

Religious Workers (R visa)

Overview

A religious worker visa is a non-immigrant visa that allows mid-councils and churches to call religious workers, who are not residents of the U.S., to work for the church.

Eligibility

To qualify the religious worker must:

- 1) have been a member of the petitioning religious denomination having a bona-fide non-profit religious organization in the U.S. for the **two (2) years preceding the petition;**¹
- 2) be coming to the U.S. to work as a religious worker for **at least twenty (20) hours a week;**
- 3) be coming **solely to work as a minister or in a religious vocation or occupation;**
- 4) be coming **solely to work as a religious worker for the petitioner;** and
- 5) **not work in the U.S. in any other capacity.**²

To qualify the petitioner must:

- 1) be a **bona fide nonprofit religious organization** in the U.S. or **affiliated** with a bona fide nonprofit religious organization in the U.S.;
- 2) be offering a position as a **minister or in a religious occupation**, the duties of which primarily relate to a **traditional religious function** and clearly involve **carrying out the religious creed and beliefs** of the denomination;
- 3) show **ability to compensate** religious worker for the religious work;

¹ This includes denominations in correspondence with PC(USA). A list of churches in correspondence can be found at: <http://oga.pcusa.org/section/departments/ecumenical-relations/list-churches-correspondence/>

² 8 CFR 214.2(r)

- 4) sign an affidavit swearing that if **the job, duties, hours, location, or pay change**, they will notify the government within **15 days**.

Common Issues Surrounding Religious Worker Visas

Length of Stay

A religious worker's visa status may be extended once for a total of up to five (5) years.

Family

The spouse and dependent children (unmarried and under the age of 21) of a religious worker can enter the U.S. in R-2 status, but in that status **they may not work**.

Unauthorized Work

The religious worker may only work for the petitioner and only in the position as described by the petition. If the religious worker performs religious work for another employer or that is outside of the original job description (this includes significant changes in hours or pay) or that is not religious in nature that work is unauthorized and can harm the religious worker's status in the U.S.

Candidates in the Call Process

Many nonresidents are in the U.S. and allowed to work but their employment options are limited by their immigration status. A nonresident in the call process needs to inquire about immigration status before accepting employment or "scholarships" for work-like activity. Unauthorized work can harm a candidate's ability to change into another status, like religious worker status, which would allow a candidate to accept a call to be a teaching elder or educator for the church.

Presbyterian Polity

Sometimes the best candidate to teach and preach at an immigrant fellowship has credentials that do not align with the teaching elder requirements of PC(USA). The polity of the Presbyterian Church recognizes different denominations in different countries have different guidelines and allows presbyteries, under G-2.0505, to receive new immigrant ministers, despite the differences, when the presbytery's strategy for mission requires it.

Separation from the Presbyterian Church (U.S.A.)

The immigration status of a religious worker is an issue that needs to be given prayerful consideration when considering whether a congregation

should leave. The rules surrounding religious work in the U.S. may not allow for an easy transition for that religious worker who may wish to stay with their congregation or with their presbytery. For instance, if the petitioner for that religious worker was the presbytery, then the worker can only stay under that status if they work for the presbytery and cannot follow the congregation without a new petition. Conversely, if the petitioner was the church and the worker is a member of PC(USA), the religious worker will potentially not have been a member of the new denomination that the congregation chooses for the two years preceding and would no longer be eligible to work for that congregation under their new denomination.

For more information about religious worker visas and the religious worker visa application process, please contact Teresa Waggener at Teresa.Waggener@pcusa.org