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Top Immigration Issues Affecting Religious Workers: Here is what we know so far

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Miguel Naranjo

Under the Trump administration, immigration law and policy transformed. Next year, we expect the same level of changes, and possibly more, that could affect the R-1 Religious Worker Visa Program and permanent residence for religious workers. The following is a list of potential issues that international religious workers should be aware of next year.

[Admissibility and Public Charge](#)

The proposed public charge rule is attempting to clarify admissibility and whether an applicant can be denied an immigration benefit, like citizenship, if that person is likely to become a public charge. The proposed rule would implement the following factors to determine whether an applicant is likely to become a public charge: age, health, family status, assets, resources and financial status, education and skills.

Our main concern is for religious workers who qualify under the Religious Vocation classification of the regulations. In particular, we are worried as to whether a vowed member's Vow of Poverty (and lack of assets, resources and financial status) might lead to a public charge issue and possible denial of a benefit. We are also worried that the wide range of education and skills vowed members hold will be inconsistently factored in when determining public charge. Especially if the work or duties being performed by the vowed member is deemed not income producing, such as praying and meditation. In short, this new rule could negatively affect those in religious vocations who seek to come to the United States.

[Rates of Visa and Immigration Benefit Denials](#)

We have mentioned the new policy memos for requests for evidence, or RFE, notices to appear, and unlawful presence for students on F-1 visas. These were implemented in the summer of 2018 and the effect of these memos could begin to be realized beginning next year.

RIS is concerned that implementation of these memos could result in higher denial rates for religious worker cases. There is also the concern that religious worker immigration cases may begin being denied without receiving the opportunity to provide additional documentation or clarification through an RFE. Every religious organization should assess the way they submit cases to the immigration service and decide if any changes need to be made. They must determine if they are submitting enough information and documents to show that their organization and religious worker are qualified.

RIS is also concern that when there is a denial or a finding of a violation that could automatically disqualify an applicant for future immigration benefits. One could surmise that one of the objectives of these policy changes is not just to deny current immigration benefits, but also to prevent opportunities for future ones.

Sunset of Non-Minister Permanent Program and Immigrant Visa Quota

The current expiration date for the Non-Minister Permanent Program is Dec. 21, 2018, as of this publication. RIS has been waiting for a longer extension of this program, but that seems unlikely. We believe the program will be extended, but that is still unclear. Without a long-term solution, planning the permanent residence process for a non-minister religious worker is not easy. With the threat of potential government shutdowns, an environment of uncertainty exists, which further complicates planning and could lead to processing delays. Add to this the immigrant visa quota, which is the limit on the number permanent residency visas that can be issued in a year, and the problem grows. We are particularly concerned for religious workers from Mexico and India as these countries have had limitations placed in the past. This is not a new issue, but unfortunately one that repeats itself too often and one we will see again next year.

Issues:

Religious Immigration

Thursday, December 20, 2018 - 5:00pm

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