

H-1B/PERM FAQ

1. Acronyms & Abbreviations

PERM - Program Electronic Review Management process

LCA – Labor Condition Application

PR – Permanent Residency

H-1B – Non-immigrant visa for Specialty (Professional) Workers

I-9 – Employment Eligibility Verification form

DOL – Department of Labor

DHS – Department of Homeland Security

USCIS – United States Citizenship & Immigration Services

TWC – Texas Workforce Commission

HR – Human Resources

OISS – Office of International Students & Scholars

2. Is PERM and Permanent Residency the same thing?

No, PERM is part of the process for applying for Permanent Residency based on employer sponsorship. Permanent Residency is an immigration status and it may be achieved through different means (family-based, employer sponsorship, self-sponsorship, etc).

3. Can departments have employees pay back the university for PERM processing if they do not stay a specific length of time?

No, the PERM costs that the employer is responsible for can *only* be paid for by the employer.

4. Can the department ask the applicant to indirectly pay the cost of filing?

No, Rice must incur the costs for advertisement, recruitment, filing, and legal fees.

5. What is the cost of processing an H-1B?

Approximately \$2500 – where \$500 of it is the anti-fraud fee that must be paid for by department. The remaining balance may be paid for on a cost-share basis by the employee and the department.

6. Does the department have to pay the H-1B \$500 fraud fee per filing?

Yes, it is paid per filing (i.e. H1B 3 years + 3 years; the department would have to pay it twice)

7. If departments are responsible for the costs involved with processing H-1B's and PERM permanent residency applications, where are those funds supposed to come from?

It is advisable to speak with your Dean's office about funding for H-1B and PERM applications, as departments will need to build these funds into their budgets.

- 8. How would I know if the applicant needs an H1B sponsorship?**
After recruitment, interviews and near selection would you be able determine if the applicant would need H1B sponsorship. Also, keep in mind that there is a question on RiceWorks application that indicates if an applicant needs sponsorship.
- 9. When does the H-1B or PERM processing start?**
The process for an H-1B or PERM may start after an offer has been made, however the department should already be talking to OISS about the different visa options when considering the hiring of foreign nationals.
- 10. How long does the H-1B process take?**
New H-1B visa processing can take 3 – 6 months for processing (3 – 4 weeks, if premium processing is used). A current H-1B visa holder at a different employer may be able to use the “H-1B visa portability” to begin working at Rice very quickly – this process only takes about 2 weeks.
- 11. When do you change to Permanent Residency while on an H-1B visa?**
An individual may begin the Permanent Residency process at any time while on an H-1B visa, however it is strongly recommended that the different Permanent Residency options be examined by the 4th or 5th year on H-1B at the latest.
- 12. How long do you have to be on the H1B visa in order to begin the PERM process?**
Merely one day; since H1B has dual immigrant intent.
- 13. When processing PERM, do I have to hire a more qualified candidate if one is found during the labor market testing?**
No, the new candidate does not have to be hired in place of the current employee. However, the current employee’s PERM process must stop as it would no longer meet the requirements of PERM. Other visa options and permanent residency options would have to be pursued instead.
- 14. During PERM, can an employee continue to work prior to the Permanent Residency (“green card”) approval?**
Yes – discussions with the attorney will determine the best way to continue work eligibility during the Permanent Residency process.
- 15. Is an employee of Rice University eligible to keep their Permanent Resident status if they should leave Rice?**
Yes, their PR status is not restricted to their employment at Rice.
- 16. How long does the PERM and Permanent Residency process take?**
The time is variable depending on the type of employment and the employment based category of the application. The immigration attorney can advise on the specifics of each case, but the process can take from 2 to 6+ years.

17. What is the visa of choice prior to applying for PERM?

H1B is usually the visa of choice, because it provides the dual intent options.

18. Is there any way to expedite the PERM process?

No, premium processing is only an option for the H1B visa applicants.

19. Will the job description posting notices be mailed to Human Resources?

Yes, according to the new process HR will receive the approved description and in turn post the position in two different locations.