



West Virginia University
(All Campuses)



Permanent Resident Visa Flowchart
EB-2/EB-3 (Non-Teaching): Second/Third Preference Category

IMPORTANT

1. Please note that this process can only begin after an employee has been appropriately hired through the University's employment process. For more information on the University's employment process please go to <http://diversity.wvu.edu/aa-co/search-procedure>
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 an employee fails to meet established job performance standards and/or if funding for the position is eliminated.

EB-2/EB-3 Non-Teaching Criteria

OISS sends an e-mail to the Hiring Department, with a copy to the Immigration Liaison that details the EB-2/EB-3 Non-Teaching Criteria.



First Meeting

OISS schedules the first meeting with the Hiring Department & Employee to discuss the criteria and the search and selection process.
(Within 2 Weeks)



STEP 1 – LABOR CERTIFICATION (ETA 9089)

OISS will send information to the Hiring Department to initiate the process. The Hiring Department and the Employee will be asked to gather supporting documentation **(within 4 weeks)**. OISS will determine if the original search for the position meets PERM guidelines (original search can only be used if **within 180 days** from the candidate selection date). If not, OISS will work with the Hiring Department to initiate a NEW search process, consistent with the University's search guidelines, as well as PERM guidelines. The Hiring Department will also be asked to work with OISS to determine the prevailing wage for the position. Once all documentation is gathered/completed, OISS will prepare and file the Labor Certification (ETA 9089) with the Department of Labor **(within 2 months)**.
Internal Preparation Process will take normally 4 months (for a qualifying search) or 7 months (for a new search).



STEP 2 – IMMIGRANT VISA PETITION (I-140)

Once an approval is received from the Department of Labor, OISS will work with the Hiring Department to develop the immigrant visa petition support letter. **Within 2 weeks**, the hiring department should submit the support letter. OISS will also prepare the Immigrant Visa Petition (I-140) and file the petition with the USCIS Service Center.



STEP 3 – ADJUSTMENT OF STATUS (I-485)

Concurrently with the work performed on the immigrant visa petition, OISS will also be working with the employee on their adjustment of status documentation **(within 2 weeks)**. If an immigrant visa is available for the employee, OISS will file the Adjustment of Status Petition (I-485) concurrently with the immigrant visa petition. If an immigrant visa is not available for the employee, OISS will work with the employee to file the adjustment of status petition at a later date.

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.