

May 25, 2023

The Honorable Antony Blinken
Secretary of State
Department of State
Washington, D.C. 20520

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Blinken and Secretary Mayorkas:

We, the undersigned national organizations, representing many different religious denominations and faith traditions, write to express our deep concern regarding the [policy change](#) recently and abruptly implemented by the Department of State,¹ which impacts several groups, including foreign-born religious workers. Due to this change, the timeline for an employment-based fourth preference (EB-4) visa to become available has been significantly lengthened for applicants from most countries. This will have a widespread and detrimental impact on communities across the United States, which rely on immigrant religious workers to provide essential services. We urge you to carefully consider the steps we recommend below to minimize these harms.

Due to this change, EB-4 visas are no longer being prorated for applicants from El Salvador, Guatemala, and Honduras. Consequently, the EB-4 final action date for most other applicants has retrogressed by almost four years; realistically, this will likely result in wait times well beyond that. This applies to both ministers and non-ministers who are sponsored by religious organizations to immigrate permanently to the United States.

Contrary to President Biden's [commitment](#) to restore faith in our legal immigration systems,² this change was made suddenly and after the Department operated under the prior interpretation for seven years—ample time to establish a detrimental reliance by individuals and their sponsors. The prior interpretation was adopted following a significant increase in the number of children from Central America seeking Special Immigrant Juvenile (SIJ) classification, which also utilizes visas allocated to the EB-4 category. Undoubtedly, our organizations are sympathetic to the plight of these children, whose situations rightfully entitle them to protection in the United States. Nevertheless, there remains a stark contrast between the availability of visas for the EB-4 category and that of other employment-based classes, none of which have priority dates anywhere near that of the EB-4 category.

Unfortunately, this change follows several years of significant challenges for those utilizing the Religious Worker Visa Program. In some cases, these challenges were consistent with those facing the full range of nonimmigrant and immigrant visas issued by the United States, largely due to the COVID-19 pandemic. In others, they were the result of—or exacerbated by—inequities between religious workers and other classes of employment-based visa holders.

¹ Department of State, *Employment-Based Fourth Preference (EB-4) Announcement*, <https://bit.ly/44YhEtV> (last updated Mar. 28, 2023).

² Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans, Exec. Order No. 14,012 (2021).

American communities depend on immigrant religious workers for many services. Of course, these include roles directly related to religious worship within a particular tradition, but many also provide services in place of or in addition to this that are relied upon by the general public. They bring linguistic and cultural competency to roles related to religious instruction, general education, and care for vulnerable populations, such as the elderly, immigrants, refugees, the homeless and hungry, abused and neglected children, and families at risk. Others work in areas as diverse as performing religious outreach, designing and building houses of worship, producing religious publications, sustaining prison ministries, and training health care professionals to provide religiously appropriate health care, as well as religious functionaries who are specially trained in performing specific religious rites and requirements. In rural and remote regions of the country, immigrant religious workers fill vacancies that would otherwise leave many Americans without access to the means for religious exercise. Moreover, some traditions must rely entirely on the services of immigrant religious workers because they do not have established institutions in the United States to recruit and train the workers they require. Consequently, their presence is vital for us to practice our respective faiths, serve those in need, and respond effectively to the dynamic intercultural realities of modern America.

With it now taking over five years for an EB-4 visa to become available to all applicants, religious organizations and communities will experience increased hardship in staffing houses of worship, community centers, schools, charitable works, and other sites with qualified workers. This is in addition to the country's general domestic labor shortage. Moreover, those in the United States on a nonimmigrant religious worker (R-1) visa, who might otherwise have sought adjustment of status under the EB-4 category, will consistently have to leave the United States upon reaching the maximum five-year period of stay allowed for an R-1, even though this dual intent is explicitly permitted.³ Congress created the bipartisan Religious Worker Visa Program in 1990 precisely to address a shortage of domestic religious workers, acknowledging that alternative pathways were inadequate for the needs of, or else entirely inaccessible to, religious organizations. Therefore, these newly created challenges violate the original intent of the program.

In order to minimize the adverse effects of this recent change, we recommend that the following steps be taken by the Departments of State and Homeland Security, some of which require congressional action:

- 1. Reverse this policy change indefinitely or, at a minimum, until the end of the current fiscal year and gradually implement the retrogression thereafter to provide beneficiaries and their sponsors with a reasonable opportunity to prepare for its implementation.**
- 2. Work with Congress to secure additional visas for SIJ applicants or, preferably, exempt them from visa limitations altogether, consistent with other humanitarian pathways.**
- 3. Work with Congress to increase the annual number of visas allocated to the EB-4 category.**

³ 9 Foreign Affairs Manual 402.16-6.

- 4. For those who have reached the maximum period of stay for an R-1, reduce the time required to be physically present outside of the United States before applying for a new R-1 visa.**
- 5. Allow beneficiaries who change positions after filing the Form I-360 to retain their initial priority date and re-file the Form I-360.**
- 6. Work with Congress to increase the maximum period of stay for R-1 visas beyond the current 60 months.**

Thank you for considering our views and recommendations. We hope you will join us in recognizing the vital contributions of immigrant religious workers to American life and do everything within your power to preserve meaningful access to the Religious Worker Visa Program. For questions related to this matter or to schedule a meeting to discuss these issues further, please contact David Spicer (dspicer@uscce.org), senior policy advisor for Migration and Refugee Services at the U.S. Conference of Catholic Bishops.

Sincerely,

Agudath Israel of America

Bruderhof

Catholic Legal Immigration Network, Inc.

Committee on Migration, U.S. Conference of Catholic Bishops

Conference of Major Superiors of Men

Evangelical Lutheran Church in America

General Conference of Seventh-day Adventists

Hindu American Foundation

Leadership Conference of Women Religious

National Association of Evangelicals

The Church of Jesus Christ of Latter-day Saints

The Episcopal Church

The First Church of Christ, Scientist

The Rabbinical Council of America

United Methodist Church - General Board of Church and Society

U.S. Council of Muslim Organizations (USCMO)

CC: The Honorable Rena Bitter, Assistant Secretary of State for Consular Affairs
The Honorable Ur Jaddou, Director, U.S. Citizenship and Immigration Services