



CATHOLIC LEGAL IMMIGRATION NETWORK, INC.
THE CENTER FOR RELIGIOUS IMMIGRATION AND PROTECTION

RELIGIOUS IMMIGRATION QUARTERLY

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Updates in Religious Immigration Law

Concurrent Filing for Religious Workers:

As noted in the Spring Newsletter, on March 23, 2009, Federal Court Judge Robert S. Lasnik ruled that the government's policy barring concurrent filing of permanent residency applications with I-360 special immigrant religious worker petitions was both an "unreasonable and impermissible construction of the governing statute." The court ruled that regulations cannot interpret the statute in two different ways. There must be concurrent filing for all categories or no concurrent filing period.

On June 11, the judge ordered that USCIS accept concurrent filings of I-360 and I-485's for religious workers. What this means is that religious workers will no longer have to wait the six months to two years for their I-360 applications to be approved before filing for permanent residency. Since filing an I-360 by itself does not preserve status or stop accrual of unlawful presence, many religious workers were forced to either leave the US or stay in the US unlawfully while awaiting the decision of the I-360. This court decision will allow religious workers to benefit from the protection of status that accompanies filing for permanent residency immediately, rather than waiting for the approval of the I-360 Special Immigrant Petition. Individuals will also be eligible to apply for work authorization and permission to travel. These applications take about three months to be approved.

In cases where an I-360 is pending or will be filed and the applicant faces unlawful presence or unauthorized employment, the judge has ordered that this time is tolled until September 9, 2009 in order to give individuals a chance to file their I-485 applications. If you have a question about application of the relief in a particular case, please contact your CLINIC attorney.

Non-Minister Provision Expiration:

As many of you are aware, religious workers seeking permanent residency in the United States must apply for the immigrant classification "Special Immigrant Religious Worker" through a form I-360 Special Immigrant Petition. In order to qualify as a Special Immigrant Religious Worker, the individual must be classified as working as a minister or working in a religious occupation or religious vocation. On March 6, 2009 the non-minister provisions for immigrant religious workers expired. The provision was extended through September 30, 2009 and was signed into law on March 20, 2009. The reason for the short extension was that USCIS was awaiting results of a fraud analysis study to determine if the new regulations have reduced fraud in the religious worker program.

The results of this study were published on June 11, 2009. As mandated, the Office of the Inspector General examined these new regulations in order to determine their effect on reducing fraud in the



Religious Worker Program. The report found that USCIS has “taken steps that can reasonably be expected to reduce fraud in special immigrant nonminister petitions, but that it is not possible to determine the exact amount of fraud reduction attributable to the new regulations.” While adjudicators have said that the new process provides a deterrent to fraud, the report believes that more subtle fraud will persist.

The United States Conference of Catholic Bishops is working with other religious organizations to lobby for an extension of the nonminister provision of the law. On Wednesday, July 8, 2009 the Senate agreed to an amendment to the Fiscal Year 2010 Homeland Security Appropriates Bill, extending the Special Immigrant Non-Minister Religious Worker Visa for three years (through September 3, 2012). The Senate version must still be conferenced with the House-passed version which does not include the extension. While a major hurdle has been crossed, there is still work that needs to be done. We hope to provide news and updates as we approach the September sunset date. Please remember that this September sunset date does not affect the non-immigrant temporary religious worker (R-1) program.

CLINIC and USCCB has prepared a survey to be sent to dioceses and religious orders the week of July 20 on their use of foreign born religious workers. Responses to the survey will provide important profiles of religious workers across the country and will help in advocating for reauthorization of the religious worker categories. Please respond when you receive this survey.

STAFF NEWS

In order respond to an increase in case requests, the Center for Religious Immigration and Protection has made some additions to our staff. First we have two new attorneys, Admir Serifovic and Elizabeth Mirarchi. Mr. Serifovic has been in private law practice for four years, managing all aspects of immigration law. Previously, he worked for Las Americas Immigrant Advocacy Center, representing unaccompanied minor children and individuals in detention. 2007 graduate of Syracuse University College of Law in Syracuse, NY, Ms. Mirachi is a former associate with Levine and Associates in Arlington, VA, Ms. Mirarchi and has volunteered with Catholic Charities in Washington DC assisting attorneys in preparing asylum cases.

Anne Marie Pierce joined the Center in May of 2008 as a temporary administrative secretary. Ms. Piece has accepted the position as Legal Assistant. With years of legal experience, she will be an asset to our section.

Finally, we would like to thank our summer interns Benjamin Dougherty from Boston College Law and Alyssa Miller from William and Mary School of Law.

TRAININGS

August 6, 2009 in Portland, Oregon

Open to CLINIC affiliates as well as religious communities and diocesan staff

September 18, 2009 in Milwaukee

Open to CLINIC affiliates as well as religious communities and diocesan staff

October 30, 2009 in Salt Lake City

Open to religious communities and diocesan staff

Watch the CLINIC website at <http://www.cliniclegal.org> for more information