

Qualify for an “R” Religious Worker Visa

The “R” religious worker visa applies to individuals who, for at least two years immediately preceding the time of application for admission, have been a member of a religious denomination maintaining a bona fide, nonprofit religious organization in the United States. In order for such foreigners to be admitted into the U.S., they must be coming for one of the following purposes: solely to carry on the vocation of a minister of the religious denomination; to work for the religious organization at the request of the organization in a professional capacity; or to work for the organization, or a bona fide organization which is affiliated with the religious denomination, at the request of the organization in a religious vocation or occupation.

Significantly, there is no requirement that the applicant previously worked for the religious organization – simply that he or she has been a member of the religious denomination for two years prior to application.

To apply for an R visa, the sponsoring religious organization must file a petition with the U.S. Citizenship and Immigration Services (“USCIS”) office having jurisdiction over the religious organization, or apply directly with a U.S. Consulate abroad. Unfortunately, USCIS has suspended expedited, premium processing for R-1 visa applicants.

The religious organization must be a bona fide religious nonprofit organization in the U.S. It must show tax exemption under the U.S. Internal Revenue Code, Section 501(c)(3). Factors USCIS will consider when determining a bona fide religious denomination are: a. presence of some form of ecclesiastical government; b. a recognized creed and form of worship; c. a formal code; d. religious services; e. ceremonies; f. establishment of place of worship; and g. a religious congregation.

The foreign applicant will need to document that he or she was a member of the same religious denomination as the sponsoring organization for a two-year period immediately preceding application for the visa. The spouse and unmarried minor children of an alien who holds an R-1 visa are eligible for an R-2 visa. R-2 visa holders are not entitled to employment authorization in the U.S. But they may attend school.

Foreign nationals who are members of specific religious denominations and organization overseas have frequently been able to utilize the “R” visa to immigrate to the U.S. While USCIS and the Department of State have strictly scrutinized “R” visa applications since September 2001, such visas continue to be issued regularly for legitimate religious organizations and their workers. Indeed, for example, many local churches have been able to employ foreign nationals pursuant to the “R” visa, as organists, music directors, deacons, ministers, administrative assistants, and in other professional and non-professional positions.

I hope that this article provided enough initial information for you to identify the general steps and issues concerning “R” religious worker visas. Each person’s situation is different. If you would like to learn more about this visa, and how it may apply to your situation, we encourage you to seek more specific information from a qualified attorney specializing in U.S. immigration law.

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