areas
- At Purdue, we evaluate individuals to see first whether they fit within an exception
 - And if an exception is not available, then we pursue the “basic” process
- This powerpoint outlines the basic permanent residence process
 - This specific, default, basic process also is called “PERM”

Basic Permanent Residence takes a long time



Dependent on Queue

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



4 Steps to the PERM Process

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 Purdue does not assist with this, and cannot reimburse these costs/expenses 	<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

From Intake to submission of the 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 begins this analysis using
 - Job Family and Career Stream set by HR and reflected in SuccessFactors
 - Position Description
 - “5 Core Duties” as provided by the supervisor to ISS (via MyISS eform)
- If a department wants to list in the PERM paperwork a level of education or duration of experience that is different from that required 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.
 - This is not necessary if the PD includes the target education level within it (for example, as a preference)
- The Form 9141 is a request for a formal wage determination from the DOL
 - This submission 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.
- The end result is a description of “The Opportunity” – the duties, requirements and other details that are specific to this PERM request but perhaps not word-for-word what the original position description states
 - The specific wording of the Opportunity is then repeated (word-for-word) in each government filing, and in the Labor Market Test
 - Variation of wording cannot occur as it can lead to delays in processing and/or denials
 - Please see Slide __ about promotions during permanent residence processing

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

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 programming
 - Is the element "fluff"?
 - "Must be able to prioritize and manage heavy workloads"
 - "Must have excellent communication skills"
 - 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"
 - "Collegiality is a requirement"

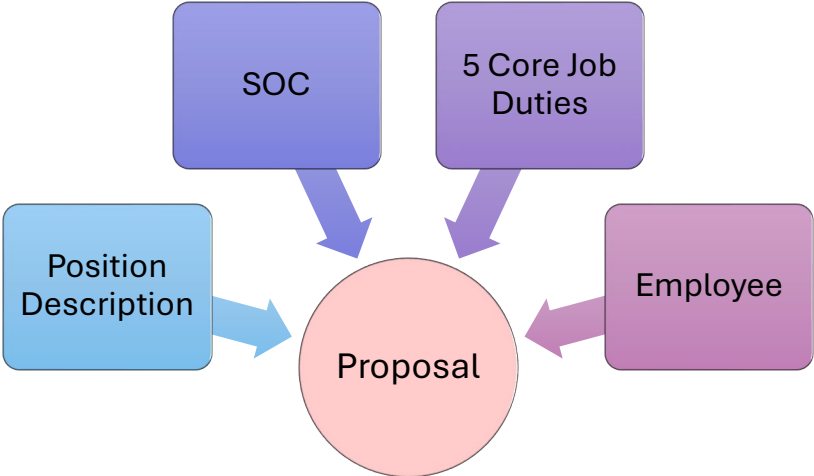
If the answer to any of the above questions is "no" then the hiring manager should probably think about eliminating the element

- Is the element (and its duration) truly required for minimum competency in the role?
 - In other words, if an applicant lacks this element, there is no possible way the applicant could perform the Opportunity?
 - If yes, then this element likely needs to be listed

Form 9141 – Analysis

- ISS' work...
 - Begins only once we receive all the details from the Supervisor and Foreign Worker
- We then also reference
 - 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
- The Foreign Worker
 - Must have qualifications that satisfy those stated requirements
 - AND satisfy them *from the moment they began working at Purdue*
 - DOL prohibits reliance on experience qualifications gained with the sponsoring employer in a substantially similar position
 - Such experience is comparable to "on the job training" that US workers also are entitled to
 - Qualifications cannot "Double Dip"
 - If an experience, activity or credential satisfies the education element of the requirements, it cannot ALSO satisfy an experience element
- We therefore also have the Foreign Worker complete a spreadsheet that maps their qualifications against our tentative draft of the details for the opportunity

The Proposal

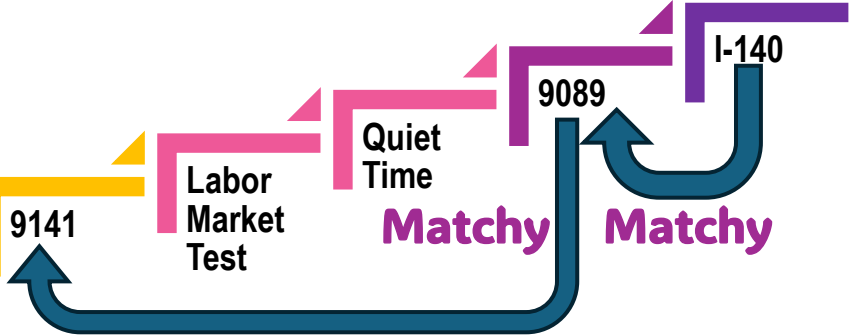


- From this, ISS develops a proposal for the position for the
 - Job duties
 - Education Requirement
 - Training, Experience and other Special Skills and Requirements

} The “Proposal”

- The hiring manager must approve the proposal before the process moves forward

- None of the listed elements of the opportunity in this Proposal 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



The Proposal versus the Applicants to the LMT

- The second step in the PERM process is a Labor Market Test
 - An actual “mini” recruitment effort
 - The Proposal becomes the filters through which applicants are evaluated
- Standard is whether an applicant is a ‘minimally qualified workers’
 - The law is not concerned with whether the US worker is better qualified than the foreign worker – only whether the US worker is minimally qualified.
 - Do they have
 - The minimum education
 - The minimum other requirements (experience, technology, tools, other skills)
 - “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

Submission of the 1st Step to the Government

- Once the Proposal is approved
 - ISS will submit these requirements to the US Dept of Labor (DOL) on a Form 9141 Request form
 - This is an electronic submission through the DOL “FLAG” we application
- The DOL is increasingly non-transparent about its processing times
 - Currently is posting only the number of cases that are at certain stages without context of what that means
 - We are seeing actual processing times between 6 months and 12 months

Step 2

Labor Market Test

Posting of Notice

Background - Labor Market Test

- 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
 - Where ads are placed and what is listed in each ad is set by regulation
- 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 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 Foreign 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

The Labor Market Test – The Ads

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 Journal & Courier)✓ Purdue Career pages<ul style="list-style-type: none">▪ Pursuant to recent case law / guidance from the US Dept of Justice

The Labor Market Test

- Applications are received through SuccessFactors, from the Purdue Career listing
- ISS will draft the advertisement, including the instructions for applying and share with the Dept for approval
- The Dept 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. ~75 days)
 - If the Hiring Manager has plans to be away from the office during the Labor Market Test, then they 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 order for the advertisements to the agency
 - The agency will issue an invoice (“Quote”) via email with a link for credit card payment.
 - Most media companies are dramatically increasing the prices associated with the kinds of advertising mandated by PERM regulation, as it is a “captive” audience.
 - Depending on the length of the Proposal, advertising is likely to range between \$4,000 and \$6,000
 - ISS forwards the email with the link to the Dept for payment.
 - The payment must be received in full before the ads are posted.
 - The Dept must confirm with ISS when it submits the payment to the vendor.
 - The agency then will post the ads as required by law, providing copies of all postings to ISS
 - The Dept is responsible for
 - Alerting ISS that applicant(s) have applied to the LMT
 - Timely reviewing all applicants, 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 Dt a Recruitment Report.
 - The Dept 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
 - 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 adThe Hiring Manager must use a Checklist to evaluate applicants.
- The Checklist lists the criteria that may be used by the Hiring Dept in its evaluations of applicants.
 - ***No other criteria may be used.***
 - The Checklist includes only those elements listed in the ad (which parallel the requirements of the Proposal)
 - 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

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 <u>not</u> 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
 - The Dept must 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.
- 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 PERM cases, the notice must include wage details
 - ISS 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

- Once the LMT is complete, we can finalize and submit the Form 9089
- The Form 9089 is filed electronically using the same DOL web-based portal
 - Nothing is filed in support of the application
 - BUT, the law requires 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 all audit documents in our files
- 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 17+ page government form that seeks to reduce the opportunity and the foreign worker to a series of checkboxes.
 - The foreign worker must review and approve the “Appendix A” that summarizes their qualifications
 - The rest of the form is legal gobbledey-gook

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
- This is a petition by Purdue on behalf of the foreign worker, asking for USCIS approval that
 - There is a 'permanent' opportunity is available to foreign workers, 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 (positions that require bachelor's degrees)

After the I-140

Summary to this point

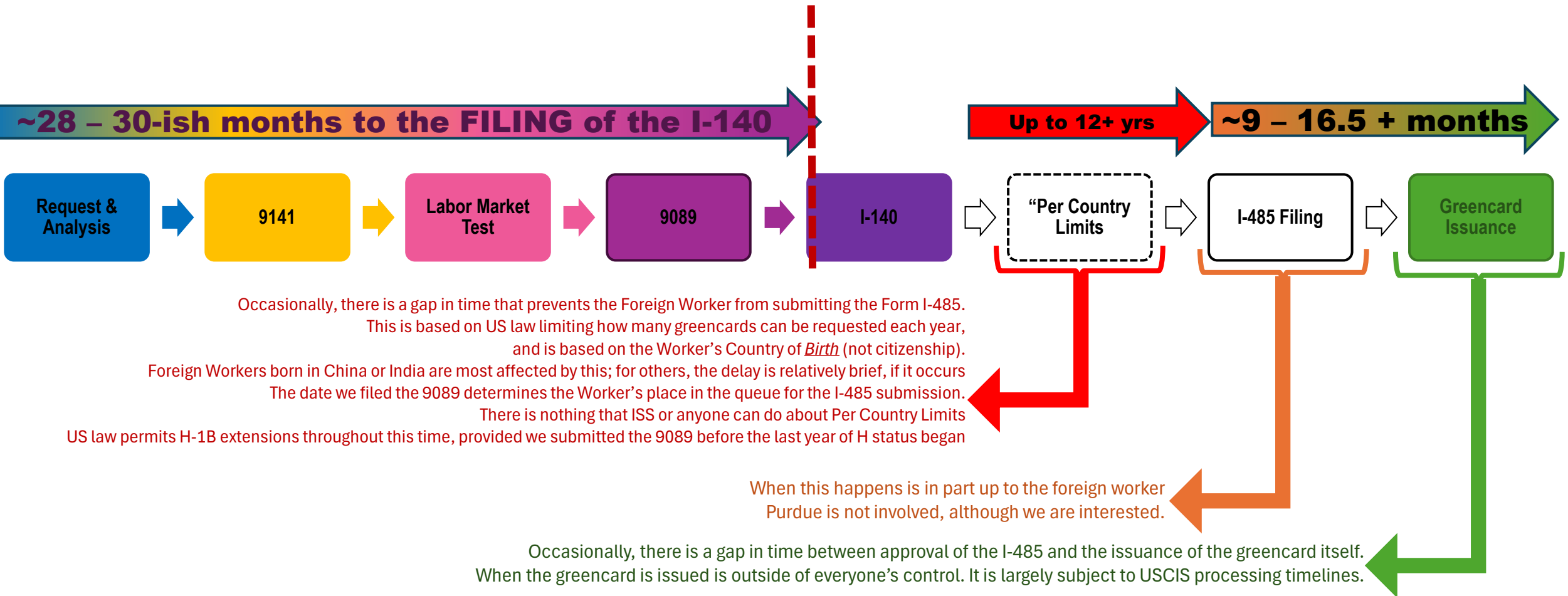
~28 – 30-ish months to the FILING of the I-140



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
 - The Foreign Worker must file this for themselves
 - Each of their accompany family members must also file this
- Eligibility for approval of the I-485 is based on individual circumstances
 - The I-485 is not related to the proposed permanent employment
 - 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
- 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



Priority Dates

Preference Category	“All Other”	China	India
EB-2	15MAR23	22MAR20	15JUL12
EB-3	01NOV22	01APR20	22NOV12

- 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
- Priority 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 encourages a 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 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>\$10,000+</p> <ul style="list-style-type: none">• ISS Fee: See ISS Fees online “Permanent Residence for Staff who do not Teach (“EB-2 PERM”)• Labor Market Test: \$4,000 - \$6,000+• 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">• ~36 months <i>on average</i>
Risks	<ul style="list-style-type: none">• Labor market<ul style="list-style-type: none">• There comparable workers “out there” that the LMT finds• 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 •Position Description / Job Details / prior ads/postings •5 Core Duties •Offer Letter •Worker provides •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 •Proposal for approval by Dept 	<ul style="list-style-type: none"> •ISS •File 9141 with DOL 	<ul style="list-style-type: none"> •Labor Market Test •ISS places advertising order with Agency •Dept •Monitors ads, responses •Provides timely evaluations of applicants to ISS for review •Telephone interviews as needed •Develops final PERM paperwork •Dept posts 9089 “NOF” (Notice of Filing) •Quiet Time •ISS •Finalizes 9089 •Shares with Worker and Dept for comment 	<ul style="list-style-type: none"> •ISS •Files 9089 with DOL 	<ul style="list-style-type: none"> •Electronic copy only •ISS signs •Worker Signs •ISS •works with Worker to develop employment verification letters •develops I-140 •Worker •Submits I-140 Update eform •Uploads any new documentation to Connect.ISS •Dept provides •USCIS check(s) •USCIS I-140 Support Letter •New account number for Fedex 	<ul style="list-style-type: none"> •ISS files with USCIS •Monitors for approval 	<ul style="list-style-type: none"> •ISS responsibility is done •Worker •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 the foreign worker review of Appendix A

Questions?

Amanda Thompson
Director, International Scholar Services
thomp557@purdue.edu