

United States Senate

WASHINGTON, DC 20510

November 2, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

The Honorable Antony J. Blinken
Secretary
U.S. Department of State
Washington, D.C. 20520

Dear Secretary Mayorkas and Secretary Blinken:

We write to bring to your attention problems that religious organizations are experiencing when petitioning for foreign-born religious workers seeking to serve in the United States.

For the last several years, religious organizations in the United States have experienced hardship due to severe backlogs in the processing of religious worker visa petitions and related immigration benefits. Unfortunately, this has resulted in many religious workers already in the United States having to leave the communities they serve or cease working for fear of violating immigration law. There are many more religious workers waiting outside of the United States, unable to serve in our communities. These challenges have been compounded by COVID-19-related suspensions of visa services at U.S. embassies and consulates around the world in 2020 and 2021, resulting in lengthy visa processing wait times for religious workers seeking to complete consular processing abroad.

In August, a broad interfaith group of 17 religious organizations sent the attached letter to the Director of U.S. Citizenship and Immigration Services with a number of recommendations regarding processing religious worker visas. The letter points out that religious workers perform important work that greatly benefits American communities, including: providing basic necessities for those in need, such as food and shelter; caring for and ministering to the sick, aged, and dying in hospitals and special facilities; working with adolescents and young adults; assisting religious leaders as they lead their congregations and communities in worship; counseling those who have suffered severe trauma and hardship; accompanying families, particularly when they are in crisis; helping refugees and immigrants in the United States adjust to a new way of life; and serving as principals, teachers, and school support staff, often in schools located in economically disadvantaged areas, where many have provided full-time, in-person instruction throughout the pandemic.

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By ESEC at 2:33 pm, Nov 02, 2021

Religious workers, as essential workers, provide vital services in our communities. We ask that you work together to consider the recommendations in the attached letter to facilitate the processing of visa petitions for religious workers. We also ask that relevant personnel within your Departments brief our staffs and provide regular updates on the status of your efforts.

Thank you for your prompt attention to this matter.

Sincerely,



Susan M. Collins
United States Senator



Tim Kaine
United States Senator

August 2, 2021

The Honorable Ur Jaddou
Director
United States Citizenship and Immigration Services
Washington, D.C. 20529

Dear Director Jaddou:

We write on behalf of a broad coalition of undersigned religious organizations to congratulate you on your confirmation to be director of U.S. Citizenship and Immigration Services (USCIS). We also request a meeting with you to discuss steps that USCIS can take to alleviate a crisis that many religious employers and communities are facing with respect to their ability to obtain the services of workers under the Religious Worker Visa Program (RWVP).

As you know, religious worker visas (both the special immigrant EB-4 visa and the nonimmigrant R-1 visa classification) may be granted to minister and non-minister religious workers who, in turn, provide invaluable services to the religious organizations for which they work, as well as to the communities those organizations serve.

Ministers covered by the program are those who are authorized by a recognized religious denomination to conduct religious worship and perform other duties usually performed by members of the clergy or otherwise ordained persons, such as administering the sacraments or their equivalent. Non-minister religious workers are those who are called to a religious vocation or who are in a religious occupation with a bona fide nonprofit religious organization in the United States. Examples of those who are called to a vocation include nuns, monks, brothers, and sisters. Examples of those in religious occupations include counselors, religious instructors, cantors, other pastoral care providers, and those engaged in religious outreach.

Vital works performed by religious workers include:

- Providing social services to the needy, including shelter and nutrition;
- Caring for and ministering to the sick, aged, and dying in hospitals and special facilities (e.g., nurses, hospice care, and other support);
- Working with adolescents and young adults (e.g., youth and young adult ministry);
- Assisting religious leaders as they lead their congregations and communities in worship;
- Counseling those who have suffered severe trauma and hardship;
- Supporting families, especially when they are in crisis;
- Offering religious instruction, including to new members of religious denominations (e.g., religious education in parishes and faith-based primary and secondary schools);
- Helping refugees and immigrants in the United States adjust to a new way of life;
- Providing child care and after-school support for communities, which is essential for working parents; and
- Serving as principals and school teachers, often in schools located in economically disadvantaged areas—where many provided full-time, in-person instruction during the pandemic.

Unfortunately, many of these religious workers have had to leave the communities they serve—and many more are still in danger of this—because of significant USCIS processing delays of the I-360 special immigrant petitions these workers need to remain in the U.S. The processing times for the I-360 petition have skyrocketed recently, and it can take over two years for USCIS to adjudicate an I-360 petition. The R-1 category, as with most nonimmigrant visas, is only of a limited duration (five years maximum). Many religious workers seeking to stay beyond that time period through the permanent residency process will run out of time and will have to leave the U.S. This is already resulting in great hardship to religious workers and the communities they serve, and we expect many more religious workers will have to leave if changes are not implemented.

Severe backlogs in the processing of these visas have caused great hardship to would-be workers, the organizations for which they seek to work, and the communities they serve. In addition, the inability to use concurrent filing for special immigrant religious workers (filing I-360 and I-485 applications) exacerbates the severe hardship. As you are aware, there are currently over 500,000 immigrant visas at the National Visa Center that still need to be forwarded to U.S. consular posts. With U.S. embassies and consulates only operating at 24% capacity, if a religious worker has to depart the U.S. because their R-1 has reached its maximum five years, it could be more than a year before they return, resulting in significant hardship to our organizations and those we serve. For instance:

- Houses of worship throughout the country are left without clergy and other leaders, hospitals without nurses, nursing homes without care workers, schools without teachers, etc.
- For parishes who lose a dedicated priest, dioceses must spread services too far and leave parishioners without the support they need.
- Individual churches who only have one pastor are left to find someone to fill in for a year or more until the pastor can return, or, for larger denominations, a new pastor is installed at that church and the religious worker can no longer use the filed I-360 and must start over at another church.
- Many work with underserved communities, so losing a single religious worker has significant ramifications for the ability of religious organizations to aid the most vulnerable populations in our society.

We welcome recent steps taken by USCIS to address processing delays and their impact, following input from stakeholders. These include restoring criterion through which a nonprofit organization can request discretionary expedited service and extending the validity of Employment Authorization Documents (EADs) from one year to two years.

There are several additional steps that we urge USCIS to undertake to alleviate this situation.¹ These include:

- **Reviewing current processing and procedures** for the special immigrant EB-4 visa and the R-1 nonimmigrant visa, as well as I-485 applications for religious workers, and address causes of delays related to agency resource management, such as staffing shortages.

¹ See also CLINIC Transition Paper: Rebuilding and Restoring the Foreign-Born Religious Worker Program (Dec. 1, 2020), <https://bit.ly/3woGwbT>.

- **Permitting concurrent filing of the I-360 petition and I-485 application** for the EB-4 special immigrant religious worker (currently, religious workers must wait for the I-360 to be approved before they can file their I-485 adjustment of status application) by amending 8 C.F.R. § 245.2(a)(2)(i)(B).
- **Allowing premium processing for the I-360 petition.** Other employment-based immigrant categories permit expedited processing of the immigrant petition for an additional fee (there is no such option for the EB-4 religious worker category).
- **Expanding premium processing for the I-129 petition,** especially when a petitioner's parent organization has sponsored religious workers in the past.
- **Expanding the 180 days of automatic work authorization extension** for EADs to 240 days for those who submit I-765 applications for EAD renewals based on pending I-485 applications.
- **Expanding electronic filing** of petitions to include the I-129, I-360, I-765, and I-131.
- **Work with counterparts at the U.S. Department of State** to address scheduling delays for consular interviews and expand the use of waivers for R-1 renewals.

These steps can be taken immediately by USCIS without any need for legislative action by Congress and can help alleviate the hardships and challenges the RWVP is facing.

We look forward to meeting with you to discuss these suggestions. Thank you for your consideration. You may contact **Micheal Hill, associate director of Government Relations at the U.S. Conference of Catholic Bishops (mhill@uscgb.org or 202-257-1520)**, to arrange a meeting.

Sincerely,

Agudath Israel of America
Bruderhof
Central Conference of American Rabbis
Church of Scientology National Affairs Office
Church World Service
Conference of Major Superiors of Men
Disciples Immigration Legal Counsel
General Conference of Seventh-day Adventists
HIAS
Hindu American Foundation
Leadership Conference of Women Religious
Migration and Refugee Services, U.S. Conference of Catholic Bishops
Serbian Orthodox Diocese of Eastern America
Sikh Council for Interfaith Relations
The Episcopal Church
U.S. Council of Muslim Organizations
Union for Reform Judaism



**U.S. Citizenship
and Immigration
Services**

February 8, 2022

The Honorable Susan M. Collins
United States Senate
Washington, DC 20510

Dear Senator Collins:

Thank you for your November 2, 2021 letter to the Department of Homeland Security. Secretary Mayorkas asked that I respond on his behalf, and I apologize for the delay in responding.

Your letter raises the concern that communities have seen an adverse impact from the delays in processing religious worker visas. We appreciate your attention to this issue and share your commitment to overcoming these challenges. U.S. Citizenship and Immigration Services (USCIS) acknowledges that petitioners have experienced longer than average processing times for religious worker-based petitions. Contributing factors to the backlog include, but are not limited to, the COVID-19 pandemic, as well as resource challenges resulting from the pandemic.

USCIS has reallocated personnel to address the backlog of religious worker petitions and worked with its Fraud Detection and National Security Directorate to arrange for the waiver of the pre-adjudication verification site visit requirement for certain petitioners that have demonstrated a history of compliance with that program. These efforts have provided USCIS with significant efficiencies in the processing of Form I-129, Petition for a Nonimmigrant Worker, the form used for R-1 religious worker visa classification. For example, USCIS achieved normal processing times last October, but during the holiday season, the processing times grew again and are currently at 8-11 months. USCIS is committed to returning Form I-129 R-1 processing times back to normal (which is on average 6 months) in the coming months.

With respect to Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, the form used for Special Immigrant Religious Worker (SIRW) classification, USCIS is utilizing some of the same strategies to also reduce the processing time in this program. Form I-360 SIRW petitions are currently on track to be within normal processing times in the coming months.

USCIS has also received recommendations, such as expanding premium processing to include the Form I-360 for SIRWs as well as offering concurrent filing for the Form I-360 and Form I-485, Application to Register Permanent Residence or Adjust Status. Because these

The Honorable Susan M. Collins

Page 2

issues are the subject of current litigation, we are limited in our ability to comment. Nonetheless, USCIS is currently considering all the recommendations raised in the letter.

Thank you again for your letter and interest in this important issue. Senator Kaine, who cosigned your letter, will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal flourish.

Ur M. Jaddou
Director