

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

I. Requesting Employment Based Permanent Residency

- Staff member requests sponsorship for permanent residency as soon as sponsorship need is known. ***An applicant might raise this issue during the hiring process; however, hiring manager/interviewers should NOT raise this question with applicants as this is not an appropriate question during the pre-hire period.***
- Department contacts a pre-approved law firm (copies Director of Recruitment) and discusses job and whether it is a job that can support PERM labor certification. ***Utilization of law firms that have not been pre-approved need to be cleared through the General Counsel's Office.***
- Department & Dean/VP agrees to sponsor and commit to paying the fees associated with the PERM application as stipulated by law (*20 CFR Part 656, DOL*) from departmental funds. Any other financial commitments over and above the required fees are decided upon and noted in a written and signed memorandum which will be held within the department.
- Department notifies HR of decision to sponsor employee for employment based permanent residency by completing the "Employer-Sponsored Permanent Residency for Staff Approval Form." Form must be signed by department chair and sent to Director of Recruitment in Human Resources.

II. Pre- PERM Process

- Attorney contacts the employee to discuss details of the permanent residency process.
- Attorney sends employer questionnaire to Human Resources (Director of Recruitment) who will then forward the questionnaire to the sponsoring department for completion; once completed and approved by department chair/head it is sent to HR (Director of Recruitment) for approval along with copy of current job description. HR will review/approve and return to attorney's office.
- Simultaneously, attorney sends employee questionnaire to employee for completion.
- Based on questionnaires, attorney completes and sends a draft of the Pre-Approval sheet for review to Human Resources (Director of Recruitment). ***This information provides basis for job posting and recruitment advertisements and establishes for DOL the basis of the job.*** HR will forward to department for their review and signature of department chair/head.
- Department forwards form to HR for final review and approval. Form is then returned to attorney's office to initiate PERM labor certification process.

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

- Attorney's office requests and receives prevailing wage information (based on info submitted in job description/posting details) from the Texas WorkSource.

III. **PERM CERT (Testing of Labor Market)**

- Job is posted on RICEWorks for required period of time by the HR Recruiter; outside advertisements are placed by attorney's office.
- Immigration attorney's office emails paper posting notice to HR; HR will post for 10 business days. After the posting period is done, the posting is removed and signed by Director of Recruitment.
- Applications are received and forwarded to sponsoring department by the HR Recruiter via RICEWorks.
- Sponsoring department completes the interview process [interviews all applicants that have met minimum requirements, compiles all required search documentation (interviewing summaries, applicant log summary, etc.) and sends to HR for approval.]
- HR reviews/approves and sends recruitment documentation to attorney's office along with Posting Notice and Notice of Posting Verification Letter. Also included is a letter from HR attesting to financial support and offer of full time, regular employment for the individual being sponsored; and the completed ETA 9089 (Alien Employment Certification) form. *At this time, HR will document the posting/requisition in RICEWorks as a PERM CERT labor testing situation and will cancel the posting.*
- Law firm submits the completed PERM Labor Certification packet (*recruitment documents, applicant summary, ETA 9089, support letter, posting verification letter*) to DOL for review.
- HR (Director of Recruitment) will receive and respond to DOL PERM confirmation email regarding the university's sponsorship of the employee.

IV. **Permanent Residency Processing**

- If the PERM is approved, the ETA 9089 Form 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.

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

- 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.
- 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.