

VISA BULLETIN UPDATES WILL DELAY GREEN CARDS FOR RELIGIOUS WORKERS

What Has Changed and How You Can Help



BACKGROUND

Religious workers — such as priests, pastors, brothers, religious sisters, or other vowed religious — are sponsored to come to the U.S. to provide critical services for U.S. communities. Some decide to seek permanent residency.

In U.S. immigration law, the Religious Worker Permanent Residence Program is included as part of the Employment-Based 4th preference (EB-4) Special Immigrant category. There are a limited number of immigrant visas allotted to this category each year and demand is high.

The green card application process for a foreign-born religious worker is two-fold. First, the religious employer (U.S. petitioner) must file an I-360 Special Immigrant petition on behalf of the foreign-born religious worker (beneficiary) with U.S. Citizenship and Immigration Services (USCIS). The date the I-360 petition is received by USCIS is known as the “priority date” for the religious worker. Once the I-360 petition has been approved, the religious worker can proceed with the second step of the process, filing a Form I-485 to adjust status to permanent resident and obtain a green card.

WHAT HAS CHANGED?

In April 2023, the U.S. Department of State (DOS) published the April Visa Bulletin showing a “retrogression” of the EB-4 category to Sept. 1, 2018 (01SEP18). The result is that only those religious workers with an approved I-360 petition with a priority date before Sept. 1, 2018, can submit a Form I-485 to adjust to permanent resident status.

HOW HAS THIS UPDATE IMPACTED PERMANENT RESIDENCY FOR RELIGIOUS WORKERS?

Religious workers must wait until the I-360 petition is approved before they can move to the second step of the process, filing the Form I-485 to adjust to permanent resident status.

With the new visa bulletin retrogression, it may be several years before a religious worker’s priority date becomes available. Many religious workers will run out of R-1 status in the meantime and have very limited immigration options to remain in the United States before they will be able to submit their Form I-485. They will likely need to depart the U.S., which will cause disruption and hardship for U.S. communities who rely on the services of foreign-born religious workers.

For religious workers with a currently pending Form I-485, USCIS policy guidance suggests pending Form I-485s will continue to be processed; however, such applications will not be approved until the applicant’s I-360 priority date becomes available (*see Volume 7 USCIS-PM Chapter 6(C)(5) Visa Retrogression*). Applicants should expect to receive continued notices and should also prepare to renew any employment authorization documents and advance parole documents during this period, as it may be several years before the Form I-485 is finally approved.

WHAT CAN YOU DO TO HELP?

The Religious Immigration Services section at CLINIC is working directly with CLINIC’s advocacy team to find ways to address the issue. While change will take time, you can take these actions to help raise awareness now:

1. Share the issue on social media.

Sample post: "Every day, foreign-born religious workers in the U.S. are providing pastoral and other types of critical care for our communities. Now, new immigration policy changes will cause severe delays in their ability to get green cards to stay in the U.S. We must speak out for our religious workers! #ReligiousWorkersAreEssential"

2. Contact your local paper.

A letter to the editor of your local paper is a great way to get the word out about this issue, the importance of religious workers and the services they provide, and the need to come together to support them as they face immigration challenges.

3. Contact the Public Engagement Section of the CIS Ombudsman.

The CIS Ombudsman’s Office serves as liaison between stakeholders and USCIS. If you are a stakeholder (employer of a religious worker, legal representative, etc.), you can contact the CIS Ombudsman’s office to voice your concerns. Please email CISombudsman.PublicAffairs@hq.dhs.gov.

4. Scan the QR code and read our "Religious Workers Are Essential" advocacy toolkit!



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