

United States Senate

WASHINGTON, DC 20510

October 25, 2023

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By ESEC at 10:20 am, Oct 25, 2023

The Honorable Antony J. Blinken
Secretary
U.S. Department of State
Washington, D.C. 20520

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

The Honorable Rena Bitter
Assistant Secretary for Consular Affairs
U.S. Department of State
Washington, D.C. 20036

The Honorable Ur Jaddou
Director
U.S. Citizenship and Immigration Services
Camp Springs, MD 20588

Dear Secretary Blinken, Secretary Mayorkas, Assistant Secretary Bitter, and Director Jaddou:

We write to express our concern and support for religious organizations, their employees, and the American communities they serve who are now facing increased hardship due to a sudden change in statutory interpretation made earlier this year by the U.S. Department of State. This unexpected change has significantly lengthened the amount of time it will take for all applicants from most countries to receive an employment-based, fourth preference (EB-4) visa. We understand and appreciate that this change was made in an attempt to conform the Department's practice to provisions of the Immigration and Nationality Act. Nevertheless, we know this change has widespread ramifications for EB-4 visa applicants, including religious employees and their employers, who had relied on and made plans according to the previous interpretation.

In addition to the increased wait time for most applicants to receive an EB-4 visa, the expanded backlog currently makes it impossible for any nonimmigrant religious worker (R-1) visa holder to receive permanent residency within the maximum five-year duration of an initial R-1 visa, consistent with the dual intent permitted for that classification. Consequently, religious employees in this situation are unable to remain in a role beyond five years and will be faced with the current regulatory requirement that he or she leave the country for at least one year before possibly returning on a subsequent R-1 visa.

We acknowledge that Congress has an important role to play with respect to improving our nation's immigration system, including the need to address backlogs. However, the Religious Worker Visa Program was created with the specific intent of promoting access to temporary and immigrant workers needed by religious organizations to carry out their spiritual and charitable activities. Due consideration should be given to ways in which policies and practices can be formulated to reduce the burden on these organizations, consistent with applicable laws. Indeed, we know that foreign-born religious workers provide a wide range of services that benefit not only those within their own traditions but members of the general public

as well, without regard for religious affiliation. Our country is made better by their contributions.

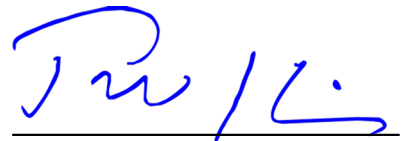
We urge you to take all steps within your power—including by considering, to the extent possible, the administrative actions recommended to you in a May 25, 2023, letter sent by a broad coalition of religious organizations—to lessen the adverse impact of the change made earlier this year. We encourage you to consider whether regulatory changes already in progress would serve as a timely and appropriate vehicle for such measures, or if there is good cause to warrant an interim rule to provide more immediate relief until a final rule can be promulgated.

Thank you for your prompt attention to this matter.

Sincerely,



Susan M. Collins
United States Senator



Tim Kaine
United States Senator



U.S. Citizenship
and Immigration
Services

December 6, 2023

The Honorable Susan M. Collins
United States Senate
Washington, DC 20510

Dear Senator Collins:

Thank you for your October 25, 2023 letter to the Department of Homeland Security (DHS) and the Department of State. I am responding on behalf of DHS. U.S. Citizenship and Immigration Services (USCIS) appreciates the concerns you shared and your interest in assisting religious organizations and the communities they serve.

For approximately seven years, demand for visas within the EB-4 category has exceeded the supply. Even prior to the Department of State's change in the April 2023 Visa Bulletin, applicants in the EB-4 category from all countries faced a multi-year wait for immigrant visas that was projected to continue increasing. Had it not been for the much higher annual limits of employment-based visas in fiscal years 2021-2023 (due to the carryover of unused family-sponsored visas during each of the preceding fiscal years 2020-2022; see INA 201(d), 8 USC 1151(d)), all potential EB-4 applicants would have seen significant delays in visa availability several years ago.

USCIS is considering a variety of policy and regulatory options that may help ease some of the challenges faced by noncitizens with lengthy wait times for available EB-4 visas, including religious workers present in the United States in nonimmigrant R-1 status. However, while USCIS may be able to provide some additional flexibility for prospective applicants, only legislation could fully address the concerns you raise.

Thank you again for your letter and interest in this important issue. Senator Kaine, the cosigner of your letter, will receive a separate, identical response. For any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ur M. Jaddou
Director