

PERM CERT for faculty (employment based permanent residency)



General Standards for Hiring an International Faculty

- > Department secures approval for hiring search (in the usual manner)
- > Hiring department ensures recruitment meets minimum standards that can be used later for a PR application (using PERM special handling) should an international be hired.
- > In addition to any current hiring requirements, the standards include:
 - ✓ Placing at least one print advertisement in a national professional journal
Note: This cannot be an electronic posting for the position
 - ✓ The Print and Copy must show the name and date of the publication
 - ✓ The Print ad must include: 1) the Job Title, 2) Job Duties, 3) Minimum Education, 4) Experience required (if any) and the 5) Name of the University and contact info.

Faculty requests PR processing based on PERM Special Handling within 15 months of the date of selection or sooner. PERM must be filed no later than 18 months after the date of selection so at least 3 months is required to prepare the application for filing.

Other non-immigrant related steps:

- > Department Chair initiates paperwork, approvals, details, recommendations for appointment, PA form, etc.
- > Dean's office requests permission from the Provost to make the informal offer, writes Dean's memo of approval to departmental chair, PA form signed
- > Paperwork sent to the Affirmative Action Office
- > With approval from Provost, informal letter sent to candidate. Returned offer signed by candidate sent to Provost. President send official offer letter
- > Department sends forms to Dean's office for review and approval.

OISS is informed of permanent residency request and advises department or visitor, as necessary.

Faculty member consults with pre-approved immigration law firm. *Note: Utilization of law firms that have not been pre-approved need to be cleared through the General Counsel's office.*

Law firm discusses with employee and/or spouse which venue works best for applying for permanent residency, as well as the processes: PERM/Special Handling (using valid recruitment) & Basic PERM (using new recruitment with "best qualified" standard), Outstanding Professor or Researcher, Extraordinary Ability or National Interest Waiver.

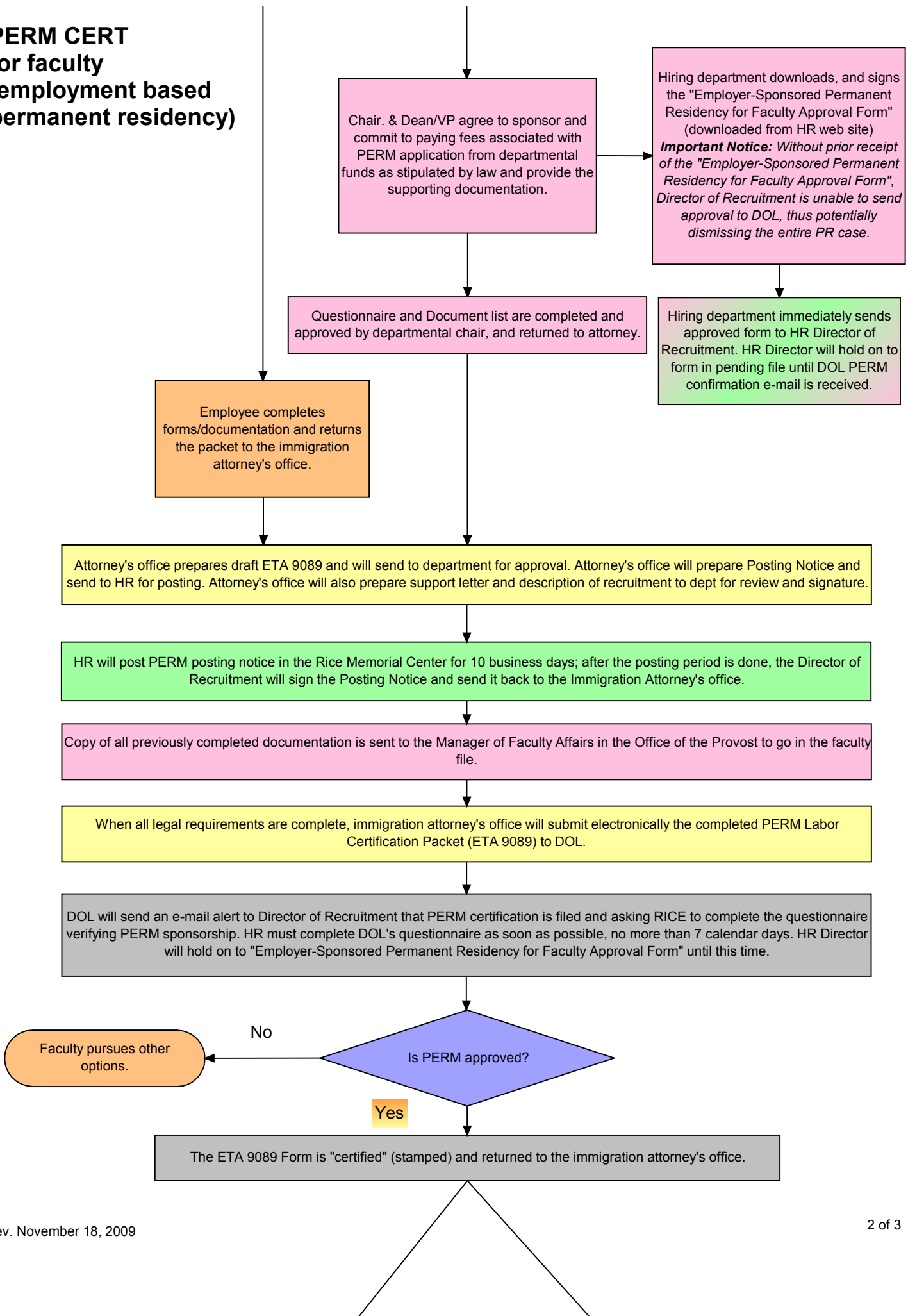
Special tax note: Rice financed support for PR applications based on employee-based sponsorship will be taxed at 30%, as IRS considers it to be income. Payment request must be noted as "self sponsored PR" for processing.



No
Faculty member explores other visa options in consultation with hiring department and attorney's office.

Yes
Immigration attorney sends employee questionnaire to employee for completion and an employer questionnaire and document list to hiring department for completion.

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If there are visas available (priority date is current, no backlog) in an employee's preference category, the immigration attorney's office prepares the I-140 form (*Immigration to Petition for Alien Worker*) and I-485 [(*Adjustment of Status*) *employee & family*] for concurrent filing and sends I-140 to HR for review and approval; and I-485 to employee.

HR approves and returns I-140 form to immigration attorney's office.

Employee approves and returns I-486 form to immigration attorney's office.

Immigration attorney's office sends I-140 and I-485 to USCIS along with certified ETA Form 9089.

If there are *no* visas available (priority date is not current, backlog exists and visa bulletin is showing unavailable) then immigration attorney's office prepares *only* the I-140 form (*Immigration to Petition for Alien Worker*) sends it to department for review and signature and then files with USCIS.

Employee and attorney's office will check bulletin monthly until priority date is current.

Once priority date becomes current, immigration attorney's office prepares I-485 and sends it to employee for review and then files with USCIS.

Employee awaits approval of I-485 (Adjustment of Status) form and of Permanent Resident (PR) Card. Length of wait depends on future movement in visa bulletin and USCIS processing times.

Upon receipt of PR card, employee must visit the HR Services office to complete new I-9 Work Authorization Form and Payroll office to present their PR card in order to gain immigrant tax status. **

NOTE: If a faculty member is not new to Rice, and is changing from non-immigrant visa status, he/she must bring proof of PR to OISS to update the non-immigrant record.

Dept.	
Process	
HR	
Staff	
Immigration Attorney	
Govt.	

**HR Services and Payroll are located in Memorial Hermann Medical Plaza on the 26th Floor.
**PERM audit file maintained and retained for review for 5 years in attorney's office.