



March 2, 2023

PA-2023-04

Policy Alert

SUBJECT: On-Site Inspections for Religious Worker Petitions

Purpose

U.S. Citizenship and Immigration Services (USCIS) is updating policy guidance in the [USCIS Policy Manual](#) regarding on-site inspections for special immigrant and nonimmigrant religious worker petitions.

Background

The Immigration and Nationality Act (INA) allows qualified noncitizens who will work for a bona fide nonprofit religious organization or affiliated organization solely as a minister or in a religious vocation or occupation to qualify as a special immigrant or to enter the United States temporarily under the R-1 nonimmigrant visa classification.¹

Regulations provide USCIS with authority to verify the evidence submitted with religious worker petitions through any means it determines appropriate, up to and including an on-site inspection of the petitioning organization before or after issuing a decision.² In the recent past, USCIS has used this authority to conduct pre-approval compliance review on-site inspections on petitioners for religious workers.

To assess the efficacy of on-site inspections, USCIS conducted a large-scale review of the results of these inspections over the past 12 years. While pre-adjudicative religious worker site visits uncovered a significant decline in levels of non-compliance, USCIS has determined that conducting random on-site inspections to monitor compliance, coupled with the ability of an officer to refer religious worker petitions for a compliance review at any time during the application lifecycle, will add value and program efficiencies to the overall process and help ensure program integrity.

This guidance, contained in Volume 2 and Volume 6 of the Policy Manual, is controlling and supersedes any related prior guidance on the topic.

Policy Highlights

¹ See [INA 101\(a\)\(15\)\(R\)](#), [INA 101\(a\)\(27\)\(C\)\(ii\)](#), and [INA 203\(b\)\(4\)](#).

² See [8 CFR 204.5\(m\)\(12\)](#) and [8 CFR 214.2\(r\)\(16\)](#).

- Clarifies that, as a matter of policy, USCIS no longer conducts mandatory pre-approval compliance review on-site inspections of all petitioners for religious workers.
- Explains that USCIS randomly selects religious worker petitions for compliance review on-site inspections, which normally occur after the approval of the petition, and which include inspections of the work locations to verify the religious worker’s work hours, compensation, and duties.
- Provides that USCIS may also conduct “for cause” inspections at any time in cases where there is suspected non-compliance with the terms of the religious worker petition or for fraud.
- Clarifies that, if applicable, USCIS may issue a request for evidence or notice of intent to deny based on the findings of a pre-adjudication inspection, or a notice of intent to revoke based on the findings of a post-adjudication inspection, and the petitioner will have an opportunity to respond.

Summary of Changes

Affected Section: Volume 2 > Part O > Chapter 1 > Section B, Background

- Revises the last sentence.

Affected Section: Volume 2 > Part O > Chapter 3 > Section C, Verifications and Inspections

- Removes Subsection 1 (Pre-Approval Inspection) and Subsection 2 (Post-Approval Inspection).
- Makes minor technical and stylistic edits and adds paragraph at the end of Section C.

Affected Section: Volume 6 > Part H > Chapter 2 > Section A, General Requirements.

- Revises the last sentence.

Affected Section: Volume 6 > Part H > Chapter 2 > Section B > Subsection 3, Verification of Evidence

- Removes the two italicized subheadings (Pre-Approval Inspection and Post-Approval Inspection) and related content.
- Makes minor technical and stylistic edits and adds paragraph at the end of Subsection 3.

Citation

Volume 2: Nonimmigrants, Part O, Religious Workers (R), Chapter 3, Petitioner Requirements [[2 USCIS-PM O.3](#)].

Volume 6: Immigrants, Part H, Designated and Special Immigrants, Chapter 2, Religious Workers
[[6 USCIS-PM H.2](#)].