

TEMPORARY RELIGIOUS WORKERS

The Immigration and Nationality Act provides a nonimmigrant visa category "R" for aliens proceeding to the United States to work in a religious capacity. This visa category has been widely used throughout the years by the Catholic Church, Presbyterian Churches, Baptist Churches, Lutheran Churches, Jewish Synagogues, Buddhist Temples, etc.

Religious workers include ministers of religion who are authorized by a recognized denomination to conduct religious worship and perform other duties usually performed by members of the clergy such as administering the sacraments, or their equivalent. The term does not apply to lay preachers. A religious vocation means a calling to religious life, evidenced by the demonstration of a lifelong commitment, such as taking vows. Examples include nuns, monks, and religious brothers and sisters. A religious occupation means a habitual engagement in an activity which relates to a traditional religious function. Examples include liturgical workers, religious instructors or cantors, catechists, workers in religious hospitals, missionaries, religious translators, or religious broadcasters. It does not include janitors, maintenance workers, clerks, fund raisers, solicitors of donations, or similar occupations. The activity of a lay-person who will be engaged in a religious occupation must relate to a traditional religious function: i.e., the activity must embody the tenets of the religion and have religious significance, relating primarily, if not exclusively, to matters of the spirit as they apply to the religion.

The applicant must be a member of a religious denomination having a bona fide nonprofit religious organization in the U.S.;

The religious denomination and its affiliate, if applicable, are exempt from taxation, or the religious denomination qualifies for tax-exempt status;

The applicant has been a member of the denomination for two years immediately preceding admission;

The applicant is entering the United States solely to carry on the vocation of a minister of that denomination, or, at the request of the organization, the applicant is entering the United States to work in a religious vocation or occupation for the denomination or for an organization affiliated with the denomination, whether in a professional capacity or not; and

The applicant has resided and been physically present outside the United States for the immediate prior year if he or she has previously spent five years in this classification.

Religious workers should generally apply at the U.S. Embassy or Consulate with jurisdiction over their place of permanent residence. Although visa applicants may apply at any U.S. consular office abroad, it may be more difficult to apply. There is no requirement that applicants for R visas have a residence abroad which they have no intention of abandoning, but they must intend to depart the United States at the end of their lawful status.

The applicant must be prepared to present to the consular officer any or all of the following documentation to verify that the applicant and the religious organization qualify for the R status:

(1) Proof of tax-exempt status or eligibility for tax-exempt status,

and

(2) A letter from an authorized official of the specific unit of the employing organization certifying:

That if the applicant's religious membership was maintained, in whole or in part, outside the United States, the foreign and United States religious organizations belong to the same religious denomination;

That, immediately prior to the application for the R visa, the alien has been a member of the religious denomination for the required two- year period;

That, (as appropriate):

If the applicant is a minister, he or she is authorized to conduct religious worship for that denomination. The duties should be described in detail; or

If the applicant is a religious professional, he or she has at least a baccalaureate degree or equivalent, and that such a degree is required for entry into the religious profession; or

If the applicant is to work in a nonprofessional vocation or occupation, he or she is qualified if the type of work to be done relates to a traditional religious function;

The arrangements for remuneration, including the amount and source of salary, other types of compensation such as food and housing, and any other benefits to which a monetary value may be affixed, and a statement whether such remuneration shall be in exchange for services rendered;

The name and location of the specific organizational unit of the religious denomination or affiliate for which the applicant will be providing services; and

If the alien is to work for an organization which is affiliated with a religious denomination, a description of the nature of the relationship between the two organizations:

evidence of the religious organization's assets and methods of operation; and the organization's papers of incorporation under applicable state law.

Applicants should be aware that a visa does not guarantee entry into the United States. The U.S. Bureau of Citizenship and Immigration Services in the Department of Homeland Security (BCIS) has authority to deny admission. Also, the period for which the bearer of a religious worker visa is authorized to remain in the United States is determined by the BCIS, not the consular officer. At the port of entry, an BCIS official must authorize the traveler's admission to the U.S. At that time the BCIS Form I-94, Record of Arrival-Departure, which notes the length of stay permitted, is validated. Those visitors who wish to stay beyond the time indicated on their Form I-94 must contact the BCIS to request Form I-539, Extension of Stay. The decision to grant or deny a request for extension of stay is made solely by the BCIS.