

USCIS Publishes Final Rule for Religious Worker Visa Classifications

WASHINGTON— U.S. Citizenship and Immigration Services (USCIS) announced today that it will make significant revisions to the special immigrant and nonimmigrant (R-1) religious worker visa classification regulations. The final rule will ensure the integrity of the religious worker program by establishing a requirement that employers submit a formal petition for temporary religious workers, and by providing for increased inspections, evaluations, verifications, and compliance reviews of religious organizations. The rule also fulfills the recent Congressional mandate to issue final regulations to eliminate or reduce fraud in the religious worker program.

“Last year, we proposed revisions to the current regulations designed to safeguard the integrity of the religious worker program,” said USCIS Acting Director Jonathan Scharfen. “After careful consideration of the comments received from the public, we are confident that the final rule will not only help eliminate fraud from the program, but also will guarantee the continuation of an important and valuable program for genuine religious organizations.”

The final rule is designed to improve the Department of Homeland Security’s ability to detect and deter fraud and other abuses in the religious worker system. Previously, foreign religious workers were able to request an R-1 religious worker visa at a consular post without any prior, stateside review of the religious organization or job offer. The final rule will require individuals seeking to enter the United States through the nonimmigrant religious worker program to provide a consular officer an approved Form I-129, Petition for Alien Worker. Stateside review of the petition will allow USCIS to verify that the petitioner and the job offer are legitimate prior to the issuance of a visa and admission of the religious worker to the United States.

The rule also reduces the initial period of admission for a nonimmigrant from three years to a period of up to 30 months. This will allow USCIS an earlier opportunity to review whether or not the terms of the visa have been met before extending the nonimmigrant religious worker’s stay in the United States. Religious workers will be allowed one extension of up to an additional 30 months.

The final rule has been transmitted to the Federal Register and will become effective immediately after publication. Further details regarding new revisions for religious worker classifications are available the "Related Links" section of this page.