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New rules delay religious workers' visas

by Patricia Zapor by Catholic News Service

WASHINGTON (CNS) -- New federal regulations for visas will slow the process of bringing in religious workers from other countries, while adding to the costs and paperwork, according to an attorney for Catholic Legal Immigration Network Inc.

The regulations took effect immediately when they were issued Nov. 26, said Anne Marie Gibbons, director for religious immigration and protection for the agency, known as CLINIC.

The lack of notice effectively trapped some church personnel outside the United States, she explained. She said she knows of several immigrants who left over the long Thanksgiving weekend for what they expected would be routine trips, during which they had appointments to renew their visas at U.S. consulates or embassies in their home countries.

The regulations now require applicants for religious worker visas to first get approval from the office of U.S. Citizenship and Immigration Services, an extra step that Gibbons said will add months to the process of being admitted to work in the U.S.

With the requirement of that first step, two Canadian priests who work in Washington will find their visits home at Thanksgiving will extend months longer than they anticipated, Gibbons said. They can't return to their jobs until their U.S. employer applies on their behalf and their applications are approved by Citizenship and Immigration Services, she explained. The wait for those petitions could be up to nine months.

Other religious workers likely were affected similarly, she said.

For instance, a priest from India who was scheduled to begin work in the U.S. within a few weeks had an appointment scheduled to get his visa in December, Gibbons said. He will now have to rearrange his plans

while Citizenship and Immigration Services considers his petition. After that he'll have to get another appointment with the consulate and redo his travel plans some months from now, she said.

Between 10,000 and 11,000 religious workers are admitted with the visas annually.

Most of the other changes in the religious worker visa system are less of an obstacle, according to Gibbons. Visas will now be issued for 30 months, with a 30-month renewal possible. Previously they were issued for an initial three years with a two-year renewal option.

Other provisions define religious denominations, requirements for the religious workers' compensation and standards for who is eligible for the visas. Employers now have to file "a lot of additional attestations" with applications, Gibbons said. They now must provide such information as how many other employees there are at the institution, what their work entails and what other immigrants have used the religious worker visas.

The changes in the program were drafted over the last few years in response to congressional concerns about fraudulent use of religious worker visas.

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A fraud assessment of the program released by Citizenship and Immigration Services in 2006 found fraud in 33 percent of the 220 applications it reviewed. Among examples it cited were nonexistent addresses for employers or jobs that were not the same as those cited in the applications.

Gibbons said there has been no comparison provided by Citizenship and Immigration Services of rates of fraud in other categories of visas, so it's unclear whether the religious worker applications actually have a higher rate of problems.

She said she's now advising dioceses and other religious institutions that use CLINIC's help to apply for religious worker visas to "plan a year ahead."

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