

## NON-MINISTER RELIGIOUS WORKER PROGRAM TO BE EXTENDED



by

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March 20, 2009 - The special immigrant religious program for non-ministers will soon be extended. On March 11, 2009, Congress passed H.R. 1127 which will extend the non-minister special immigrant green card program until September 30, 2009. To read the full text of H.R. 1127 or its legislative history, visit <http://www.govtrack.us/congress/bill.xpd?bill=h111-1127>.

H.R. 1127 will become law once the President signs it or March 21, 2009 (10 days after the Senate passed H.R. 1127), whichever comes first. As of March 19, 2009, President Obama had not yet signed the bill into law. If the President does not sign it by March 21, 2009, H.R. 1127 will automatically become law and the extension will then go into effect.

The non-minister portion of the special immigrant green card program recently expired on March 6, 2009. Since that time, USCIS has not been accepting new I-485 green card applications based on approved I-360 Petitions in the non-minister category. Processing of I-360 Petitions and related I-485 applications filed prior to March 6, 2009 has been stopped temporarily, but will resume once the program is extended. Once HR. 1127 becomes law, USCIS will resume processing of I-360 Petitioner for non-ministers and related I-485 applications.

There is both good and bad news that the non-minister extension will continue only until September 30, 2009 (about 6 months from now). The bad news is that we will once be faced with a deadline of this program. In the past, the non-minister program has always been extended. However, the extensions have not always become law prior to its expiration. As a result, in both October 2008 and again from March 6 to the present, there has been a period of time in which the non-minister program was not in place, meaning both I-360 Petitions and I-485 applications for non-ministers could not be filed, or if already filed and pending, could not be approved during that period of time. Religious groups and the immigrant community are working towards a long-term strategy, such as an extension of 5-7 years, but it is uncertain if such an extension can be passed into law before the September 30, 2009 expiration date. The good news is that once H.R. 2007 becomes law and the September 30, 2009 deadline once again approaches, USCIS will likely expedite these non-minister cases (as it has done in the past when the non-minister program deadline approached) which could, in turn, lead to much faster processing of both I-360 Petitions and I-485 applications on behalf of non-ministers.

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