

## RELIGIOUS WORKER IMMIGRATION UPDATE – AUGUST 2008



by

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On September 30, 2008, the green card category for religious workers and religious professionals (except for ordained ministers) is set to expire. If Congress does not pass a law extending this program, then no religious workers or religious professionals (except for ordained ministers) will be able to obtain green cards in the Special Immigrant Religious Worker category after September 30, 2008. Efforts are already underway in the U.S. Congress in order to pass a law which would extend this green card program for non-ministers beyond September 30, 2008. In past years when this program was set to expire, Congress passed laws extending the program. It is quite likely that Congress extend the program once again. In the meantime, various religious organizations have written a letter to the Director of the U.S. Citizenship and Immigration Services (“USCIS”) asking him to have USCIS expedite (quickly adjudicate) all pending I-485s for non-ministers so that they can receive their green cards before September 30, 2008. Stay tuned to [www.longchangonline.com](http://www.longchangonline.com) for further updates on this hot topic!

USCIS recently announced that “Premium Processing” remains suspended in the R-1 category. Premium Processing is a service available in many types of immigration cases which allows an applicant to pay an additional fee of \$1,000 in order to receive a decision within 15 days of filing. Premium Processing has been suspended for quite some time now in the R-1 category since most R-1 cases must now undergo a special review by a USCIS Fraud Detection officer. This often delays the adjudication of R-1 cases for several months and in some cases years. Those individuals seeking to be employed in the R-1 category or considering changing jobs within the R-1 category must be aware of the typically long delays in these cases and might want to consider consular processing (obtaining an R-1 visa outside the United States) since that process is still fairly quick in comparison to applying for a change of status to R-1 in the United States.

What we have found at Long, Chang & Associates in our cases is that our R-1 and I-360 cases are being processed fairly quickly here in the United States where the Petitioner (the religious organization filing on behalf of the religious worker) has already had a successful audit conducted by the USCIS Fraud Detection officer. Typically, once the Petitioner has had a successful audit (in which the USCIS Fraud Detection officer comes out to the Petitioner’s place of business and is satisfied that the Petitioner is a legitimate religious organization) then the Petitioner does not usually have to be audited again. This means that the R-1 or I-360 case can bypass the audit in subsequent cases, thus eliminating a typical cause of delay in R-1 and I-360 cases. As an example, we recently assisted a client whose religious organization had already had a successful audit in filing

an R-1 extension and, shortly thereafter, an I-360 Petition. Within one month of filing, we received both the approval for the R-1 extension and the approval for the I-360 Petition.

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