

**WHAT IN THE WORLD IS GOING ON? UNDERSTANDING THE CRAZINESS  
SURROUNDING R-1 AND SPECIAL IMMIGRANT RELIGIOUS WORKER PETITIONS**



by

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Over the past several months, the processing of I-129 R-1 non-immigrant religious worker petitions and I-360 Special Immigrant Religious Worker petitions has changes dramatically.

Here is a breakdown of what has been going on:

1. **IMMGRATION FRAUD IN RELIGIOUS WORKER CASES.** The Department of Homeland Security has reported an increased number of fraud cases involving religious workers. In an article recently published on our firm's website, we reported about a Korean pastor in Oregon who has been charged with committing immigration fraud by supplying false documentation in R-1 cases.
2. **NO MORE PREMIUM PROCESSING FOR R-1 CASES.** On November 28, 2006, USCIS announced that, effective immediately, it was suspending Premium Processing Service for I-129 Petitions seeking R-1 religious worker classification. The reason? USCIS felt the 15-day time period for premium processing did not give its immigration officers sufficient time to review and investigate the documentation submitted in R-1 cases. To view the complete USCIS press release, [click here](#).
3. **INCREASING NUMBER OF FIELD AUDITS.** There are reports of increased field audits in which an immigration officer actually visits the petitioner (for example, the church filing an R-1 petition) and the beneficiary to investigate possible fraudulent filings. The contents of the petition and a review of the case with the petitioner and the beneficiary is conducted at the actual site where the work is to be performed. The results of the investigation are then sent back to the immigration officer who make a decision on the case.
4. **ALL I-360 CASES TRANSFERRED TO CALIFORNIA SERVICE CENTER.** Beginning several months ago, the USCIS began transferring I-360 Special Immigrant Religious Worker cases to one office – the California Service Center.

5. **RIDICULOUS RFES (REQUESTS FOR EVIDENCE) ON BOTH I-360 AND I-129 R-1 CASES.** Attorneys are reporting that the California Service Center has been issuing boilerplate Requests for Evidence (RFEs). These RFEs typically request the same exact information. They are not geared to the specific case at hand. Much of the information has already been supplied in the original R- 1 or I-360 package. It is evident from what is being requested that the immigration officer has not even reviewed the case before sending out the RFE. The problem has gotten so bad that in a 2-day span there were 19 postings by immigration attorneys on the American Immigration Lawyers website expressing their frustrations with RFEs. One attorney went so far as to say that it appeared from the RFE that the immigration officer only saw the I-360 form and the check and did not pay any attention to the documentation supplied as part of the I-360 package. Churches which have filed I-360 petitions for religious workers (both immigrant and nonimmigrant petitions) should expect an RFE in any of their pending cases.

These RFEs routinely ask for evidence of the following information:

- a. Petitioner's 501(c)(3) status;
  - b. Religious connection between any churches or organizations in which the beneficiary worked in the 2-year period prior to filing the I-360 petition;
  - c. Ability to Pay (the Petitioner must supply either annual reports, audited financial statements or tax returns from the date of filing the I-360 Petition);
  - d. Detailed work history of the beneficiary during the 2-year period prior to filing the I-360 Petition;
  - e. Tax Documents of the Beneficiary including W-2 forms to prove that the beneficiary has worked in the religious occupation for the past 2 years;
  - f. Detailed job offer letter from the petitioner describing the job duties and number of hours per week that the beneficiary will spend on each job duty;
  - g. Proof of ordination if the position requires ordination;
  - h. Proof that the Beneficiary meets the requirements of the job if it is a professional position;
  - i. Means of support (how the beneficiary has been supporting himself and his family);
  - j. Detailed proof of immigration status, including passports, I-94s and visa history.
6. **EXTENSIVE DELAYS IN I-360 CASES.** With all of the I-360 cases now being sent to one office (the California Service Center) and with extensive Requests for Evidence being submitted in a majority of I-360 cases, the processing of I-360 cases has slowed dramatically in recent months. As of December 5, 2006, the California Service Center is working on I-360 cases filed on February 7, 2006 ( processing time of about 10 months).

As our office has reported in past articles at [www.longchangonline.com](http://www.longchangonline.com), USCIS has increased its scrutiny of both I-129 R-1 cases and I-360 Special Immigrant Religious Worker cases due to reports of fraud.

What does all of this mean for churches and religious workers seeking sponsorship? Expect increased delays for the foreseeable future and be prepared to thoroughly document the requirements for your case (and perhaps re-document your evidence in the case of an RFE). Your case must be legitimate and you need to understand what you are signing and what you are filing, especially in light of the fact that USCIS immigration officers are conducting personal visits to churches and conducting interviews in an increasing number of cases.

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