

## Steps to Permanent Resident Status (Green Card) NON-TEACHING POSITION

- I. Department initiates recruitment for full-time, permanent position and
  - A. **Sends [Position Data Sheet](#)** to OISS to initiate PERM Prevailing Wage Determination from Department of Labor
  - B. **Advertises the position.** *Note: The Department of Labor will require that the Department provide copies of all ads as they appeared in publication (paper or online) as well as providing dates of publication (or of posting period, if online).* Each ad **must indicate:** (1) position, title, and brief description; (2) name of employer; and (3) means for obtaining further information about application for this position. If a wage or wage scale is included in the ad, the wage or lower end of the scale indicated **must meet or be more than** the PERM prevailing wage as determined by the Department of Labor. At a minimum, advertising must include:
    1. print ads in two consecutive Sunday editions of the *Santa Barbara News-Press*
    2. posting for 32 days on State Workforce Agency (CalJobs) through Human Resources
    3. at least 2 web ads (make printouts from date posted and date taken down)
    4. at least one additional journal, web, listserv, or trade publication
- II. OISS returns PERM Prevailing Wage Determination from Department of Labor (currently taking about 2 months).
- III. **If Selectee is the ONLY qualified applicant and is a foreign national**, Department checks with OISS related to planning and timing of the Labor Certification Application and securing temporary permission to work while Labor Certification is pending. As soon as possible, Department gathers materials for the Labor Certification Document Packet and:
  - A. Department posts a [Notice of Application for Alien Employment Certification](#) form in two physical locations in the department for 10 working days and on department website for 32 days  
**NOTE: this must be done while PERM Prevailing Wage Determination is valid and the salary indicated must meet or exceed the prevailing wage.**  
Department Chair/Director completes bottom portion of notices after posting period is complete.
  - B. As soon as postings are taken down, Department submits the completed Labor Certification [Document Packet](#) (including notices) to OISS.
- IV. Upon receipt of the Labor Certification Document Packet, **OISS prepares Labor Certification Application** (Department of Labor form ETA 9089)
  - A. OISS provides draft of application for department and selectee to review and amend as necessary
  - B. After the ETA 9089 is finalized, OISS will obtain the selectee's signature on page 8 of ETA 9089).
  - C. OISS submits signed ETA 9089 form to the Department of Labor. **NOTE: the ETA 9089 must be submitted within 6 months of the date of the initial advertising for the position (regardless of intended begin date for employment) or the Labor Certification cannot be filed.**

V. **Department determines employment begin date** and contacts OISS to initiate temporary permission to work. NOTE: Because PERM Prevailing Wage Determinations are only valid for a limited time, the Department may need to request a second Prevailing Wage Determination. This is not uncommon.

VI. **Department of Labor notifies OISS of Labor Certification** decision (hopefully approval) approximately 8 months from submission of the Labor Certification Application. OISS will notify Department of the DOL action. OISS meets with selectee to obtain his/her signature on the Labor Certification Approval Document and works with employee to gather materials for the I-140 Application Packet and I-485 Green Card Petition(s).

VII. **OISS prepares the I-140 form** (petition for green card sponsorship based upon Labor Certification approval) to be signed by Department Chair/Director (as designated by Academic Personnel memo in Labor Certification packet).

VIII. Department returns the following to OISS:

- A. Department-signed form I-140 (black ink only),
- B. I-140 fee (check payable to *Department of Homeland Security*), and
- C. **Financial Officer's Statement** (copies of selectee's last 3 paychecks attached) if now employed at UCSB **FEES (subject to change):** and the following green card fees are fully or partially covered by the Department: The I-140 fee (\$700); I-485 Green Card Application (\$1225.00 per application, payable to Department of Homeland Security; Green card medical clearance (about \$350.00 per applicant (not covered by insurance) payable directly to the immigration-designated physician).

IX. OISS sends completed I-140 Application Packet to the Department of Homeland Security. NOTE: This must be done within 6 months of Labor Certification approval or the approval becomes invalid.

**FAMILY MEMBERS:** Selectee's immediate family members may apply concurrently for green cards, or may wait to apply at a later date.