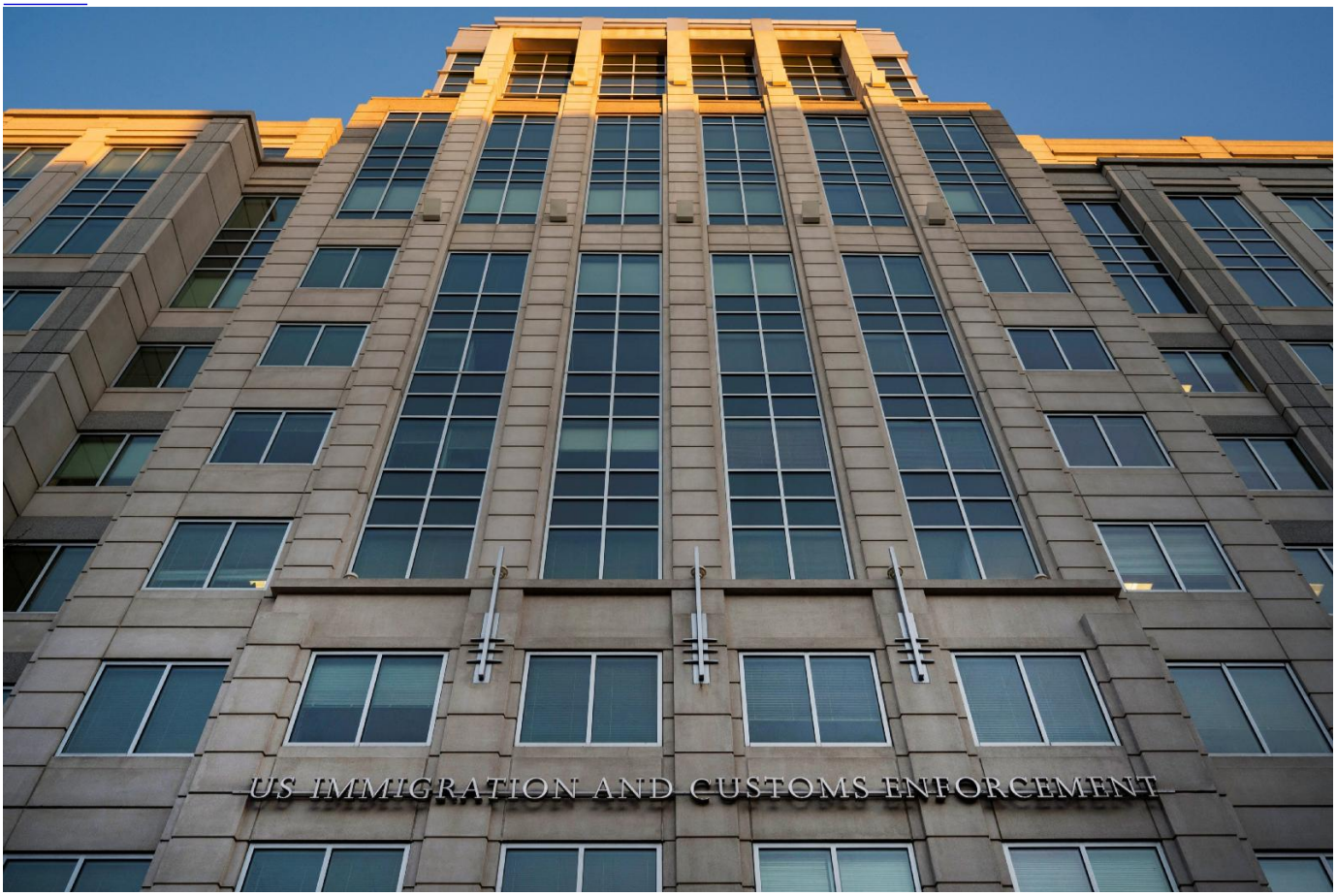
News



Sunlight hits the U.S. Immigration and Customs Enforcement building in Washington Jan. 18, 2025. The Diocese of Paterson, N.J., which filed suit against the Trump administration over religious worker visa issues, is now counting on two bills in House and Senate to resolve the situation -- but the priests affected are now facing expired visas and an uncertain future. (OSV News/Vincent Alban, Reuters)

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The Diocese of Paterson, New Jersey, and several of its foreign-born priests are hoping proposed legislation will resolve their lawsuit regarding religious worker visas.

Their case highlights the perfect storm created by the nation's shifting immigration policies and the U.S. Catholic Church's increased reliance on international clergy amid a downturn in domestic vocations.

"Our thought for this case is if Congress would (act) … the issue about having the priests stay here and not leave would be moot," said attorney Raymond Lahoud, who represents the plaintiffs in the case, filed last August against the Biden administration in the U.S. District Court in Newark, New Jersey.

Four of the priests listed in the suit — Fr. Regin Nico Dela Cruz Quintos, Fr. Joemin Kharlo Chong Parinas, Fr. Armando Diaz Vizcara Jr. and Fr. Joseph Anthony Aguila Mactal — are citizens of the Philippines. The fifth priest, Fr. Manuel Alejandro Cuellar Ceballos, is a Colombian national.

Named in the filing as defendants are the State Department, the Department of Homeland Security and U.S. Citizenship and Immigration Services, along with their Biden-era heads.

At issue is what the diocese's legal counsel described in an Aug. 16, 2024, statement as an unlawful and unconstitutional alteration of how visa availability is calculated for certain noncitizens, which creates "profound immigration delays for noncitizen religious workers."

U.S. immigration law respectively defines "immigrants and nonimmigrants" as those seeking permanent or temporary stay. Category-specific quotas limit immigrant and certain employment-based nonimmigrant visas, although other nonimmigrant visas, such as those for tourists, have no numerical limits. All visas have expiration dates that vary according to category.

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Under the law, two types of visas are available for religious workers. The employment-based EB-4, or special immigrant religious worker, visa permits qualified religious workers to immigrate to the U.S on a permanent basis and to potentially become citizens. The R-1 visa, by contrast, allows religious workers to enter the country on a temporary basis and to perform services for up to five years.

However, in March 2023, the State Department announced a sudden change in the allocation of EB-4 visas, thereby significantly lengthening for most applicants the time required to qualify.

In an explanatory note about the revision on its website, the U.S. Conference of Catholic Bishops observed that "one indirect impact of this change is that many more religious workers on a nonimmigrant religious worker (R-1) visa, who might otherwise have sought adjustment of status under the EB-4 category, will be forced to leave the United States upon reaching the maximum five-year period of stay allowed for an R-1 visa."

In its legal filing, the diocese noted that the R-1 visas for four of the priests would expire May 14, 2025, while that of a fifth will lapse in April 2026.

For most of the priests, the expiration day has since elapsed — but Lafour told OSV News the priests are currently safe and remain in the U.S. as the case continues, since they have worked to "recapture as much time" as possible to add to their total days spent outside the country, in order to maximize the lifespan of their current R-1 visas. The visas are granted for up to 30 months, with a possible extension to an additional 30 months and a cap of five years. Only time spent physically in the U.S. counts against the visa stay limit.

"We're literally counting hours and days to get as much time as we could," Lahoud said. "We just want to keep the priests here."

The diocese alleges the rule change by the federal government was "arbitrary, capricious, misguided, unlawful, conducted without notice or comment and … an incorrect interpretation of the Immigration and Nationality Act."

The suit holds that the agencies and their leaders have placed the priests in the position of having to "count the days until they have no lawful choice but to abandon their congregations" in the U.S.

At the plaintiffs' request, proceedings were stayed through the end of 2024 and subsequently through March 31 of this year.

On April 11, the court ordered both sides to provide a status report, which was submitted on April 25 by Lahoud.

In the three-page document, Lahoud — following "discussion with and consent from counsel for the defendants" — noted two pieces of bipartisan legislation currently under consideration that would provide a solution for his clients and others in their situation.

The Senate's and House's respective and identical "Religious Workforce Protection Act" bills, introduced in early April, would amend the Immigration and Nationality Act to authorize "the continuation of lawful nonimmigrant status for certain religious workers affected by the backlog for religious worker immigrant visas," Lahoud wrote.

A huge backlog in other types of visa applications is a significant part of the problem his clients are facing, Lahoud told OSV News.

In particular, he noted, the logjam was created by the Biden-era State Department, which "reinterpreted" a March 2023 visa bulletin — a routine communication that summarizes the availability of visas subject to quota, while providing deadlines for applications — to combine special immigrant juvenile visas with the EB-4 and others.

Lahoud would like to see both "Religious Workforce Protection Act" bills — which he said are "stuck in the Judiciary Committee right now" — advance, but admitted he was "kind of surprised by the limited number of co-sponsors."

"Hopefully" both bills will "get through," he said, adding, "but we really don't have any kind of, and we can't ask for, (a guarantee) this would even pass. … You know how Congress is."

With the next status conference in the case set for July 23, Lahoud said his clients are "going to have to start moving forward with this matter," since "we can't have a case associated with reports and stays for years."

Bishop Mark J. Seitz of El Paso, Texas, who chairs the USCCB's Committee on Migration, said during the U.S. bishops' spring 2024 plenary assembly in Louisville, Kentucky, that the religious worker visa issue "is only expected to worsen with time, if not addressed" — especially since close to 90% of the nation's Catholic dioceses rely on foreign-born clergy and religious.

"This is simply not sustainable for our ministries — and it is especially devastating for parishes that will be left without a pastor when he is forced to depart the country at the end of his R-1 visa," Bishop Seitz told the assembly.