

Ruling Gives Religious Workers 'Peace of Mind', CLINIC Head Says

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WASHINGTON (CNS) -- A Seattle judge's order overturning a U.S. Citizenship and Immigration Services policy on visas for foreign-born religious workers will give those workers "the peace of mind to continue providing important services in their communities and parishes," said the head of the Catholic Legal Immigration Network.

Mark Franken, executive director of the agency known as CLINIC, commented in a June 23 statement on U.S. District Court Judge Robert S. Lasnik's recent order requiring the federal immigration agency to treat immigrant religious workers the same way as other immigrants.

Previously, foreign citizens immigrating on the basis of petitions by family members or employers of those designated as "priority workers" or those having special skills or experience could file concurrent applications for a visa and for permanent residency. Religious workers were required, however, to wait until the agency had approved separate visa applications by employers before applying for permanent residency.

"The bar discriminated against religious workers and created a burden for hundreds of religious workers," Franken said.

Because of delays in processing their applications, foreign-born religious workers sometimes would have to leave the United States before applying for permanent residency in order to prevent the accrual of unlawful presence and work.

In a March 23 ruling, Lasnik said the government policy was "an unreasonable and impermissible construction of the governing statute" that must be overturned.

He said federal officials do not "have discretion to choose who is eligible to apply for adjustment of status," which is a determination made by Congress, or "to interpret the same statutory provision in different ways depending on the classification of the applicant, or to waive a statutory requirement."

His June 11 order in *Gabriel Ruiz-Diaz et al. v. United States of America* directed the agency to process employment authorization applications and special immigrant visa applications for religious workers whose applications had been rejected "as if they had been submitted on their original submission date."

Anne Marie Gibbons, CLINIC's director for religious immigration and protection, called Lasnik's decision "a major accomplishment and great news for hundreds of religious workers across the country."

Gibbons told Catholic News Service in April that the Seattle ruling could clear the way for about 300 religious workers whose visa cases CLINIC handles to apply for residency without the burdensome process they have had to use.

Many dioceses and religious orders apply on their own for their foreign-born employees and also would be covered by a change in the policy, she said.

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