

## **XV. R VISA/ STATUS – RELIGIOUS WORKER**

This visa allows religious workers like ministers and persons working in the religious vocation or occupation to work in the United States for a period of up to 5 years and eventually apply for a green card for permanent residence. Religious workers are involved in many people's lives and offer service and assistance to those in need. In fact, there are instances wherein a religious organization or churches bring a clergy member or other religious worker to the U.S, thus the need to obtain R Visa Status.

Religious Vocation- means a calling to religious life, evidence by the demonstration of a lifelong commitment, such as taking vows.

Religious Occupation- means a habitual engagement in an activity which relates to a traditional religious function.

Religious Denomination- this should have a formal code of doctrine and discipline, religious services and ceremonies, some form of ecclesiastical government, a recognized creed and form or worship, religious congregations and established places of worship.

**Workers in a Religious Vocation or Occupation includes the following two types of workers:**

(a) professional workers— are the persons that want to work in a religious vocation or occupation that requires a US bachelor degree or its foreign equivalent;

(b) other religious workers—are the persons that are working in a religious vocation or occupation.

Ministers and other in religious occupations or vocation are eligible to apply for R Visa Status. In order to qualify as a Minister, a recognized denomination must authorize you to conduct religious worship and perform duties that are performed by the clergy members. Lay preachers do not qualify as religious occupation means a habitual practice of activities that relate to traditional religious functions like catechists, religious broadcasters, religious translators, missionaries, workers in religious hospitals, liturgical workers, and religious instructors or cantors. Religious occupation relates to a traditional religious function to inculcate and carry out the religious creed and beliefs of the denomination. On the other hand, religious vocation is a formal lifetime commitment to a religious way of life like monks, nuns, priests, and religious brothers and sisters. To qualify, the religious worker must be a member of the same religious denomination as the petitioning church for the past two years. Also, the petitioning church must have received 501(c)(3) nonprofit status from the IRS.

To apply, If OUTSIDE of the United States— you must obtain U.S. Citizenship and Immigration Services approval of Form I-129, Petition for Nonimmigrant Worker. You must be able to prove that you are a member of a religious denomination having a *bona fide* nonprofit religious organization in the U.S. If the religious denomination and its affiliate are exempt from taxation or the religious denomination qualifies for tax-exempt status. If must have been a member of the denomination for two years immediately preceding admission. If you have been previously granted R-1 status in order to reapply again you needed to have resided and been physically present outside the United States for the immediate prior year. Once Form I-129 is approved the U.S. Embassy or Consulate will begin consular processing for issuance of the visa.

If **INSIDE** of the United States, follow the discussion *infra*.

If you are fortunate enough to get R visa status that status can be granted for up to three years initially and may be extended for two more years, with a five years total period.

Spouse and unmarried children below 21 years of age are eligible to get an R-2 visa to accompany the religious worker and remain in the United States. R2 visa holders are not allowed to work but may attend schools.

To find out more about the procedural steps involved and an estimate of fees, call or email us today for your free in-depth consultation!