

## PREFACE

The first edition of this book was published in 2005. Since that time, a large number of memoranda have been issued by U.S. Citizenship and Immigration Services (USCIS), and many cases have been decided by the Administrative Appeals Office on matters relating to religious visas. On November 26, 2008, USCIS issued significant revisions to the special immigrant (I-360) and nonimmigrant (R-1) religious workers regulations. As a result of all these memoranda, case law and new regulations, it was important to publish a new edition of this book.

According to USCIS, these new rules were designed to “ensure the integrity of the religious worker program” by “providing for increased inspections, evaluations, verifications and compliance reviews of religious organizations.”<sup>1</sup> The revisions appear to be at least partially a response to USCIS’s conclusions that there was widespread fraud and other abuse in the process of sponsoring immigrant and nonimmigrant religious workers. In 2005, the USCIS Office of Fraud Detection and National Security estimated that approximately one-third of applications and petitions filed for religious worker admission were fraudulent. Some aspects of the regulation, such as specific authorization of on-site inspections of the petitioner, appear to formalize what had become a regular practice under the old regulations.

The articles in this volume are designed to give practitioners guidance on the complexities of the religious worker categories, and enable them to properly advise their clients in the context of both temporary and permanent religious worker applications. In addition to articles on the fundamental issues of I-360s and R-1 visas, relevant topics of interest include the classification of religious organizations, nontraditional religious occupations and vocations, issues relating to taxes, and constitutional issues with respect to the religious worker program. This volume, in particular, endeavors to provide insight and practice tips relating to the new regulations, with emphasis on the changes from the previous regulations. Further, the appendix materials provide important USCIS memoranda on religious workers, notable case summaries, samples, and other resources for practitioners of religious immigration law.

We trust that this new edition will provide insight and practical advice for practitioners in this increasingly important field. We cannot think of a more important role that we practitioners can play in supporting the increasingly diverse cultures of the United States. We would like to express our thanks to the authors and contributors; AILA Publications Director Tatia L. Gordon-Troy, Electronic Publications Associate Kathy Frazier, and Legal Editor and managing editor Kristine Tungol Cabagnet for their support, advice, and encouragement; and Mariza Teofilo, a legal assistant in our office, for all of her help in preparing the manuscript.

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<sup>1</sup> See USCIS Memorandum, “USCIS Publishes Final Rule for Religious Worker Visa Classification” (Nov. 21, 2008), published on AILA InfoNet at Doc. No. 08112230 (posted Nov. 26, 2008).