



## **FREQUENTLY ASKED QUESTIONS (FAQS) WHEN HIRING A FOREIGN NATIONAL AS A RICE FACULTY MEMBER**

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- 1. If our final candidate is a foreign national, what should we do first?**  
Consult with the Office of International Students & Scholars (OISS) to discuss options for visa sponsorship and permanent residency applications.
- 2. Can I ask a faculty candidate if they will need visa or permanent residency sponsorship?**  
Yes, you can. You cannot ask any candidate what their citizenship status is or what their home country is. You can ask if they are legally authorized to work in the US and if they will need current or future sponsorship for visa status or permanent residency.
- 3. How much does it cost to sponsor a faculty member for permanent residency?**  
This is a difficult question to answer as it depends on which permanent residency application process the faculty member pursues. Total costs for employer sponsored permanent residency for the faculty member (and not dependents) can range from approximately \$7,500 to \$9,000. The part that must be paid for by Rice depends again on which process is chosen but can range anywhere from \$0 to \$5,500. Please note that oftentimes it is difficult for foreign faculty to get permanent residency right away. Most commonly they have an H-1B and then transfer into permanent residency. This could increase the total visa cost by \$2,500 - \$4,000.
- 4. What are the university resources for visa related expenses, i.e., start-up funds, and/or discretionary research funds?**  
Some schools at Rice have very clear guidelines, and other address this issue on a case-by-case basis. Please consult your school dean and/or department chair. In general, new faculty members are allowed reimbursement for their part of the costs from their own start-up funds. G and D funds may be used, but R fund usage is dependent upon the sponsor's policy.
- 5. How can we avoid misunderstandings and disputes after the candidate is hired about visa related expenses?**  
These matters should be thoroughly discussed with the department chair, and should be spelled out in the dean's informal offer letter. There is one exception to this: arrangements regarding trailing spouses and families should be discussed, but not be part of the offer letter.
- 6. How soon should we begin the permanent residency application for a foreign national faculty hire?**  
The permanent residency application process and amount of time left on the faculty member's current visa will impact how quickly the process should be initiated. However, the discussion regarding options for permanent residency should begin immediately after the offer has been accepted. This is true because one of the "surest" paths to permanent residency (PERM Special Handling) for new faculty members requires that the application be filed within 18 months of the final offer letter. If the PERM Special Handling application process is chosen, work on the case must begin immediately.
- 7. Is there any additional special guidance about the PERM process that we should be aware of?**

For faculty PERM process, here are the main things in regard to timing:

-- an ad has to be placed in a recognized, national, professional journal and *if* the ad is on-line it must stay posted for a minimum of 30 days.

-- if a foreign national that needs PR sponsorship through faculty PERM (aka PERM Special Handling), is hired, the PERM application has to be submitted to DOL within 18 months of the date of the final offer letter (defined at Rice as the president's offer letter). Rice's rule of thumb is to shoot for getting all the work done within 15 months of the offer letter to allow for filing times and other unexpected issues.

-- keep copies of all ads, job offer letters, CVs of applicants, reasons for not selecting candidates, etc.

**8. May I see sample examples of advertisements (or general “boiler-plate language we can use for our Assistant Professor job postings?)**

We recommend you consult your Dean's office, as they should have examples for your school.

**9. Can I ask a non-permanent resident candidate about their spouse or dependents needing immigration assistance? What if the candidate brings up the subject during the interview process?**

No, you're not allowed to ask anything about their families or even marital status. Keep the interview just about the candidate and the position. If they bring up the subject, refer them to your department chair for that discussion.

**10. (For Department Chairs) When negotiating with the top candidate, what guidelines does the university have to support visa-related costs?**

There is no centralized policy. You are encouraged to check with your school's deans office, as many have general guidelines and practices. However, just as salary is negotiated, visa-related costs are usually handled on an individual basis. There are many variables that affect the proper visa type for each individual hire, The OISS can assist in discussing with you and the new faculty hire what might be the most appropriate visa status options.

**11. Which visa status is used for foreign faculty hires?**

There are a few common visa types: H-1B, O-1 and permanent residency (“green card”). However, each case is different, and especially if someone is already on a nonimmigrant visa status in the USA.

Transitioning into one of these visa types takes special care, when moving from one nonimmigrant visa type to another. You are encouraged to contact the OISS to discuss this. If you are bringing your new faculty hire directly from abroad, the most common visa track would be to come on an H-1B and then apply for permanent residency via the labor certification (PERM) process.

**12. How long does it take to get permanent residency?**

The permanent residence petition process time is highly variable depending on country of origin, petition type, and possibility of audit. In addition, many individuals will choose to stay on their current visa (H1B, O1, etc.) and not begin the permanent residency process immediately

**13. Can the international hire just get permanent residency first, without having to go through the costs and laborious process of an H-1B?**

Usually, given the time it takes to apply for permanent residency, it is difficult to go directly, without being on an H-1B first.

**14. Is there reference about H-1B and PERM processing for faculty?**

Yes, it is online at: <http://oiss.rice.edu/content.aspx?id=258>

**GENERAL STEPS FOR VISA-RELATED INQUIRIES OF  
INTERNATIONAL FACULTY HIRES**

