

Presbyterian Immigration Chart

	A	B	C	D	E
	Status of Potential Religious Worker	Inside the U.S.	Outside the U.S.	Inside the U.S. but planning to travel outside the U.S. soon	Other Issues
1	B-1/B-2 Visitor	Ask for copy of I-94 card. Authorized stay must not have expired. Can apply for R-1 status. Currently long wait for petition approval.	Pastors may come to visit or candidate as a visitor. Other than minor reimbursement B-1/B-2 visitors are not allowed to work or receive compensation.	Must leave before date on I-94. Presbytery or church helps prepare R-1 packet. Once approved RW will take approval to American Consulate in RW's home country.	May not work until petition approved. Visitors may extend their stay on Form I-539. Visitor must have a good reason for extending stay. Call OII to determine if good reason.
2	F-1 Student	If student has not graduated, student should apply at their school for Optional Practical Training (OPT) A three month wait before student may work for church. If student has graduated, call OII.		Must leave within 60 days of graduation. Presbytery or church may file petition within this time frame. If student has applied for OPT they may wait in US. If student is on OPT, student must file R-1 or leave by the ending date on the EAD.	Students may not work off campus for pay in churches. Students may intern if they have permission from their schools.
3	J-1 Student or Visiting Scholar	Call OII to help determine whether student is subject to the two-year home country residency requirement. If student has not graduated, they can apply for OPT. May file R-1 petition if not graduated.		If not subject to a two year home country residency requirement, the presbytery or church may apply for R-1.	Student may only work off campus with approval of USCIS

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4	R-1 From Another Presbytery or PC(USA) church	<p>1) Within the same presbytery, no need to re-file R-1 if Presbytery was the petitioner</p> <p>2) If from another PC(USA) church or presbytery – new presbytery or church must re-file R-1.</p>	If new PC(USA) church or presbytery, RW must file petition with USCIS. If from same church or presbytery but Visa has expired, still need to submit a new package. If Visa has not expired, Religious Worker may re-enter on current visa.	If new PC(USA) church or presbytery- must get approval from USCIS. If from same church or presbytery but Visa has expired, still need to submit a new package. If Visa has not expired, RW may re-enter on old visa. No need to visit consulate.	Religious worker may not work for new presbytery or PC(USA) church until new R-1 petition is approved if Religious worker is changing presbytery or church. Visa Stamped in passport may expire while RW is in the US. This Visa needs to be current only when RW is entering the US.
5	R-1 from a denomination in full communion ELCA RCA UCC	Must re-file R-1.	Must submit new R-1 petition with USCIS. RW must take approval to Consulate (even if R-1 visa from old church has not expired.)	Must get approval from USCIS. RW will take approval to Consulate. This is necessary even if R-1 Visa has not expired.	While BOO recognizes that the PC(USA) and other denominations are in full communion – Immigration has a difficult time with this concept. This will be a more difficult case. G-11.0405b
6	R-1 from another denomination	This will be more difficult. RW must be a “member” of the sponsoring denomination or the same type of religious denomination for two years prior to filing an R-1 petition.	Must submit new R-1 petition with USCIS. RW must take approval to Consulate (even if R-1 visa from old church has not expired.)	See other issues ->	The difficulty in this situation is that the petitioner must prove that the denomination of the RW is the same type as PCUSA. There may be a possibility of filing for an H-1B visa but there are many factors to take into consideration. Call OII

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7	Religious Worker living and working outside the United States		Must file complete R-1 package with USCIS. Approval will be taken to American Consulate in RW's country. Denom. affiliation must have strong traditional ties to PC(USA). There may be <u>some possibility</u> for non-communion churches to receive R-1.	Must file complete R-1 package with USCIS. RW will take approval to American Consulate in his/her country. Denom. affiliation must have strong traditional ties to PC(USA). There may be <u>some possibility</u> for non-communion churches	Sponsor needs to help Potential Religious worker discern call. Issues for discussion include: <ol style="list-style-type: none"> 1) Cost of living in US 2) Type of congregation to be served 3) What RW's family will do in US
8	Undocumented (Includes those who have overstayed their visa i.e. have not left before the departure date on their I-94 or EAD card.	There is currently no way under the law to "fix" the status of someone undocumented. There are some exceptional cases. Call the Office of Immigration Issues for a legal consultation for the potential Religious Worker.		If the RW has been undocumented in the US for more than 6 months but less than 1 yr, they will not be able to return to the US for 3 yrs. if they leave the bounds of the US. If undocumented for greater than 1 yr, RW will be barred from re-entry for 10 years.	There is a way to "compensate" undocumented religious volunteers. See INA 274. Please call the Office of Immigration Issues for more information.

NOTE: These laws are subject to change. This is only a brief description and requires more in depth analysis.

OFFICE OF IMMIGRATION ISSUES:

888-728-7228 x 5372 (Julia Thorne) or x 5007 (Melissa Gee). julia.thorne@pcusa.org melissa.gee@pcusa.org