

What's Wrong with the U.S. Immigration System? A Catholic Perspective



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Religious workers, native- and foreign-born alike, provide many important services to American communities. Besides roles directly relating to and required for religious practice, these workers undertake all manner of duties, such as caring for and ministering to those who are sick, aged, and dying, counseling those who suffer from trauma, hardship, and addiction, conducting social outreach programs for those experiencing homelessness, offering accompaniment to those in prison, and helping newcomers to integrate successfully, among other positive contributions. Unlike those who perform these activities because of their chosen profession, religious workers are motivated by a deeper spiritual calling or vocation.

What does the Religious Worker Visa Program do?

The Religious Worker Visa Program (RWVP) has existed in its current form since 1990, allowing religious organizations to sponsor workers from abroad to fill critical positions for which there are no qualified domestic candidates. Recognizing freedom of religion as foundational to American history and life, Congress created the program to address a shortage of domestic religious workers, acknowledging that alternative legal pathways were inadequate for the needs of—or else entirely inaccessible to—many religious organizations, especially those from smaller faith traditions that lack the means to recruit and train native-born workers. Moreover, the program is a testament to the rich cultural diversity of the United States, where peoples from all over the world come together as one nation; with many different languages and cultures making up the fabric of American society, there are foreign-born religious workers who come to serve different populations. Without these workers, many communities would not be able to get their spiritual and temporal needs met.

The RWVP primarily relies on two visas: (1) the temporary religious worker (R-1) visa; and the (2) the employment-based, fourth preference (EB-4) visa for special immigrants. The R-1 visa allows someone to live and work in the United States for up to five years at a time, whereas the EB-4 visa results in permanent status and a pathway to citizenship. Historically, many religious workers ministering in the United States on an R-1 visa have applied for and received permanent status within that five-year period. While there is an unlimited number of R-1 visas available each year, there are only about 10,000 EB-4 visas allotted annually. While it is possible to come to the United States on a new R-1 visa for a subsequent five-year period, a religious worker must be outside of the United States for at least one year between R-1 visas.

What is the problem?

For decades, the RWVP generally fulfilled its purpose of providing a realistic pathway to the United States for foreign-born religious workers to serve American communities, both temporarily and permanently. Unfortunately, that is no longer the case. Since April 2023, the RWVP has been crippled by a dramatically expanded backlog in the EB-4 visa category. For example, a Catholic priest who applies for an EB-4 visa today is looking at a wait time of at least fifteen years before that visa becomes available to him. The practical result of this is that all religious workers on R-1 visas will eventually be forced to depart the United States, unable to continue their ministries.

In addition to religious workers, the EB-4 visa category is utilized by a wide range of other employment-based immigrants (e.g., foreign broadcasters, members of the U.S. armed forces, employees of international organizations, and more), as well as a group of children known as special immigrant juveniles (SIJ). SIJs applying for an EB-4 visa are noncitizen children who a state juvenile court has determined are unable to be reunited with a parent due to abuse, neglect, abandonment, or a similar basis under state law and it is not in their best interest to return to their parents' home or country of origin.

Today, SIJ applicants comprise the majority of those in line for an EB-4 visa. These vulnerable children are predominantly from Latin America, increasing numbers of whom have sought refuge in the United States since 2013. Of the approximately 150,000 people waiting for an EB-4 visa to become available, almost 70% of them are SIJ applicants. The delay in providing permanent legal status to these children exacerbates the vulnerabilities they face. At the same time, because of the backlog, American communities are deprived of long-term religious workers and the essential services they provide. A recent study of U.S. Catholic dioceses determined that 90% of those surveyed relied to some extent on foreign-born religious workers, with larger dioceses, rural dioceses, and metropolitan dioceses demonstrating the greatest need for these workers. As the backlog continues, disruption to religious organizations of all types is only expected to grow. While visa backlogs are not uncommon among both family- and employment-based categories, the EB-4 backlog far exceeds most. This is contrary to Congress' original intent for the RWVP of ensuring religious organizations in the United States have access to needed workers to carry out their wide-ranging religious and charitable missions, as well as its intent to protect vulnerable immigrant youth deemed eligible for relief.

How can this aspect of the U.S. immigration system be improved?

The initial inclusion of SIJs within the EB-4 visa category is questionable. SIJ status is decidedly a humanitarian benefit, and children deemed eligible for that status are not accurately described as employment-based immigrants, unlike religious workers and others reliant on the EB-4 category. Many of these children are not even old enough to work lawfully in the United States, even if they had an immigration status that allowed them to do so. As a [recent letter from the U.S. Conference of Catholic Bishops states](#), "Exempting SIJ applicants from the annual cap would put them on par with various other humanitarian classes who are exempt from the annual [visa] limitations in recognition of the fact that they are not employment-based immigrants." In doing so, the EB-4 backlog would be greatly reduced, freeing up visas for religious workers and the other classes of immigrants dependent on the category. Because it requires a statutory modification, only Congress is empowered to make this change. While minor, the positive impact would be significant.