

R-1 Visa for Religious Workers

The R-1 religious worker visa classification includes three categories of religious workers:

1. Ministers of religion
2. Professional workers in a religious vocation or occupation
3. Non-professional workers in a religious vocation or occupation

Eligibility

Any bona fide nonprofit religious organization in the U.S. may file a petition for a religious worker. To qualify as an R-1 visa petitioner, a religious organization must be a nonprofit religious organization granted 501(c)(3) tax exempt status by the Internal Revenue Service. To qualify as an R-1 beneficiary, an alien must have been a member of a religious denomination having a bona fide nonprofit religious organization in the U.S. for at least the 2 years immediately preceding the application.

Requirements of the Religious Worker Petition

1. The individual must have been a member of the same religious denomination as the U.S. religious organization for the 2 years immediately preceding the filing of the R-1 petition.
2. The petitioning religious entity in the U.S. must have 501(c)(3) status.
3. The U.S. petitioner must be able to prove the ability to pay the wage of the religious worker and family (if applicable).
4. The wage must meet 125% of the Federal Poverty Guidelines as set by HHS.
5. The Beneficiary will perform work in a religious occupation, vocation, or profession.

Standards

A nonimmigrant religious worker may be admitted temporarily to the U.S. for one of the following reasons:

1. To work in the vocation of a minister of the religious denomination
2. To work for the religious organization in a professional religious vocation or occupation
3. To work for the religious organization in a nonprofessional religious vocation or occupation.

Procedural Requirements

Application for designation as an R-1 temporary religious worker, based on an offer of qualifying religious employment in the U.S., must follow these procedures:

- If the individual is in the U.S. in a valid nonimmigrant status seeking a change of status to R or an extension of status, a Form I-129 must be filed by the prospective employer, at the USCIS Service Center, **or**

- If the individual is outside the U.S., then a Form I-129 must first be filed with an approved by the USCIS Service Center with jurisdiction over R-1 petitions. The R-1 petition process may include an on-site pre-approval inspection by USCIS' Fraud Detection and National Security (FDNS) Directorate. After USCIS approves the Form I-129 R-1 petition, the religious worker may then apply for an R-1 visa at the U.S. Embassy/Consulate nearest to his/her place of residence that accepts this type of nonimmigrant visa application. If the R-1 religious worker is a visa-exempt Canadian, he/she may apply for R-1 visa status at a U.S. Port of Entry.

To expedite the case, Form I-907, Request for Premium Processing may be filed with USCIS, but **only** if the Petitioner has previously completed a successful FDNS on-site inspection.

Validity Period on Initial R-1 Petition and R-1 Extension of Stay

An initial validity period of up to 30 months can be approved on the first R-1 petition. A subsequent extension for up to an additional 30 months for a total 5-year period of stay is allowed. R-2 dependents will be approved for the same requested period of stay.

Dependents of R-1 Religious Workers

An R-1 worker's spouse and unmarried children under 21 are entitled to R-2 classification and the same period of stay as the R-1 principal from whom they derive status. R-2 nonimmigrants may not accept employment in the U.S. under that classification.

Evidence Required

1. that alien beneficiary is in the U.S. in valid nonimmigrant status on day petition is filed
2. that the alien has been a member of the same denomination as the petitioner for at least two years before petition is filed.
3. that the petitioner is tax exempt according to IRS tax code.
4. if alien's religious membership was outside the U.S., petitioner must prepare a letter stating that the foreign and U.S. religious organizations are under the same denomination.
5. statement explaining the salary, and any other benefits such as housing, food, etc.

- If the alien is a **minister**, they must provide proof that they are authorized to conduct religious worship under the designated denomination, as well as other duties that are applicable. A detailed description of all duties must be included.

- If the alien is a **religious professional**, they must provide proof that they have at least a U.S. bachelor's degree or a foreign equivalent. The degree must be required for entry into the religious profession.

- If the alien is to work in a **religious vocation or occupation**, they must provide proof that they are qualified. This may include evidence establishing individual is a nun, monk, or religious brother, or that they are qualified to work in a religious occupation, that is to perform work that is related to a traditional religious function.

Document Checklist

U.S. Petitioner

- Evidence of 501(c)(3) status from IRS
- Documentation submitted to obtain 501(c)(3) status
- Incorporation papers
- Bank letters or recent audits showing assets
- IRS tax information
- Membership
- Other employees (if applicable)
- Directory
- Bulletin, brochures, and other similar materials
- Photographs of the building where religious services are held
- Letter in support of the petition

Beneficiary

- Letter from religious entity, verifying 2 years of experience
- Proof of the existence of the religious entity where the Minister has been working
- Ordination (or the equivalent to show authorization to perform the duties of Minister)
- Diplomas (as applicable)
- Passport valid for at least 6 months after the issuance of an immigrant visa
- Birth certificate (with translation if in language other than English)
- Marriage license (if applicable)
- Birth certificates of spouse and children (if applicable)

Fong•Ilgan, LLP works with clients to simplify the R-1 visa process. To discuss your case with an board-certified attorney, please contact our office at 713.772.2300.