



Outline of Changes Resulting from the Religious Worker Final Rule (Published 11/26/08)

Changes common to both special immigrant and nonimmigrant religious workers

- Unlike the previous regulations which allowed such documentation as is required by the IRS to establish eligibility for exemption under 501(c)(3) of the IRC, the final rule requires all petitioning organizations to submit a currently valid determination letter from the IRS establishing their tax-exempt status.
- Employer Attestation, which is now a part of the Forms I-360 and I-129 R-1 Supplement, is required.
- The final rule provides enhanced definitions of the terms Religious Vocation and Religious Occupation and adds a definition of Denominational Membership.
- The final rule provides additional notification to petitioners that USCIS may conduct onsite inspections.

Changes unique to special immigrant religious workers (SD/SR)

- Sunset provision for special immigrant non-ministers has been extended through September 29, 2012.
- The petitioner must attest, as part of the employer attestation, that an alien seeking special immigrant religious worker status will be employed at least 35 hours per week.
- Final rule clarifies that qualifying prior experience during the two years immediately preceding the petition or preceding any acceptable break in the continuity of the religious work must have occurred after the age of 14 and that if acquired in the U.S., the work experience must have been authorized under the U.S. immigration law.
- The petitioner must provide verifiable evidence of salaried or non-salaried compensation.

Changes unique to nonimmigrant religious workers (R)

- Unlike the previous regulations that did not require I-129 R petitions for an initial R-1 visa issuance, the final rule requires that:
 - An alien must be the beneficiary of an approved I-129 for an R-1 visa issuance by the DOS.
 - The employing U.S. organization must file the I-129 petition. (No self-petition)
 - Visa-exempt alien must present original documentation of the petition approval.
- The petitioner must attest, as part of the employer attestation, that an alien seeking nonimmigrant religious worker status will be employed for at least 20 hours per week.
- Appeal and revocation procedures added.

- Whereas the previous regulations provided for an initial period of admission of up to 3 years with an extension of 2 additional years, the final rule provides for initial period of admission of up to 30 months and one extension for up to 30 months, not to exceed the statutory maximum of 60 months (5 years).
- The petitioner must provide verifiable evidence of salaried or non-salaried compensation.
 - Self support: An exception to the compensation requirement applies if the petitioner submits verifiable evidence establishing that the position that the alien will hold is part of an established program for temporary, uncompensated missionary work, which is part of a broader international program of missionary work sponsored by the denomination.