



United States
Conference of
Catholic Bishops



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Andrew Good
Chief, Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

Re: Improving Continuity for Religious Organizations and Their Employees
91 FR 2049; DHS Docket No. USCIS-2025-0403

Dear Mr. Good:

The United States Conference of Catholic Bishops (USCCB) and the Catholic Legal Immigration Network, Inc. (CLINIC), submit this joint comment regarding U.S. Citizenship and Immigration Services' (USCIS) Interim Final Rule (IFR) entitled "Improving Continuity for Religious Organizations and Their Employees," published in the *Federal Register* on January 16, 2026. The USCCB and CLINIC appreciate this opportunity to provide comment on the IFR.

The USCCB is a nonprofit corporation whose members are the active Catholic bishops of the United States, representing nearly 200 autonomous dioceses in all 50 states and the U.S. Virgin Islands. The U.S. Catholic bishops, the dioceses they lead, and other Catholic institutions have a strong reliance on the proper administration of the Religious Worker Visa Program (RWVP), which directly impacts the Church's ability to serve people in every state across the nation.

Founded in 1988 by the USCCB, CLINIC is the largest network of nonprofit immigration legal programs in the country, supporting more than 400 diocesan and community-based affiliates in 49 states and the District of Columbia. Through this network, thousands of attorneys and DOJ-accredited representatives provide family-based immigration services, humanitarian protection, and community education to hundreds of thousands of low-income immigrants each year. CLINIC's Religious Immigration Services team provides direct representation to religious workers and their employers, who will benefit from this IFR. CLINIC's work is rooted in Catholic social teaching and the Gospel mandate to welcome the stranger.

Both organizations' interest in the RWVP is longstanding. The USCCB has participated in every rulemaking process directly affecting the RWVP. Since 1988, CLINIC's Religious Immigration Services has helped hundreds of organizations and thousands of foreign-born religious workers obtain visas and permanent residency through the RWVP. CLINIC maintains the nation's largest network of charitable, grassroots organizations providing legal services to meet the immigration needs identified by the Catholic Church in the United States.

Our organizations are extremely thankful for the IFR, which provides meaningful relief to religious organizations and the communities they serve throughout the country. Our comments are largely focused on ways to maximize the IFR's positive impact, consistent with its purpose.

I. Background

The RWVP has existed in its current form since 1990, at which point Congress enacted legislation that addressed the unique challenges faced by religious organizations when attempting to sponsor foreign-born religious workers through existing legal pathways.¹ That legislation created a dedicated category for nonimmigrant religious workers and their immediate family members, pairing it with the opportunity for religious workers to remain permanently in the United States through a broader category of employment-based immigrants. In this way, the foundational and fundamental importance of the free exercise of religion, as enshrined in the First Amendment to the U.S. Constitution, was reaffirmed and promoted.

The RWVP is available to foreign-born ministers and non-ministers in religious vocations and occupations who have a U.S.-based religious organization willing to sponsor them. This includes priests, deacons, pastors, rabbis, imams, religious sisters and brothers, monks, missionaries, cantors, and others. These workers provide a variety of religious and social services. For example, in the Catholic context, foreign-born priests serve as parish pastors, religious sisters teach in the Church's schools, and lay missionaries conduct outreach to those in isolated communities. Importantly, bona fide religious organizations across the spectrum depend upon the RWVP, and foreign-born religious workers serve communities in every state.

The need for these foreign-born religious workers is not based on a shortage of domestic vocations alone. In a country as diverse as the United States, religious workers from other countries bring with them linguistic and cultural expertise that match the demographics of American communities. Without the contributions of such workers, many religious organizations, including Catholic dioceses and parishes, would not be able to carry out their missions in full, and untold numbers of people would have limited or no access to the essential religious and social services they provide. These are the very challenges Congress sought to address when creating the RWVP.

¹ See Immigration Act of 1990, Pub. L. No. 101-649, 104 Stat. 4978, 5004-5, 5027.

a. Recent Challenges Impacting the RWVP

During the first thirty years of the RWVP, it was largely possible for those in the United States on a nonimmigrant religious worker (R-1) visa to apply for and receive a green card through the employment-based, fourth preference (EB-4) visa category before reaching the end of the R-1 visa's statutory five-year limit.² However, this is not the case today. Because of an extensive backlog in the EB-4 category, which results in a wait time spanning decades, all religious workers on an R-1 visa seeking permanent status will inevitably reach their five-year maximum period of stay before their green card becomes available.³ This forces them to abandon their U.S.-based ministries in almost all cases when they would otherwise continue serving American communities. This situation has only worsened since 2023 when the U.S. Department of State corrected its handling of EB-4 applications to comply with the broader statutory framework created by Congress, causing the backlog to impact nearly all nationalities equally.⁴ As a result, parishes lose pastors, hospitals lose chaplains, and the free exercise of religion is diminished for people across the country who rely on the contributions of foreign-born religious workers to practice their faith.

b. Previous Regulatory Requirement and the Change Provided by the IFR

Prior to the IFR, the regulations imposed the requirement that religious workers be physically present outside of the United States for one full year between subsequent R-1 visas. This, combined with the EB-4 backlog, frustrated the intent of Congress in seeking to ensure religious organizations and American communities could have reliable access to foreign-born religious workers. Without a clear basis in the underlying statute, the previous one-year requirement arbitrarily deprived religious organizations and communities of religious workers whom they had already been depending on for up to five years. This imposed significant and unsustainable hardships for employers, communities, and the workers themselves. In some cases, this meant a completely new religious worker needed to be identified and sponsored for an R-1 visa to fulfill the prior responsibilities of the worker forced to depart, which in turn required a new person to integrate into the role and community. However, even this "solution" was often not feasible in many instances, given the unique obstacles faced by religious organizations in identifying qualified workers abroad, in addition to the financial costs incurred.

In response to this situation, our organizations, together with many others, advocated across administrations for this to be addressed through a change to the regulation, noting that a simple

² See 8 U.S.C. § 1101(a)(15)(R)(ii).

³ The most recent data publicly available from USCIS indicates a wait of at least thirty years for an applicant starting the process today, based on the statutory limit of approximately 10,000 EB-4 visas available per fiscal year and the over 300,000 approved EB-4 petitions awaiting visa availability. See Form I-140, I-360, I-526 Approved EB Petitions Awaiting Visa Final Priority Dates (Fiscal Year 2025, Quarter 3), <https://tinyurl.com/3wvrsuj4> (last visited Mar. 3, 2026).

⁴ See generally USCCB, APRIL 2023 CHANGE IMPACTING SPECIAL IMMIGRANT RELIGIOUS WORKERS, <https://tinyurl.com/26khmv3a> (last updated Apr. 15, 2024).

departure from the United States and securing a new R-1 visa are all the statute requires.⁵ A more limited departure from the United States, while still not ideal,⁶ is far more manageable for religious employers, their workers, and the people they serve. As explained below, our organizations believe the IFR’s elimination of the one-year requirement now reflects the best reading of the statute.

The public interest and the common good are furthered by the IFR. The free exercise of religion is better promoted in accordance with the Founders’ vision for our country and congressional intent. Both people of a particular faith tradition (who directly benefit from the religious and spiritual support of their own tradition’s workers) and those of other faith traditions or none at all (who are still served through the social and charitable contributions of foreign-born religious workers) will experience the positive impacts of the IFR.

II. Good Cause Has Been Shown for the Issuance of an IFR with a Post-Implementation 60-day Comment Period

Our organizations believe good cause has been shown for the issuance of an IFR for the following reasons.

a. Good Cause Under APA 553(b)(B) Has Been Shown

The Administrative Procedure Act (APA) generally requires agencies to provide public notice and opportunity for comment before they issue rules that bind the public.⁷ The APA allows agencies to issue an IFR if they find “good cause” that compliance with ordinary rulemaking procedures would be “impracticable, unnecessary, or contrary to the public interest.”⁸ The good cause exception is appropriately invoked when the timing and disclosure requirements of the usual procedures would defeat the purpose of the proposal, if regulatory delay would threaten public health or welfare, or where notice and comment becomes sufficiently impracticable. Courts generally agree that the good cause exception should be construed narrowly.⁹

⁵ See, e.g., Letter from William Canny and Anna Ghallagher to Assistant Secretary of State Bitter and USCIS Director Jaddou (Nov. 17, 2023), <https://tinyurl.com/bdcwrp59>; Letter from Interfaith Leaders to Secretary of State Blinken and Secretary of Homeland Security Mayorkas (May 25, 2023), <https://tinyurl.com/5xn52fe2>.

⁶ Ideally, no departure from the United States—and thus no interruption of a person’s ministry—would be required for religious workers on R-1 visas with pending applications for permanent status subject to the backlog. This is why, as stated in the IFR, the USCCB and others have advocated strongly for Congress to take up and pass a measure such as the bipartisan Religious Workforce Protection Act, which would provide an opportunity for those in this situation to have their R status extended beyond the usual five-year limit. See Interfaith Letter to Congress (June 23, 2025), <https://tinyurl.com/27dekd9k>.

⁷ ANDREW COGHLAN, CONG. RSCH. SERV., R48166, THE GOOD CAUSE EXCEPTION TO NOTICE AND COMMENT RULEMAKING (2025), <https://tinyurl.com/jz6aa3kw>.

⁸ *Id.*

⁹ *Id.*

In the case of the IFR, our organizations affirm that good cause under section 553(b)(B) of the APA has been shown. We agree that religious organizations are facing a crisis, which affects both the American public and religious workers.¹⁰ The potential impacts of the expanded EB-4 backlog are severe. Without this immediate action, dioceses and other religious organizations around the country would have increasingly faced overwhelming difficulties in serving Americans' religious needs. The long-term departure of trusted religious workers raises questions about who will be available to serve people on Easter, Christmas, and other major holy days, to say nothing of ordinary weekly services that are equally important for the religious practice and social welfare of a majority of Americans.¹¹ This change helps provide a degree of immediate relief, consistent with the public welfare prong of the APA, as the Administration points out.¹²

b. Good Cause for Immediate Implementation Under APA 553(d)(3) Has Also Been Shown

We believe that good cause has been shown for immediate implementation of the IFR. Section 553(d) of the APA requires that “publication or service of a substantive rule shall be made not less than 30 days before its effective date.” Section 553 includes certain exceptions, including that the 30-day implementation period can be waived for good cause found and published in the rule. Our organizations believe that the Administration found good cause for immediate implementation of the IFR. While we agree with the argument laid out in the IFR, the government focuses on the general interruptions and costs that the one-year foreign residence requirement caused.¹³

There are also more specific and timely considerations beyond those laid out in the IFR itself. The IFR was issued around 30 days before the start of Lent, beginning on Ash Wednesday and culminating in Holy Week, the height of which is Easter Sunday; these are among the most significant days in the lives of Christians.¹⁴ Delayed implementation of the IFR would have resulted in a number of priests and other religious workers being unable to return to their ministries in time for the liturgical celebrations associated with this period. Furthermore, other faith traditions besides Christians have major feasts, holidays, and other days of observance during this same period. We believe that good cause existed to waive the 30-day implementation window, not just for the reasons laid out in the IFR but also for the many Americans imminently observing major religious holidays.

¹⁰ Improving Continuity for Religious Organizations and Their Employees, 91 Fed. Reg. 2049, 2058 (Jan. 16, 2026).

¹¹ See *The Religious Workforce Protection Act: Helping Religious Workers Stay and Aide Their Communities*, CLINIC (July 1, 2025) <https://tinyurl.com/yysr4r5b> (noting that these delays have “led to many religious communities across the country being in dire straits as their religious workers have been forced to leave”).

¹² 91 Fed. Reg. at 2064 (“Observing that these aliens voluntarily return to work in the United States provides sufficient evidence of comparatively greater welfare from additional time as an R-1 nonimmigrant.”).

¹³ 91 Fed. Reg. at 2060.

¹⁴ *What is Lent?*, USCCB (Feb. 18, 2026) <https://tinyurl.com/36txku4r>.

Despite these strong justifications, without specific relief for ministers and non-ministers in religious vocations from contemporaneous national security directives, the IFR's immediate effectiveness will be illusory for many ministers and non-ministers in religious vocations. USCIS's hold and review memoranda risk preventing the very status continuity the IFR was designed to support, unless tailored, Religious Freedom Restoration Act-compliant processes allow religious workers to continue having their requests adjudicated and approved absent individualized derogatory information.¹⁵

III. The IFR Reflects the Best Reading of the Underlying Statute

Our organizations believe that the IFR reflects the best reading of section 101(a)(15)(R) of the Immigration and Nationality Act by aligning the R-1 nonimmigrant classification with its plain statutory text. The standard for review of whether a regulation is proper is subject to *Loper Bright v. Raymondo*.¹⁶ To determine whether a regulation is proper, the proposed regulation must reflect the “best reading” of the statute.¹⁷

Under 8 U.S.C. § 1101(a)(15)(R), Congress defined eligibility for the R-1 visa based on denominational membership, qualifying employment, and the temporary nature of the stay, yet remained silent regarding any mandatory foreign residency period between subsequent R-1 visas. Because Congress did not write any foreign residency period into the R-1 statute, and such a period was actually implemented based solely on its use for the distinguishable H-1 and L-1 visas,¹⁸ the Agency correctly concludes that it need not impose a categorical one-year absence that the legislature did not enact.

Additionally, the employers of R-1 visa holders are required to be bona fide nonprofit religious organizations, and the R-1 visa was specifically designed for these organizations. The R-1 visa stands in stark contrast with H-1B visas (and other employment-based visas), as it does not have a prevailing wage requirement or require employers to seek certification from the U.S. Department of Labor. This further supports the Administration's decoupling of the one-year physical presence requirement applied to other visas from the R-1 visa.¹⁹ Removing the one-year requirement is consistent with the manner in which Congress designed the R-1 visa to be distinct from other employment-based visas and to meet the unique needs and characteristics of religious organizations.

¹⁵ *Infra*, at § IV.

¹⁶ 144 S. Ct. 2244 (2024).

¹⁷ *Loper Bright*, 144 S. Ct. at 2266.

¹⁸ See 56 Fed. Reg. 66965, 66966-66967 (The 1991 final rule referred to the H-1 and L-1 nonimmigrant visa categories when justifying the 1-year foreign residence requirement.).

¹⁹ *Id.*

The statute's structure and purpose further confirm this reading. By focusing on current eligibility rather than arbitrary waiting periods, the IFR facilitates the temporary service of bona fide religious workers to meet the ongoing needs of communities. Forcing a one-year departure without any basis in the law creates avoidable vacancies in ministries and disrupts the religious and charitable services Congress sought to protect when it created the dedicated R-1 category. The IFR allows these ministries to continue while still ensuring a worker's stay on a single visa does not exceed five years. USCIS retains various tools to ensure compliance with the law and promote the integrity of the U.S. immigration system.

Finally, this interpretation corresponds with the modern administrative law framework established by the Supreme Court. In *Loper Bright*, the Court underscored that federal agencies must implement statutes in accordance with the best reading of the text and may not rely on deference to sustain a construction the statute does not support.²⁰ Similarly, *McLaughlin Chiropractic Associates, Inc. v. McKesson Corp.*²¹ confirms that agency positions must be assessed against statutory text rather than an agency's interpretation of the statute. By eliminating a mandatory waiting period that is not in the statute, the IFR follows the statutory text more closely and ensures the government is not going beyond the limits set by Congress.

IV. RFRA and Church Autonomy Require Tailored Implementation of Entry Restrictions and Adjudication Holds

Beyond the textual and structural case for the IFR, the manner in which USCIS and the Department of State (DOS) implement concurrent national-security directives must comply with the Religious Freedom Restoration Act (RFRA) and longstanding church-autonomy precedents. On December 2, 2025, USCIS issued PM-602-0192, directing officers to place an immediate "hold and review" on all pending asylum applications and on a wide range of other pending immigration "benefit requests" for nationals of countries identified in Presidential Proclamation 10949, with authority to re-review already-approved benefits for those nationals. Presidential Proclamation 10998, effective January 1, 2026, expanded and intensified entry and visa issuance restrictions, with visa issuance now fully or partially suspended for nationals of 39 countries and for applicants using travel documents issued or endorsed by the Palestinian Authority, subject to narrow case-by-case national interest findings. USCIS followed with PM-602-0194, extending the coverage of the hold to additional countries listed in the updated Proclamation. The USCIS memoranda contain no categorical exceptions specific to religious workers and remain in effect until lifted.

²⁰ *Loper Bright*, 144 S. Ct. at 2261.

²¹ 606 U.S. 146 (2025).

Applied to ministers and other religious workers,²² these categorical adjudication holds and visa suspensions prevent religious organizations from employing or retaining ministers and non-ministers required for worship and other important purposes, often for indefinite periods. The Supreme Court has expressly recognized that “the Free Exercise Clause. . . protects a religious group’s right to shape its own faith and mission through its appointments.”²³ What the Free Exercise Clause protects, RFRA—passed to reinstate the test set out in Free Exercise Clause precedent before *Employment Division v. Smith*—does too.²⁴

RFRA, therefore, requires the government to demonstrate that such burdens on religious exercise are the least restrictive means of furthering a compelling interest.²⁵ Enhanced vetting and individualized, time-bound review may be able to satisfy the requirement that the government must establish that its interest in the application of the challenged law is compelling “to the person—the particular claimant whose sincere exercise of religion is being substantially burdened.”²⁶ However, categorical holds and suspensions imposed solely by nationality, applied to bona fide religious employers and their workers, reflect the sort of “broadly formulated interests” that have failed the compelling government interest analysis in RFRA caselaw.²⁷

Separately, the Supreme Court has repeatedly underscored that religious organizations’ autonomy to select their ministers, free from government interference, sounds in the Establishment Clause as well. *Hosanna Tabor* and *Our Lady of Guadalupe School v. Morrissey-Berru* hold that the selection of ministers lies at the heart of both the Free Exercise and Establishment Clauses; *Kedroff* and *Milivojevich* likewise prohibit civil authorities from intruding upon ecclesiastical governance, including the freedom to choose clergy. Measures that force ministers from their posts or bar their continued service through status lapses or indefinite processing holds trench upon this protected autonomy.²⁸

²² It should be understood that the use of “minister” and “non-minister” in immigration law does not align with the use of “minister” in First Amendment case law, such that those who might not be classified as “ministers” in immigration law could still be considered “ministers” for the purposes of First Amendment jurisprudence. *See Our Lady of Guadalupe Sch. v. Morrissey-Berru*, No. 19–267, slip op. at 17 (U.S. July 8, 2020) (“Take the question of the title ‘minister.’ Simply giving an employee the title of ‘minister’ is not enough to justify the exception. And by the same token, since many religious traditions do not use the title ‘minister,’ it cannot be a necessary requirement. Requiring the use of the title would constitute impermissible discrimination, and this problem cannot be solved simply by including positions that are thought to be the counterparts of a ‘minister,’ such as priests, nuns, rabbis, and imams.”).

²³ *See Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.*, 565 U.S. 171, 188 (2012); *see also Our Lady of Guadalupe Sch.*, slip op. at 2 (“[T]he selection and supervision of the teachers upon whom the [religious] schools rely to do this work lie at the core of their mission.”).

²⁴ 42 U.S.C. § 2000bb(a)–(b).

²⁵ 42 U.S.C. § 2000bb-1(a)–(b).

²⁶ *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 420 (2006).

²⁷ *Id.*

²⁸ *See Hosanna-Tabor*, 565 U.S. at 184; *Our Lady of Guadalupe Sch.*, slip op. at 11; *Serbian Eastern Orthodox Diocese v. Milivojevich*, 426 U.S. 696 (1976); *Kedroff v. St. Nicholas Cathedral of Russian Orthodox Church*, 344 U.S. 94 (1952).

Nor do doctrines governing consular non-reviewability and presidential authority over entry alter this RFRA and church-autonomy analysis for domestic adjudications. *Kleindienst v. Mandel*²⁹ and *Trump v. Hawaii*³⁰ address visa issuance and entry restrictions and apply deferential review in that distinct context; they do not insulate USCIS’s program-wide domestic adjudication holds from RFRA or the Administrative Procedure Act (APA).³¹

Under the APA, agency actions that ignore obvious, less restrictive alternatives, fail to consider an important aspect of the problem, or fail to provide reasoned explanation are arbitrary and capricious.³² If USCIS continues to apply categorical holds to ministers without individualized derogatory information, it should, at minimum, explain why narrower tools (e.g., enhanced screening, defined timelines with escalation, or targeted case holds) are inadequate.

V. Recommendations to Ensure Effective Implementation of the IFR’s Change

Our organizations respectfully offer the following recommendations to ensure effective implementation of the IFR. Currently, the IFR leaves several issues unresolved, and further guidance from USCIS, the U.S. Department of Homeland Security (DHS) broadly, and DOS would help resolve those issues.

²⁹ 408 U.S. 753 (1972).

³⁰ 585 U.S. 667 (2018).

³¹ BEN HARRINGTON, CONG. RSCH. SERV., R46142, THE POWER OF CONGRESS AND THE EXECUTIVE TO EXCLUDE ALIENS: CONSTITUTIONAL PRINCIPLES (2019), <https://tinyurl.com/2hapt6uu> (“Because the doctrine [of consular non-reviewability] has its basis in [*United States ex rel. Knauff v. Shaughnessy*, 338 U.S. 537 (1950)] and the presumption against judicial review of *exclusion* decisions, [the doctrine of consular non-reviewability] does not apply to the decisions of domestic immigration authorities to deny immigration benefits, unless perhaps those decisions underlie eventual visa denials or otherwise work to exclude aliens located abroad.”).

³² 5 U.S.C. § 706; *see Motor Vehicle Manufacturers Ass’n of the United States, Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 44 (1983) (“Normally, an agency rule would be arbitrary and capricious if the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.”); *Dep’t of Homeland Sec. v. Regents of the Univ. of California*, 140 S. Ct. 1891, 1913 (2020) (“[W]hen an agency rescinds a prior policy its reasoned analysis must consider the alternatives that are within the ambit of the existing policy.”) (cleaned up); *Dep’t of Commerce v. New York*, 588 U.S. 752, 785 (2019) (“The reasoned explanation requirement of administrative law, after all, is meant to ensure that agencies offer genuine justifications for important decisions, reasons that can be scrutinized by courts and the interested public.”); *Michigan v. E.P.A.*, 576 U.S. 743, 750 (2015) (“Federal administrative agencies are required to engage in reasoned decision-making. Not only must an agency’s decreed result be within the scope of its lawful authority, but the process by which it reaches that result must be logical and rational. It follows that agency action is lawful only if it rests on a consideration of the relevant factors.”) (cleaned up); *F.C.C. v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009) (“[T]he requirement that an agency provide reasoned explanation for its action would ordinarily demand that it display awareness that it is changing position. An agency may not, for example, depart from a prior policy *sub silentio* or simply disregard rules that are still on the books.”).

a. USCIS Should Issue Policy Guidance Similar to Its P-1 Memorandum to Clarify Whether Simple Exits/Entries Reset the Five-Year Limit, as well As Guidance on the Impact of the IFR on Religious Workers Who Do Not Use their Full Five Years of R Status Before Departing and Seeking to Return

The IFR does not make clear when or whether an R-1 visa holder's maximum period of stay is considered to have been reached and restarted. As a result, there has been some speculation that every exit and reentry by an R-1 visa holder "resets" the period of stay for five years. Our organizations believe that an R-1 visa holder reaches the maximum period of stay after five cumulative years in the United States on the same visa, per the individual's Form I-94, regardless of temporary departures by the visa holder.

To reduce confusion, our organizations recommend that USCIS issue policy guidance similar to the memorandum issued for P-1 visa holders.³³ Such guidance should also be reflected in the relevant portion of its Policy Manual.³⁴

This clarity could also be included as part of the final rulemaking that follows this IFR. This way, legal practitioners, religious organizations, and foreign-born religious workers will be able to rely on the text of the regulation itself.

b. USCIS Should Provide Guidance Regarding Whether Religious Workers Can Be Exempted from the Applicability of Certain Policy Memoranda

USCIS should also clarify its position regarding residents and citizens of countries subject to recent presidential proclamations.

As stated above, on December 2, 2025, USCIS issued PM-602-0192, *Hold and Review of all Pending Asylum Applications and all USCIS Benefit Applications Filed by Aliens from High-Risk Countries*.³⁵ Under this memorandum, USCIS is placing a "hold" on benefit adjudication for citizens and residents of the countries listed in the June 4, 2025, Presidential Proclamation.³⁶ Subsequently, on January 1, 2026, USCIS issued a second memorandum, PM-602-0194, *Hold and Review of USCIS Benefit Applications Filed by Aliens from Additional High-Risk Countries*,³⁷ wherein USCIS extends the hold to the countries listed in the updated Presidential Proclamation

³³ USCIS, HQ 70/6.2.19, Procedures for Applying the Period of Authorized Stay for P-1 Nonimmigrant Individual Athletes (Mar. 6, 2009).

³⁴ See, e.g., USCIS Policy Manual, Vol. 2, Part N, Chapter 5, n.6 (last visited Mar. 4, 2026).

³⁵ Available at <https://tinyurl.com/mrchuavh> (last visited Mar. 4, 2026).

³⁶ Presidential Proclamation 10949, Restricting the Entry of Foreign Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats, 90 Fed. Reg. 24497 (Jun. 10, 2025).

³⁷ Available at <https://tinyurl.com/5xpw66dx> (last visited Mar. 4, 2026).

from December 2025.³⁸ Both memoranda state that further guidance would be issued 90 days from the date of publication. This date would fall on March 2, 2026, for PM-602-0192 and April 1, 2026, for PM-602-0194. As of the date of this comment, USCIS has not publicly issued further guidance related to either of these memoranda.

None of the exceptions described in PM-602-0194 are specific to religious workers, nor do any of the exceptions for particular form types offer relief to religious workers who are in or seeking additional R status. Notably, however, there is a categorical exception for “[b]enefit requests filed by any alien who is an athlete or member of an athletic team, including the coaches, persons performing a necessary support role, and immediate relatives for the purpose of participating in the World Cup, Olympics, or other major sporting event as determined by the Secretary of State.” There is also the noteworthy exception for “[b]enefit requests filed by aliens whose entry would serve a United States national interest”; the examples given of noncitizens whose entry into the United States would provide significant benefit to the United States are “a scientist or medical researcher working on a critical public health project, an engineer with specialized skills needed for a key infrastructure initiative, or someone with unique expertise supporting U.S. national security or economic interests.”³⁹ However, there is no explicit mention of religious workers, and our organizations are not aware of any instance in which an individualized exception has been granted for a religious worker otherwise subject to the hold.

Subjecting Forms I-129, Forms I-539, or any other applications or petitions submitted on behalf of the religious workers to the blanket adjudication hold is contrary to the spirit and reasoning behind the issuance of the IFR. Nonimmigrant religious workers file these benefit requests with USCIS in order to acquire and maintain status, and these memoranda make it more difficult for religious workers from impacted countries to do so. For example, delays in the adjudication of work authorization, extension of status, or even a new Form I-129 in pursuit of a subsequent R-1 visa could have the same, or worse, consequences that this IFR was issued to address.

Catholic dioceses and religious communities, along with other organizations, rely on religious workers from countries subject to the adjudication hold no differently than workers from unaffected countries; this includes those from Haiti, Nigeria, Venezuela, and elsewhere. These religious workers are in very difficult positions while their applications remain on hold, and they will have to depart the country for an indefinite amount of time while their Form I-129s remain adjudicated.

³⁸ Presidential Proclamation 10998, Restricting and Limiting the Entry of Foreign Nationals to Protect the Security of the United States, 90 Fed. Reg. 59717 (Dec. 19, 2025).

³⁹ PM-602-0194 at n.16 (requiring “a case-by-case determination and require[ing] approval from the headquarters of the adjudicative directorate or program office”).

Consequently, our organizations request that USCIS issue and implement guidelines specific to religious workers, or for applicants in general, regarding exemptions to PM-602-0192 and PM-602-0194. In the absence of this, we request that USCIS provide an explanation and reasoning as to how the memoranda are in line with the purpose of the IFR and religious employers' right to choose and keep the employees of their choosing, consistent with the First Amendment.⁴⁰

c. USCIS Should Adopt a Minister Exception (or Individualized, Time-Bound Review) to PM-602-0192/0194 Holds

USCIS should publish guidance directing officers to continue adjudicating R-1/R-2 petitions, extensions, changes of status, and related benefits for bona fide nonprofit religious employers and their workers, subject only to individualized derogatory information justifying a case-specific hold. Guidance should address enhanced vetting tools, plus a 30/60/90-day review cadence with supervisory escalation. This procedure would enable USCIS to comply with RFRA and avoid categorical burdens on religious exercise.

d. DOS Should Create a Streamlined National-Interest Waiver Pathway for Ministers Under Proclamation 10998

DOS has stated that “Presidential Proclamation 10998 only applies to foreign nationals who are outside the United States on the effective date AND do not hold a valid visa on the effective date.”⁴¹ In the same cable, DOS made clear that the Proclamation does not apply to people who already have a visa *and* it will not cancel visas. However, our organizations recommend that USCIS petitions DOS to issue a cable and FAM note instructing posts that—where a religious worker’s petition is approved—officers should consider a case-by-case national-interest finding to permit visa issuance notwithstanding Proclamation 10998 restrictions. In addition, in the cases where USCIS or DOS determine that the Proclamation does apply, our organizations ask USCIS and DOS to utilize RFRA’s least restrictive means test to determine whether that visa should be issued regardless of the Proclamation.

e. The USCIS Policy Manual Should be Updated to Reflect the IFR

As of the submission of this comment, USCIS has not updated its Policy Manual regarding the IFR. Specifically, Volume 2, Part O, Chapter 7 incorrectly states that a religious worker may

⁴⁰ See *Hosanna-Tabor*, 565 U.S. at 196 (2012) (holding the interest of religious groups in choosing who will preach their beliefs, teach their faith, and carry out their mission to be undoubtedly important); *Serbian Eastern Orthodox*, 426 U.S. at 717–18 (1976); *Kedroff*, 344 U.S. at 116 (1952) (“Freedom to select the clergy, where no improper methods of choice are proven[] must now be said to have federal constitutional protection as a part of the free exercise of religion against state interference.”).

⁴¹ *Suspension of Visa Issuance to Foreign Nationals to Protect the Security of the United States*, DEP’T OF STATE (Feb. 2, 2026), <https://tinyurl.com/yhc9jjnn>.

not be readmitted unless he or she has “resided abroad and been physically present out the United States *for the immediate prior year*” (emphasis added).⁴² Our organizations request that USCIS update this section as soon as possible to ensure the public and USCIS adjudicators are aware of the change implemented by the IFR. We further suggest that this section include clarification to emphasize that employers are permitted to file a new Form I-129 *before* their R-1 religious workers reach their five-year maximum period of stay. We strongly recommend this policy section specifically state that the employer may file the Form I-129 petition up to six months prior to the intended start date and that adjudicators should not reject/return the petition if they notice the future start date. This is consistent with the existing instructions for the Form I-129, and the additional directive not to reject/return a petition filed accordingly will assist new adjudicators.

f. USCIS Should Work with DOS to Update the FAM to Reflect the IFR

Similarly, relevant sections of the DOS Foreign Affairs Manual (FAM) remain inconsistent with the IFR. Our organizations propose that DOS update the following sections of the FAM to reflect the IFR’s changes. Alignment of the FAM with the IFR will prevent applicants applying for an R-1 visa from experiencing unnecessary delays or wrongful denials.

1. 9 FAM 402.16-7(U)(9) Classification Criteria

Our organizations recommend that DOS update this section of the FAM to state the following: “If the applicant has spent five years in this classification, there is no minimum period of time that the applicant must remain outside of the United States before seeking readmission or a new visa.”

2. 9 FAM 402.16-14(B) Maximum Validity of R Status

Our organizations recommend that DOS update this section of the FAM to state the following: “Generally, five years is the maximum allowable stay that will be granted to an R visa holder by DHS. To be eligible for a brand-new five-year period, the applicant is no longer required to reside and be physically present outside of the United States for one year. An applicant that departs the United States upon reaching five-years of R-1 status and has a new approved petition will be readmitted as an R-1 nonimmigrant and granted a new initial period of stay. This limitation does not apply, however, for R-1 nonimmigrants who did not reside continually in the United States and whose employment in the United States was *seasonal* or intermittent or was for an aggregate of six months or less per year. In addition, this limitation does not apply to applicants who reside abroad and regularly commute to the United States to engage in part-time employment.”

⁴² USCIS Policy Manual, Vol. 2, Part O, Ch. 7, B.

3. 9 FAM 402.16-16(b) Admission, Extension of Stay, and Readmission

Our organizations recommend that DOS update this section of the FAM to state the following: “An individual who has spent five years in the United States in R status as described in 9 FAM 402.16-14(B) above may be issued a visa and be readmitted to the United States as an R nonimmigrant as long as they depart the United States and have a new approved I-129 petition.”

g. DHS Should Coordinate with DOS to Ensure Officers Receive Adequate Training and Guidance Regarding R-1 Dual Intent

Our organizations recommend that DOS provide training to their officers to ensure that religious workers are not unfairly delayed or denied upon requesting a new visa for R status. Under current regulations, religious workers may demonstrate what the Agencies recognize as “dual intent.”⁴³ Such intent allows religious workers to enter the United States on an R-1 visa to work on a temporary basis under that status and simultaneously express intent to stay permanently in the United States. In the past, some religious workers have reported experiencing delays being readmitted in R-1 status, as well as outright denials, while their petition to obtain an immigrant visa was actively pending. Due to the backlog in the immigrant visa process, more religious workers will appear for nonimmigrant visa interviews where dual intent could be a factor. Without proper preparation and training of officers for this change, religious workers may face delays, additional questions, and potentially wrongfully denied R-1 visas. Clarification among adjudicating officers that dual intent is permitted for this category will allow legal practitioners to confidently advise clients that a request for a new five-year period in R-1 status will not be delayed or denied simply because they have a pending immigrant petition.

h. USCIS Should Issue Guidance Making Clear that the Recapture of Time Is Voluntary and that Religious Employers Can Opt to Either Recapture Time or Seek a New Grant of R Status

As stated in the *Federal Register*, the main benefit of the IFR is to reduce disruptions for religious organizations that intend to retain R-1 workers who have reached five years in R-1 status, as well as for the communities who are served by these organizations. With that intent in mind, our organizations believe USCIS should further reduce complications and burdens on religious organizations and communities by clarifying that employers are not required to file separate “recapture” petitions on behalf of their workers to prove the workers have spent exactly five years (1,825 days) in R-1 status in the United States before they are permitted to file new petitions under the IFR.

⁴³ 9 FOREIGN AFF. MANUAL §402.16.

Most religious employers request the maximum period allowable by the regulations (30 months or 2.5 years in each petition) for the initial and second petitions filed on behalf of their R-1 religious workers. During that five-year period, the religious workers, in most instances, will not have been physically present in the United States exactly five years. USCIS allows “recapture” of R-1 time, and the religious employers can file a third Form I-129 requesting an extension of stay to recapture any R-1 time remaining as allowed by the regulations. Recapture is not required, but an option for religious employers and their R-1 religious workers.

As recapture is not mandatory, we strongly recommend the USCIS Policy Manual include clarification that employers filing Form I-129s are not required to have filed recapture petitions and that the R-1 religious workers will not be required to have been the beneficiaries of a “recapture” Form I-129 in order to be eligible for a new period of R-1 time under the IFR. We recommend that USCIS update its Policy Manual at Volume 2, Part O, Chapter 7 to make clear that recapture is not mandatory but optional for the religious employer and that it is not required before the religious employer seeks to file a new Form I-129 on behalf of its religious worker under the IFR. We further recommend that USCIS issue guidance to adjudicating officers to clarify the same.

To the extent any officer relies on PM-602-0192/0194 to impose nationality-based, open-ended adjudication holds on ministers seeking either recapture or a new five-year period after departure, such action would be arbitrary and capricious, absent a reasoned explanation and consideration of obvious alternatives (enhanced screening, time-bound review), and would fail RFRA’s strict scrutiny test.

i. USCIS Should Issue Guidance on How R-2 Family Members’ Renewals Will be Processed Under the IFR Provisions

The IFR states that “the spouse and any unmarried child under the age of 21 of an R-1 religious worker can be admitted to the United states in R-2 nonimmigrant status in order to accompany, or follow to join, the principal R-1 religious worker.”⁴⁴ R-2 nonimmigrants are permitted to enter the United States for the same period of time as the principal and must adhere to the same guidelines and limitations set upon the principal applicant. Another added benefit is that the spouse and their children can also seek permanent residency under the special immigrant religious worker category, provided the principal R-1 applicant is an applicant for permanent residency. Our organizations recommend that USCIS provide updated guidance to its Policy Manual for how R-2 applications will be processed and any other related guidance that will affect the R-2 beneficiary’s duration of stay as a result of the IFR, consistent with the same suggestions made above.

⁴⁴ 91 Fed. Reg. at 2051; 8 CFR 214.2(r)(4)(ii)(A).

j. As a General Policy, DHS and DOS Should Maximize the Time Initial and Renewal Grants of R Status Are Provided to Reduce Administrative Burdens on Employers, their Workers, and Federal Agencies

Generally, an applicant for R-1 status may be approved and admitted as an R-1 beneficiary for an initial period of up to 30 months from the date of their initial admission.⁴⁵ However, there are times when the religious worker is not given the allotted time with no explanation and instead admitted for less than 30 months. In those instances where the religious worker is given a lesser period of time instead of the 30 months permitted, it may cause a disruption for the petitioning religious organization. It ultimately costs the petitioning organization and religious worker more money and time, as a result of having to file multiple applications. The religious worker must first file for an extension to continue working in R-1 status. Despite only being given less than 30 months for their initial application, the R-1 beneficiary will only be permitted to 30 months maximum for their extension. This means that the religious worker will have to file a second and third extension to benefit from the full maximum period of stay of five years.

If there is no other guidance or regulation that justifies why the R-1 beneficiary should not receive their initial 30 months followed by an extension of 30 months for the maximum benefit, USCIS should honor the applicant's request. In addition, it is important to note that when the R-1 beneficiary asks to be admitted and is admitted at the U.S. port of entry, U.S. Customs and Border Protection should ensure that the Form I-94 period of approved stay reflects the time permitted on the applicant's Form I-129 approval notice. The time allotted on the Form I-129 approval notice should also align with the Form I-94 record to avoid confusion and to avoid placing an unnecessary burden on the religious worker and the religious organization to fix agency mistakes.

VI. Conclusion

Together, the USCCB and CLINIC reaffirm our deep appreciation for the Administration's promulgation of this IFR. Stability of the religious workforce is imperative for the free exercise of religion in the United States and for the flourishing of our communities in general. We encourage the Administration to ensure effective implementation of the IFR through clear policy guidance and training across both DHS and DOS, consistent with our recommendations.

Finally, to ensure that continuity is realized in practice for priests and other religious workers during the pendency of current entry restrictions and adjudication holds, we urge DHS and DOS to adopt the individualized processes outlined above so that bona fide religious employers and their workers can undertake and support religious exercise without unnecessary interruption.

⁴⁵ 8 CFR 214.2(r)(4).

Respectfully,

A handwritten signature in black ink, appearing to read "Wm J. Quinn". The signature is written in a cursive style with a horizontal line underneath.

William Quinn
General Counsel
U.S. Conference of Catholic Bishops

A handwritten signature in black ink, appearing to read "Anna Gallagher". The signature is written in a cursive style.

Anna Gallagher
Executive Director
Catholic Legal Immigration Network, Inc.