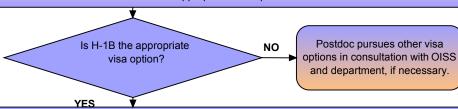
H-1B for Postdocs

Department has need to sponsor a postdoc for an H-1B Visa.

Department consults with OISS (Office of International Students & Scholars) via phone, e-mail or in person and confirms that individual meets criteria for H-1B and that this is the appropriate visa option.



OISS determines whether University funds are available to pay for the H-1B fees. If not, department determines who will pay for fees.

*University must pay \$500.00 anti-fraud fee. Other costs may be paid by individual or the university.

OISS sends "Approval to Initiate or Extend H-1B for Postdocs" form to department for completion and chair's signature.

Department completes the form and returns it to OISS along with a brief job description.

OISS will forward a copy of approval form and job description to Director of Recruitment. Failure to notify HR might delay H-1B process once it is ready to be signed by HR director.

OISS contacts immigration attorney's office (copies HR) and 1. informs them of need to sponsor Postdoc for H-1B, 2. informs about fee/payment structure, and 3. provides copy of approval form. NOTE: Utilization of firms that have not been pre-approved need to be cleared through the General Counsel's office.

OISS advises Postdoc to contact immigration attorney.

Postdoc contacts immigration attorney's office and reviews H-1B process and costs.

Immigration attorney's office has Postdoc and department complete information sheet and document check list.

Postdoc and department complete forms (including department chair's signature) 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 e-mails the *Initiated* Labor Condition Application (LCA) along with the Notice of Filing LCA to Human Resources 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 immigration attorney's office immediate after the 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 the 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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H-1B for Postdocs

HR adds to Public Access File

- LCA Cover Pages included in the front of binder
- ◆ Initiated LCA (replaced by Certified LCA when available)
- Wage Rate, which is included in 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 offered to U.S. workers and H-1B workers (copy of benefits book included in front of binder)

Once LCA is certified, immigration attorney's office e-mails 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 Postdoc along with Acknowledgment of Receipt of LCA.

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

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

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.
- 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 individual's occupation,
- 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. (If H-1B is portable, I-9 can be completed at this time and employment can begin.)

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. (If this is the initial H-1B for this person, I-9 can be completed at this time and employment can begin.)

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

TERMINATION OF EMPLOYMENT:

If a postdoc 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.

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