

**KOREAN PASTOR DEPORTED BACK TO UNITED STATES TO FACE  
SENTENCING ON IMMIGRATION FRAUD IN R-1 CASES**



by  
*Kristen A. Chang and David J. Long*  
*Long, Chang & Associates, L.L.P.*  
*4915 Piedmont Parkway, Suite 103*  
*Jamestown, NC 27282*  
*Phone: (336) 855-5700*  
*www.longchangonline.com*

The South Korean government recently deported back to the United States a Korean pastor who had previously been convicted by the U.S. government of immigration fraud. Dong Wan Kim, a former pastor of a Korean church in Tacoma, Washington, was convicted in June 2006 of immigration fraud for filing fraudulent visa R-1 religious worker visa applications on behalf of Koreans he claimed were coming to the United States to work as associate pastors at his church. After being released on bond following his conviction, Mr. Kim fled the United States prior to being sentence for his crime.

A News Release from the United States Immigration and Customs Enforcement office summarizes the religious work fraud scheme as follows:

*According to records filed in the case, Park, who was indicted in November 2005, advertised in a Korean language newspaper that immigration visas were available through his church. In exchange for as much as \$30,000, Park provided the visa paperwork, including phony transcripts from a Korean seminary and a certificate of ordination from a Korean bishop. Park signed the petitions representing that the applicants were to be associate pastors at the Hope Korean Church and would be paid \$24,000 a year. In fact, none of the applicants was ever employed at the church nor had they had any religious training.*

More recently, on November 15, 2006, United States Immigration and Customs Enforcement (ICE) agents arrested 33 individuals in 8 states and the District of Columbia in yet another religious worker fraud scheme. According to ICE, the fraud scheme was primarily to help large numbers of illegal aliens, most of whom were from Pakistan.

These religious worker fraud schemes highlight the growing number of fraud cases involving religious worker (R-1) visa cases. As our office reported in an article previously published on our immigration website, a random sample of religious worker (R-1) cases filed with the United States Citizenship and Immigration Services (USCIS) revealed that almost one-third (1/3) of the religious worker (R-1) cases are fraudulent.

Churches and foreign nationals wishing to pursue the R-1 religious worker option need to understand that this is the background against which R-1 cases are being reviewed and adjudicated by immigration officers. These fraud schemes are well-known by

immigration officers and, quite often, their adjudication of these R-1 petitions reflect the growing skepticism that many immigration officers rightfully have with R-1 cases.

Immigration officers often ask for detailed proof of the foreign national's qualifications and the actual existence of the religious organization filing for the foreign national. Requests for Evidence (RFEs) have become lengthier and have included requests that the church provide its advertisements, church bulletins, membership lists, property deed or land lease showing, pictures of the church, telephone directory listings and other similar evidence that the church is in existence.

In a growing number of cases, R-1 cases are being selected for "detailed review" by USCIS. "Detailed review" means that the case is subject to heightened scrutiny in order to take a closer look at the case and prevent fraudulent cases from being approved in error. In a case subjected to "detailed review", an immigration official may actually contact the beneficiary to discuss the case in order to make sure that the beneficiary has the qualifications to perform the religious work and is in valid immigration status. The church official who signed the R-1 petition church may be contacted to make sure that he actually signed the R-1 petition and is aware that the church has filed an R-1 petition. An immigration official may even show up or "visit" the church to confirm its existence.

Based on the skepticism and careful review that accompany R-1 petitions nowadays, it is so important that R-1 cases be properly and thoroughly documented. You cannot simply state that you meet the required elements for R-1 status. You must be able to document how you meet each and every element for R-1 status with valid and authentic documentation.

\*\*\*\*\*

*Kristen A. Chang and David J. Long are attorneys in the immigration law firm of Long, Chang & Associates, L.L.P. Ms. Chang and Mr. Long are members of the North Carolina State Bar and the American Immigration Lawyers Association (AILA). Ms. Chang is fluent in both the Korean and English languages. Mr. Long has been certified by the North Carolina State Bar as a Specialist in Immigration Law. They may be reached via telephone at (336) 855-5700 or via e-mail at [info@longchangoonline.com](mailto:info@longchangoonline.com).*

*This article should not be taken as legal advice for any individual case or situation. This information is intended to be general and should not be relied upon for any specific situation. For legal advice, consult an attorney experienced in immigration law.*