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Policy Alert

SUBJECT: Guidance for Special Immigrant and Nonimmigrant Religious Workers

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to reorganize and expand on existing guidance related to special immigrant religious workers.

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 In 2020, technical updates in the Policy Manual consolidated and incorporated then existing Adjudicator's Field Manual guidance on R-1 nonimmigrants and all special immigrants, respectively.

This update provides reorganized and more detailed information related to special immigrant religious workers. In addition, for both special immigrant and R-1 nonimmigrant religious worker petitions, this update clarifies the circumstances under which certain related petitioners may meet the compensation requirements even if the attesting employer is not the entity that will directly compensate the religious worker.

This guidance, contained in Volumes 2 and 6 of the Policy Manual, is effective immediately and applies prospectively to petitions filed on or after that date. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

Policy Highlights

- Provides further description of the special immigrant religious worker filing process, verification of evidence, and the site-inspection process.
- Expands on further evidence that a special immigrant religious worker petitioner may submit to demonstrate that the prospective employer is a qualifying organization, that the religious

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

worker will be employed in a qualifying position, and how the employer intends to compensate the religious worker.

- Clarifies that, in situations where the attesting employer is not the entity that will directly compensate the religious worker, USCIS will review the relationship between the attesting employer and the entity directly compensating the religious worker in the totality of the circumstances to confirm eligibility.

Summary of Changes

Affected Section: Volume 6 > Part H > Chapter 2, Religious Workers

- Replaces existing content in Chapter 2, in its entirety, with updated content (reorganized for consistency with the R-1 content and expanding on existing guidance).

Affected Section: Volume 2 > Part O > Chapter 3 > Section F, Compensation Requirement

- Adds to Subsection 1 (Salaried or Non-salaried Compensation) and footnotes.
- Updates Subsection 3 (Multiple Beneficiaries) with a clarifying edit, revises footnote 31, and adds new footnote.

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](#)].