H-1B Extension for Staff
(including Researchers)

At approximately 8 months prior to the end date of an H- 1B visa, the department must determine if they want to renew the staff member's H- 1B visa allowing him/her to continue work in the same job and work status.

Is H-1B to be renewed

NO → Department confirms with staff member that employment will end at the time of H-1B expiration date.

YES ↓

Department finalizes details with employee/applicant re: fees/costs and who will pay what expenses. *Costs may be paid by individual or the university.*

Department notifies Human Resources of need to continue sponsorship for H-1B by sending "Approval to Initiate or Extend H-1B Visa Application for Faculty & Staff" form signed by chair/head along with current job description from RICEWorks to the Director of Recruitment.

HR reviews job description and confirms that most recent job description is being submitted to immigration attorney's office.

HR contacts immigration attorney's office (copies OISS) and informs them of need to continue sponsorship of H-1B for Staff member. HR emails job description and tells them who will be departmental contact for fee agreement and any additional information. *NOTE: Utilization of firms that have not been pre-approved need to be cleared through the General Counsel's Office.*

Immigration attorney's office contacts departmental contact and Staff member to discuss H-1B extension process and costs.

Immigration attorney's office has employee/applicant complete information sheet and document check list.

Employee/applicant completes forms and returns to immigration attorney's office.

Immigration attorney's office obtains "prevailing wage" for job from the Texas Worksource.

Immigration attorney's office prepares and then emails the *Initiated* Labor Condition Application (LCA) along with the Notice of Filing LCA to HR for review/approval.

Upon HR review/approval, Notice of Filing LCA is placed in 2 locations within Rice's Campus (HR office & Ley Student Center) for 10 business days and HR proceeds to e-mail the immigration attorney's office immediately after posting to confirm that the posting period has begun.

HR Forwards the "Export Control I-129 Compliance" Form to sponsoring department.

Hiring supervisor will fill out the form and sign it. The form will also be reviewed and signed by dept. chair and dean of school.

The completed "Export Control I-129 Compliance" form is sent to the Office of Sponsored Research.

OSR will complete the form based on how the questions were answered by the dept. and sign it.

OSR will send the form back to HR. The form will attest to Part 6 of the I-129 form and without it any H-1B paperwork that is submitted to United States Customs & Immigration Services (USCIS) will be placed on hold.

Immigration attorney's office certifies the LCA electronically through the Dept. of Labor's iCert program, finalizes the H-1B petition packet* and sends to HR for signatory's review and signatures. DOL regulations allow for the LCA to adjudicate for 7 business days. *****The immigration attorney's office will hold off on sending packet if the "Export Control I-129 Compliance Form" has not been returned to HR.*****

HR reviews, approves and returns signed forms and support letter to the immigration attorney's office.

HR removes Notices of Filing after 10 days; dates posted are noted and postings are signed by person who posted

Postings are added to the Public Access File

*Packet Includes: G-28 - Notice of Entry of Appearance as Attorney (3), I-129 - Petition for a Nonimmigrant Worker (2), I-129 - H Supplement (2), I-129 - Data Collection Sheet (2), Statement of Support of H-1B Petition (2).

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(including Researchers)

HR adds to Public Access File:

- LCA Cover Pages - included in front of binder
- *Initiated* LCA (replaced by Certified LCA)
- Wage rate, which is included in the LCA
- Description of Actual Wage System
- Copy of "prevailing wage" information and it's source (provided by immigration attorney's office)
- Notices of Filing LCA (2)
- Summary of benefits offer to U.S. workers and H-1B workers (copy of current benefits book is included in front of binder

Once LCA is certified, immigration attorney's office emails it to HR. HR prints 4 copies which are signed by Director of Recruitment. 2 copies are sent back to attorney's office;1 copy is placed in Public Access File and 1 copy is given to Staff member along with Acknowledgment of Receipt of LCA.

Employee signs Receipt and returns it to HR as proof that LCA was provided to Staff member. **Must be given to employee no later than 1st work day**

LCA is filed with the USCIS attesting that:

1) H-1B employee will be paid at least the actual wage or "prevailing wage," whichever is higher,

2) The employment of the H-1B individual will not adversely affect the working conditions of other workers similarly employed,

3) That at the time of filing the LCA there are no layoffs, strikes, lockouts or work stoppages in the H-1B individuals occupation,

4) A copy of the LCA will be posted for 10 business days in two places on the employer's premises.

USCIS issues "receipt of filing" to employer.

About 2-5 months the Approval notice (I-797) is received (2-5 weeks if it was premium processed). The attorney's office prepares the H-1B approval packet and sends it to HR. HR will get in contact with employee/department to pick up packet.

Staff member updates appropriate records (i.e. I-9 Forms, tax status, immigration database, etc) with new visa status to HR, Payroll and OISS.

Department	
Office of International Students & Scholars	
Human Resources	
Staff Member	
Attorney's Office	
Office of Sponsored Research	
Government	

TERMINATION OF EMPLOYMENT:

If a staff member (including researchers) is working under an H-1B Visa and ends employment either voluntarily or involuntarily prior to his/her H-1B Visa end date, the **university must work with the immigration attorney to revoke the current H-1B effective with the employment termination date.**

The following steps should be followed:
1. On the termination form, the department should indicate, by checking the appropriate box on the form, that the terminating employee is a current H-1B Visa holder.
2. Human Resources will contact the immigration attorney's office and notify them of the early termination date and the need to revoke the H-1B Visa. The fee (approx. $200) for revoking the H-1B visa will be paid by the department.