

Employment Based Permanent Residency (PR) Process with PERM CERT for Faculty

I. General Process of Hiring (International/Current) 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 in a national professional journal. *Note:* This cannot be an electronic posting for the position.
 - The Print ad 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.
- Department Chair initiates paperwork, approvals, details, recommendations for appointment, PA form, etc.
- Dean's office requests permission from the Provost to make 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 offer letter sent to candidate. Returned offer signed by candidate sent to Provost. President sent official offer letter.
- Department sends forms to Dean's office for review and approval.

II. Faculty Requesting PR

- (For new faculty) Faculty members 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. Candidate interested in PR is encouraged soon after hire to consult with immigration law firm.
- OISS is informed of permanent residency request and advises department or visitor, as necessary.
- Faculty member consults with pre-approved law firm. ***Utilization of firms that have not been pre-approved must to be cleared through the General Counsel's office.***

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- Law firm consults with employee and/or spouse to discuss which venue works best for applying for permanent residency, as well as the process (including PERM process, if appropriate).
 - If **individual sponsored-PR** is chosen, the academic department confirms that they will provide supportive documentation. Costs determined as to who will pay what, so as to communicate clearly with the law firm.
 - If **university-sponsored PERM** is needed, the academic department and the Dean/VP must agree to pay costs and providing supportive documentation.
- **Required** - \$4000 (approximate amount required by the Department of Labor – DOL) minimum Rice support of un-tenured, but tenure-track faculty for PR, despite how the faculty member decides to file for PR.
 - 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.

III. Pre-PERM Process

- Attorney sends employee questionnaire to employee and employer questionnaire to hiring department. Director of Recruitment is copied in email communication.
- Chair & Dean/VP agree to sponsor and commit to paying fees associated with PERM application from departmental funds as stipulated by law and provide supporting documentation.
- Hiring department downloads the “Employer-Sponsored Permanent Residency for Faculty Approval Form” (downloadable from OISS website). *
- Hiring department completes form and chair signs approval. Form is sent to Director of Recruitment.
- HR Director of Recruitment will hold “Employer-Sponsored Permanent Residency for Faculty Approval Form” in pending file until DOL PERM confirmation email is received.

****Important Note: Without prior receipt of the “Employer-Sponsored Permanent Residency for Faculty Approval Form”, Director of Recruitment is unable to send approval to DOL, thus potentially dismissing the entire PR case.****

- Attorney receives completed questionnaires from faculty member and from hiring department

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- Attorney's Office will also:
 - Prepare draft of ETA 9089 based on questionnaires and send it to hiring department for approval. Director of Recruitment is included in email communication to compare job description in Posting Notice.
 - Prepare Posting Notice and send it to Human Resources for Posting.
 - Prepare support letter and description of recruitment to department for review and signature.
- Human Resources will post for 10 business days in the Human Resources office; after the posting period is done, the Director of Recruitment will sign the Posting Notice and send it back to Attorney's office.
- Copy of all previously completed documentation is sent to the Manager of Faculty Affairs in the Office of the Provost (presently Janis Cain) to go in faculty file.
- When all legal requirements are complete, the immigration attorney's office will submit the completed PERM Labor Certification (ETA 9089) to DOL electronically.

IV. PERM Cert

- If the PERM certification is not approved, hiring department and faculty member meets with the OISS and attorney's office to discuss other visa options.
- If the PERM certification is approved, DOL sends email alert to Director of Recruitment to confirm that Rice is sponsoring this employee, so as to continue the process. ETA 9089 is "certified" (stamped) and returned to the attorney's office.
- If there are Visas Available:
 - If visa available in employee's category, meaning priority date is current and there is no backlog, the attorney's office prepares the I-140 form (*Immigrant Petition for Alien Worker*) and the I-485 form [*Adjustment of Status*] employee & family] for concurrent filing. The I-140 is sent to Human Resources and the I-485 is sent to the employee.
 - HR reviews, approves and returns I-140 to immigration attorney's office.
 - Employee reviews, approves and returns I-485 to immigration attorney's office.
 - Immigration attorney's office will send the I-140 and the I-485 to United States Customs & Immigration Services along with certified ETA Form 9089.
 - Employee awaits Permanent Resident (PR) card.

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- If there are no Visas Available:
 - If no visa is available in employee's category, meaning priority date is not current, backlog exists and visa bulletin is showing unavailable, then the attorney's office only prepares the I-140 form (*Immigrant Petition for Alien Worker*) and sends it Human Resources for review and approval.
 - HR will review and approve and send it back to immigration attorney's office, which will proceed to file it with USCIS.
 - Employee and Immigration Attorney's office will check on visa bulletin on a monthly basis until date is current.
 - Once priority date becomes current, immigration attorney's office will prepare the I-485 and send it to the employee for review and approval. Once returned the I-485 is filed and sent to USCIS along with the Certified ETA 9089 form.
 - Employee awaits approval of I-485 and of Permanent Resident (PR) card. Length of wait depends on future movement of visa bulletin and USCIS's processing time.

V. **Permanent Residency Receipt**

- Upon receipt of PR card, employee must visit Human Resources Office (Memorial Hermann Medical Plaza, Suite 2600) to complete a new I-9 Work Authorization form.
- Employee must also visit the Payroll Office (Memorial Hermann Medical Plaza, Suite 2650) and present their PR card in order to gain U.S. tax status.
- If faculty member is not new to Rice, *and* changing from a non-immigrant visa status, they must bring proof of PR to OISS so as to update nonimmigrant record.