

PROCEDURES ON PAYMENT OF H-1B LEGAL FEES FOR *POSTDOCS AT RICE*

Office of International Students & Scholars (OISS) *Revised 2/22/2011*

In order to work at Rice under the H-1B (specialty work visa), a foreign national must be “sponsored” by Rice. Since the university H-1B processing is outsourced to a local immigration law firm, there are different procedures to follow, depending upon what kind of position this person will hold at Rice.

Postdoctoral Research positions – There is a fund to help pay for legal fees, which is sponsored by the Office of the Provost, but co-administered through the Office of International Students & Scholars (OISS) and the General Counsel’s Office. Since the funds are limited, they are used on a first-come, first-serve basis, and not to be used for “premium processing”. In sum, Rice legal funds will pay for the regular H-1B fees, as well as the additional \$500 fee for anti-fraud and prevention, as long as funding does not run out.

Procedure:

Step 1: Have foreign visitor or academic department representative make an appointment (x6095) to see Adria Baker or Lily Lam to:

- i. Determine if any of the legal fees are eligible to be paid through the Rice legal funds. Bills will be sent to OISS for payment. **Exception: The invoice for premium processing will be sent to the department to be either forwarded to the H-1B applicant or to be paid by the department. The fee responsibility should be arranged before beginning to process the paperwork. This must be paid in advance for the H-1B process to continue.**
- ii. Examine if the H-1B is the appropriate visa, and that all reasonable non-immigrant options have been used, including exhausting five-years on the J-1 status.
- iii. Begin paperwork to obtain proper approvals, which includes: 1) sending the supervisor a list of questions that need to be confirmed, 2) obtain a signature from the chair of the department that confirms the department does indeed want to sponsor the H-1B, and 3) that the H-1B visa holder will be working at Rice at least one entire year under the H-1B.
- iv. Get instructions on what paperwork is needed to prepare to take to the immigration lawyer.
- v. Obtain other immigration advice on timeframes, expectations, responsibilities, and other related matters.

Step 2: The H-1B applicant must make an appointment to see immigration lawyer, as discussed with OISS, and bring along much of the required documentation, as possible. Take the original letter signed by the chair of the department. Keep in communication with the OISS as to the progress of your H-1B.

Step 3: Upon receipt of the H-1B approval, bring a copy of the I-94 approval notice to the OISS and to Human Resources immediately.

Step 4: If the H-1B needs to be extended in order to work at Rice, start the procedures 5-6 months in advance.

Special Notes:

- Applying six months in advance allows enough time not to have to pay for premium processing (which is expedited service).
- Transferring an H-1B, or extending an already existing H-1B will not require premium processing (usually), given the “portability” and “240-day” laws.
- For Faculty, Lecturer, Research Scientist, Faculty Fellow & Staff positions – Follow steps at: <http://oiss.rice.edu/content.aspx?id=258> (Sections 5 & 7)

Summary of Fees for H-1B:

- Approximately \$2500 for regular H-1B processing.
- An additional \$1300 for premium processing, if required and requested.
- \$500 anti-fraud and prevention fee (must be paid by employer).
- Additional fees to process dependents that need the H-4 visa.

Exceptions for Payment:

Any legal funds exceptions must be approved through an appeal process and requested in writing by supervisor. They may be addressed to Adria Baker (abaker@rice.edu).

Rice Legal Funds for H-1B Postdoc - Policy Agreement
(to be signed by Postdoc)

As an eligible candidate for H-1B processing using Rice University legal funds, I understand and agree to abide by the following:

- 1) I understand and agree to follow the H-1B process requirements (see H-1B handout attached)
- 2) I will arrange for payment of premium processing, should it be necessary or desired, as Rice University general H-1B legal funds will not cover that expense.
- 3) I will notify the Office of International Students & Scholars (OISS) if my plans should change, and I no longer wish to continue the process of filing for the H-1B.
- 4) I will reimburse Rice University for any legal fees paid on my behalf, should I decide to terminate my employment prior to completing one (1) year of work under the Rice University H-1B visa. This reimbursement will be made on a prorated basis, based on the amount of time employed under the H-1B visa status.
- 5) Upon receipt of the H-1B approval, I will take a copy of the I-94 approval notice to the OISS and to Human Resources.
- 6) If the H-1B needs to be extended in order to work at Rice, I will start that procedure five (5) to six (6) months in advance.

Agreed to and accepted by:

Postdoc's Signature: _____

Printed Name: _____

Date: ____/____/____

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