



CATHOLIC LEGAL IMMIGRATION NETWORK, INC.
THE CENTER FOR RELIGIOUS IMMIGRATION AND PROTECTION
RELIGIOUS IMMIGRATION QUARTERLY
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- Please note: The Division of Religious Immigration Services will now be known as the
 - Center for Religious Immigration and Protection

As the end of the year approaches we are faced with many changes, both in religious immigration law as well as within our organization. With new regulations and cases prime for litigation, we look forward to handling the challenges that we will face this upcoming year. As a newly named Center we strive to provide the most up to date information regarding religious immigration law. What follows is a summary of the new regulations published this past November.

NEW REGULATIONS PUBLISHED NOVEMBER 26, 2008

On November 26, 2008 U.S. Citizenship and Immigration Services (USCIS) published the long awaited religious worker regulations. The new regulations significantly change the way that dioceses and religious communities sponsor foreign born priests, sisters, brothers and other religious workers to work for the Church in the U.S. The regulations, affecting special immigrant and nonimmigrant (R-1) religious workers, became effective on November 26, 2008, the day they were published in the Federal Register. What follows is a brief summary of the regulations. For a more detailed summary and a link to the actual regulations, please see our website: <http://www.cliniclegal.org/DRIS.html>.

1. Those who want to get a religious worker visa must now have a petition approved by United States Citizenship and Immigration Services (USCIS) in the United States before going to a consulate abroad and applying for a visa
 - a. Plan ahead! Clients may no longer obtain a visa simply by making an appointment at the consulate. They must now go through a two step process of obtaining USCIS approval prior to making an appointment and presenting their application. **Notify CLINC within at least 9 months of travel since processing times for I-129 are currently exceeding 6 months.**
 - b. **TRAVEL WARNING: Foreign Nationals who have valid visas issued prior to the new regulations may have difficulty traveling.** USCIS has clarified that valid visas issued under the old regulations will be honored without an approved petition. **However, we have been told that Canadians will not be allowed to enter the United States using an I-94 card issued for multiple entries unless they also have an I-129 approved petition.**
 - i. Please anticipate possible problems when entering the U.S. with Customs and Border Protection since there may be confusion regarding the application of the new regulations to previously issued visas.
 - ii. Please notify us if you plan to travel and
 - iii. Get in touch with us if you have any issues



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2. I-360 applications for non-ministers that were held in abeyance will be processed under the new regulations; do not expect results on those immediately. I-129 applications pending at USCIS will also be processed under the new regulations, and require the same information as I-360 applications.
 - a. USCIS will probably send Requests for Evidence (RFEs) for information not submitted under the old regulations
 - b. Be prepared to collect information such as:
 - The number of members of your organization (for dioceses this means the Catholic population in the Diocese and for religious communities this means members of the community).
 - The number of employees who work at the same location where the beneficiary will be employed AND job summaries for those individuals.
 - The number of individuals employed with the organization in R-1 status for the last five years.
 - The number of individuals sponsored as a special immigrant religious worker in the last five years.
3. Initial admissions for those entering in R-1 status has been changed from 36 months (3 years) to 30 months (2 ½ years).
 - a. Foreign Nationals will be allowed one extension for an additional 30 months, with a limit of 5 years in R-1 status. The five year limitation remains the same.
 - b. The Foreign National is required to obtain I-129 approval in the US to extend their status for the additional 30 months and **will no longer be permitted to obtain an extension at a port of entry.**
4. Dual Intent: In the past Religious Workers had to be careful of traveling and extending their status when they had an immigrant petition pending. This was because of the nonimmigrant intent requirement surrounding most temporary visas. The new regulations allow religious workers to have dual intent. This means that R-1 nonimmigrants may now travel and apply for R-1 status while they have a special immigrant petition pending.
5. Employers must notify DHS within 14 days if an individual has left employment or religious community. **Please notify CLINIC immediately when an individual leaves the sponsoring organization** and we will advise you on how to report the individual's departure.



STAFF NEWS

The Center for Religious Immigration and Protection continues to grow. This past summer we added 3 new caseworkers to assist our attorneys, Angelia Amaya, Imane Farid and Virginia Bethel. Angelia is working with attorneys Sairah Saeed and Allison Posner. You may recognize Angelia's name as she was previously our administrative assistant. Imane Faired is the caseworker for our Director, Anne Marie Gibbons and attorneys Nancy Marwin and Minyoung Ohm. We would like to welcome back Minyoung. She has returned to CLINIC on a full time basis and we are happy to have her back! Virginia (Ginja) Bethel is working with attorneys Albert Naranjo and Nina McDermott. Ginja temporarily served as our administrative assistant earlier in the year.

Tamika Johnson accepted the position of Administrative Assistant and began working with the Center in late November. Tamika provides support assistance to the staff with her primary focus being to assist the Director.

Lauren Schmidt will be joining us as an intern this spring. Lauren is a second year law student at George Washington University and will begin working with us on January 5, 2009.

TRAININGS

We will be holding numerous trainings on the new regulations throughout the new year. There will be trainings in Washington, DC and Charleston, SC this January. We hope to also provide trainings in locations throughout the United States. Please watch our future mailings and our website for specifics on times, dates and locations. In addition to in-person trainings, we hope to offer short webinars which will include an overview of the new regulations. These webinars are not intended as a replacement for the in-depth material that is covered in our in person trainings. These webinars will be provided to quickly reach our clients to cover the most important changes in the regulations.