

Religious Workers (R visa)

Overview

A religious worker visa is a nonimmigrant visa that allows mid---councils and churches to call religious workers, who are not residents of the U.S., to serve the church. This is a general overview of religious worker visa qualifications and potential issues. It is not a tool to determine eligibility and it is not advice. Mid---councils and congregations with religious worker issues should contact Teresa Waggener at the Office of Immigration issues at: Teresa.Waggener@pcusa.org.

Eligibility

To qualify, a religious worker must:

- 1) Have been a member of a religious denomination having a bona---fide non---profit religious organization in the U.S. for the **two (2) years preceding the petition**;¹
- 2) Be coming to the U.S. to work as a religious worker for **at least twenty (20) hours a week**;
- 3) Be coming **solely to work as a minister or in a religious vocation**;
- 4) Be coming **solely to work as a religious worker for the petitioner**; and
- 5) **Not work in the U.S. in any other capacity**.²

Common Issues Surrounding Religious Worker Visas

Congregation or Mid---council as Petitioner

There are many factors to consider when deciding if a congregation or a mid---council should be the petitioner in a religious worker visa application. Sometimes a petitioner needs a decision quickly. Sometimes a petitioner needs to ensure that a religious worker has the ability to move within the presbytery. Please call the Office of Immigration Issues to determine which choice of petitioner, the congregation or the mid---council, best suits the needs of your particular case.

Length of Stay

A religious worker's visa status may be extended once for a total of up to five (5) years. After two years of religious work in the U.S., the petitioning mid---council or congregation can choose to apply for special---immigrant status on behalf of the religious worker, which can then be used by the religious worker to gain permanent resident status for him/herself and qualifying family members.

¹ This includes denominations in correspondence with PC (USA). A list of churches in correspondence can be found at: <http://oga.pcusa.org/section/departments/ecumenical---relations/list---churches---correspondence/>

² 8 CFR 214.2(r)

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Family

The spouse and dependent children (unmarried and under the age of 21) of a religious worker can enter the U.S. in R-2 status, but in that status **they may not work**. They may go to school.

Unauthorized Work

A religious worker may only work for the petitioner and only in the position as described by the petition. If a religious worker performs religious work for another employer or work that is outside of the original job description (this includes material changes in hours or pay) or work that is not religious in nature, that work is unauthorized and will harm a religious worker's status in the U.S.

Candidates in the PC (USA) Call Process

Nonimmigrant visas have very strict limitations surrounding work. A nonimmigrant visa holder in the call process should inquire about his/her specific visa constraints before accepting employment or "scholarships" for work-like activity. Unauthorized work will harm a candidate's ability to change to another status, like that of a religious worker, which would allow a candidate to accept a call.

Presbyterian Polity

Sometimes the best person to teach and preach at an immigrant fellowship may have credentials that do not align with the teaching elder requirements of PC (USA). The polity of the Presbyterian Church recognizes this and, through the Book of Order, has made provisions that allow presbyteries, under G-2.0505, to receive new immigrant ministers when the presbytery's "strategy for mission" requires it.

Separation from the Presbyterian Church (U.S.A.)

Congregations discerning to leave the denomination need to be aware of the impact this decision will have on any religious workers serving their church. The rules surrounding religious work in the U.S. do not allow for an easy transition for religious workers. For instance, if the petitioner for a religious worker is the mid-council, then the worker can only stay under his/her current status if he/she continues work for the mid-council and cannot follow the congregation without a new petition. Conversely, if the petitioner is the congregation and the worker is a member of PC (USA), the religious worker will potentially not have been a member of the new denomination that the congregation chooses for the two years preceding and would no longer be eligible to work for that congregation under their new denomination.