

Religious Workforce Protection Act

Lead Sponsors: Sen. Tim Kaine, Sen. Susan Collins, and Sen. James Risch

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Q: What's the problem?

A: Under current law, religious workers in R-1 nonimmigrant status are limited to five years in the United States. At the end of the five years, these religious workers must return to their home countries for at least one year before they can come back to the U.S.

In the past, this five-year limit was not an issue because the religious institutions that they had been working for would petition for religious workers who have built permanent ties to their communities under the EB-4 category for religious workers. These workers would then be able to transition from temporary to permanent status before the end of the five-year limit with minimal disruptions to their lives or the lives of Americans that they served. But now, due to a complex set of reasons, this is no longer the case, and churches, mosques, synagogues, and other religious organizations are now losing beloved priests, imams, rabbis, pastors, and other religious workers on whom their congregations and the local communities that they serve have grown to depend.

Q: How does this bill solve the problem?

A: The *Religious Workforce Protection Act* would provide a targeted and limited fix to this problem by granting the DHS Secretary the authority to extend temporary R-1 nonimmigrant status for religious workers past five years until they receive a decision on an EB-4 application IF (1) the religious institution that they work for has petitioned for their lawful permanent residence under the EB-4 category, and (2) they are otherwise eligible to become lawful permanent residents (and, therefore, are not subject to any existing bars to obtaining a visa) but for the long immigration backlogs. Such backlogs are not their fault, nor the fault of the religious congregations or communities that they serve. The bill does not allow entry for any person who is not already permitted to enter the U.S. (Sec. 2)

The bill also allows for limited job flexibility while these religious workers are waiting to complete their permanent residence, so that they do not have to restart the long permanent residence process because they moved from one parish or temple to another or received a promotion from a pastor to a senior pastor. These workers must continue to work as religious workers while their applications for permanent residence are pending. (Sec. 3)

Finally, the bill makes it clear that religious workers who would have been able to continue their R-1 status under this bill but for the fact that they had to leave the U.S. before this bill became law do not need to stay outside the U.S. for one year before they can return to the U.S. in R-1 status. This will allow religious congregations and communities to reunite more quickly with beloved priests, pastors, and other religious workers that they had lost due to no fault of their own. (Sec. 4)