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Religious Worker Immigration: In Brief

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Religious Worker Immigration: In Brief

U.S. immigration law provides for the admission of foreign nationals to work in the United States in religious occupations. A common practice is for foreign religious workers to come to the United States on R-1 *nonimmigrant* (temporary) visas and subsequently adjust to lawful permanent resident (LPR) status through the EB-4 *immigrant* classification for "special immigrant religious workers."

The EB-4 category of special immigrants is a hodgepodge of occupations and categories that includes religious workers, foreign diplomats, foreign broadcasters, and special immigrant juveniles, among others. Religious workers within this category are classified as either ministers or non-ministers. Ministers are admitted through permanent statutory provisions, while non-ministers are admitted through statutory provisions that must be reauthorized.

SUMMARY

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The number of R-1 nonimmigrant visas is not numerically limited. The number of EB-4 immigrant visas is limited annually to 9,940. In addition, a per-country ceiling limits the number of persons from a single country who can receive visas or adjust status within each employment-based immigrant visa category—including EB-4 visas—to 7% of total visas available in each category. R-1 visa holders who are sponsored for EB-4 immigrant visas are not permitted to adjust to LPR status until a numerically limited EB-4 visa becomes available. By statute, an R nonimmigrant's period of stay may not exceed five years. Prior to January 2026, DHS regulations required that foreign nationals wishing to re-enter the United States in R-1 status after having resided in the United States for five years in R-1 status had to first spend at least one year outside the United States. Until recently, this five-year period of stay for R-1 nonimmigrants was of sufficient length to permit most religious workers on a nonimmigrant visa to adjust to LPR status through the EB-4 immigrant category despite the latter's annual limit and per-country ceiling.

In 2023, the U.S. Department of State changed its interpretation of how the per-country ceiling should be applied to numerically limited immigrant visas. The net effect was to combine queues of prospective immigrants from different countries that had different waiting periods, resulting in a larger combined queue with a much longer waiting period needed to adjust to LPR status. Since then, many religious workers on R-1 visas have reportedly terminated their employment with U.S. religious institutions and returned to their home countries because their waiting times to adjust to LPR status exceeded the five-year duration of U.S. employment and residence permitted by their nonimmigrant visas. Members of Congress have introduced legislation to address these outcomes of the 2023 policy change.

In January 2026, the U.S. Department of Homeland Security issued an interim final rule amending its regulations to eliminate the one-year foreign residency requirement for R-1 nonimmigrants who have reached the statutory five-year maximum period of stay, thus allowing them to be readmitted more quickly for a new five-year period. This policy change is expected to provide employment continuity to all R-1 visa holders and their employers, and administrative relief to R-1 visa holders applying for LPR status.

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Overview

Religious institutions in the United States regularly employ noncitizens as ministers and other religious workers using temporary and permanent visa categories established by Congress in 1990.[1] In recent years, these institutions have faced employment challenges after the U.S. Department of State (DOS) changed its interpretation of an established immigration statute that addresses annual immigration limits.

The United States grants lawful permanent resident (LPR) status (*green cards)* to roughly 1 million foreign nationals each year.[2] Because the demand for LPR status typically exceeds the statutory annual numerical limits on the number of green cards that can be issued, certain immigrant categories have queues (*backlogs*) of persons who have been approved to receive LPR status but must wait (often for years) before a numerically limited immigrant visa number becomes available.[3]

The EB-4 employment-based "special immigrant" category (described in the "EB-4 Employment-Based Immigrant Category" section below) is among these numerically limited immigrant categories and is capped at 9,940 annually. EB-4 is a hodgepodge category that includes religious workers, among other subgroups.[4] In FY2023, 2,740 foreign religious workers, their spouses, and their children acquired LPR status under the EB-4 religious worker category.[5]

Religious workers typically enter the United States with R-1 nonimmigrant (temporary) visas and later seek to adjust to LPR status using the EB-4 immigrant category.6 In FY2023, 8,009 foreign religious workers, their spouses, and their children were issued R nonimmigrant visas.7 (See **Table A-1** for EB-4 and R-1 data for FY2014-FY2023.)

The R-1 nonimmigrant visa (described in the "R-1 Religious Worker Nonimmigrant Visa" section below) allows a foreign national to remain in the United States for up to five years. In the past, five years was of sufficient length for a numerically limited EB-4 visa number to become available and thereby permit the religious worker to adjust to LPR status. This is no longer the

[1] The Immigration Act of 1990 (P.L. 101-649) amended the Immigration and Nationality Act (INA) to redefine the special immigrant category (EB-4) to include ministers of religion and other religious workers. It also created a new nonimmigrant (i.e., temporary) visa for religious workers, commonly referred to as the *R visa*.

[2] In this report, "foreign national" is used synonymously with "alien" and refers to any person who is not a citizen or national of the United States (INA §101(a)(3)) and "immigrant" is used synonymously with "green card holder" and "lawful permanent resident." Immigrants possess LPR status and may work and reside lawfully and permanently in the United States. "Nonimmigrant" refers to foreign nationals who are admitted to the United States for a specific purpose and a limited period of time (e.g., tourists, temporary agricultural workers, diplomats).

[3] In this report, "visa numbers" refers to numerically limited slots for LPR status that the INA permits each year under its numerical, categorical, and per-country limits (e.g., 140,000 visa numbers available each year for employment-based immigrants). Visa numbers apply to both individuals who reside abroad and receive immigrant visas that allow them to travel to the United States and request admission at a U.S. port of entry as well as individuals residing in the United States who adjust to LPR (immigrant) status from a nonimmigrant status.

[4] For more information, see U.S. Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), "Employment-Based Immigration: Fourth Preference EB-4," April 8, 2025.

[5] DHS, *Yearbook of Immigration Statistics FY2023*, Table 7 (includes categories SD1, SD6, SR1, and SR6, as well as spouses and children of individuals in those categories). FY2023 represents the most recent year of data available as of the cover date of this report.

[6] Adjustment of status allows a foreign national already residing in the United States to apply for LPR status without having to return to his or her home country to complete visa processing. For more information, see USCIS, "Adjustment of Status," July 8, 2025, https://www.uscis.gov/green-card/green-card-processes-and-procedures/adjustment-of-status.

[7] DOS, *Report of the Visa Office 2023*, Table XV(B).

case and many U.S. religious organizations now face challenges retaining the foreign religious workers they hire.[8] Persons on R-1 nonimmigrant visas are increasingly having to wait for so long for an EB-4 visa to become available that many risk falling out of lawful status and leave the United States before they can adjust to EB-4 status. The longer EB-4 visa wait times stem from a DOS policy change in March 2023 (described in the "Revisions to Statutory Interpretations" section) that reinterpreted how certain statutory immigration limits should be applied. Members of Congress have recently introduced legislation to address these unanticipated outcomes of the 2023 policy change.

This report provides an overview of temporary and permanent employment-based visas and categories, describes the R-1 nonimmigrant (temporary) and EB-4 immigrant (permanent) categories typically used by foreign religious workers, explains the 2023 Department of State (DOS) policy change and its impact on religious workers and their employers, and briefly describes related congressional proposals. Two tables in the Appendix provide related data on visa issuances and green card backlogs since FY2014.

Employment-Based Immigration

The Immigration and Nationality Act (INA) lays out the rules by which U.S. employers may hire foreign workers in temporary status (*nonimmigrants*) or in permanent status (*immigrants*).

Temporary Employment-Based Immigration

Nonimmigrants are foreign nationals who are admitted for a designated period of time and a specific purpose. There are 24 major nonimmigrant visa categories, which are commonly referred to by the letter and numeral that denote their subsection in the INA; for example, B-2 tourists, E-2 treaty investors, F-1 foreign students, H-1B temporary professional workers, J-1 cultural exchange participants, or P-1 athletes. Some categories, including the R-1 visa for religious workers, permit employment in the United States.[9]

Most prospective nonimmigrant workers must undergo a multistep process involving several government agencies.[10] In general, prospective employers first submit a petition to hire a nonimmigrant worker to the U.S. Department of Homeland Security's (DHS's) U.S. Citizenship and Immigration Services (USCIS). USCIS adjudicates the petition to determine whether the prospective employee possesses the required qualifications for the position and visa class and whether other statutory and regulatory requirements have been met. If the petition is approved by USCIS, the prospective employee applies for a visa at a U.S. consulate if he or she is outside the United States. A DOS consular officer determines whether the prospective employee is admissible and eligible for the visa class for which he or she is applying. An approved visa gives the worker permission to travel to the United States and seek admission at a port of entry. DHS's Customs and Border Protection (CBP) officers at U.S. airports and other ports of entry determine whether to admit the individual. If the prospective employee is already present in the United States, he or she may apply to USCIS for a change of nonimmigrant status (e.g., from student to temporary worker) rather than applying for a visa abroad.

[8] See, for example, Andrew Stanton, "Green-Card Changes Threaten Pastors' Ability To Remain in US," *Newsweek,* July 28, 2025.

[9] For more information, see CRS Report R47159, *Temporary Professional Foreign Workers: Background, Trends, and Policy Issues*.

[10] For more information, see CRS Report R47159, *Temporary Professional Foreign Workers: Background, Trends, and Policy Issues*.

Permanent Employment-Based Immigration

In this report, as noted previously, "immigrants" refers to foreign nationals who have obtained lawful permanent resident status. Among the major immigrant categories are employment-based (EB) immigrants, family-based immigrants (comprised of unlimited *immediate relatives* of U.S. citizens and numerically limited family-sponsored preference immigrants), and diversity visa immigrants.[11] EB immigrants and their family members can receive up to 140,000 green cards each year, which are split across five categories—including the EB-4 category for "special immigrants." Each EB category is numerically limited and has its own eligibility requirements. The INA further limits each country from which EB immigrants originate to no more than 7% of all EB green cards granted each year. The 7% cap was established to ensure that a small number of countries would not dominate the flow of numerically limited EB or family-sponsored preference immigrants.[12]

The process to acquire a green card depends on where prospective EB immigrants reside. Foreign nationals residing overseas apply for an immigrant visa at a U.S. consulate abroad; those residing in the United States apply to adjust from a nonimmigrant status to LPR status. Most prospective EB immigrants adjust status while residing in the United States and are already embedded in the U.S. labor market, often working for their sponsoring employers. Years of demand for EB green cards above the annual statutory allotment have created a sizeable EB queue of foreign workers and accompanying family members. All of the individuals in the EB queue have approved EB petitions but must wait for a numerically limited immigrant visa to become available.

Religious Worker Immigration

There are two primary pathways for foreign national religious workers to reside and work in the United States: the R-1 Religious Worker Nonimmigrant Visa and the EB-4 Employment-Based immigrant category. Some nonimmigrant foreign religious workers follow a pathway to a green card by arriving in the United States on a nonimmigrant visa (typically, an R-1 visa) and later adjusting to LPR status.

R-1 Religious Worker Nonimmigrant Visa

Foreign nationals may come to the United States on R-1 nonimmigrant visas to work in religious occupations. The regulations define two types of religious workers: ministers and those performing religious vocations or occupations.[13] Examples of non-ministers include workers in religious hospitals or healthcare facilities, counselors, cantors, and missionaries. To qualify for R-1 nonimmigrant status, an individual must be coming to the United States to work at least part-time for a religious organization or religiously affiliated nonprofit organization. He or she must have been a member of a religious denomination that has had a bona fide nonprofit religious organization in the United States for at least two years immediately before requesting such status.[14] Spouses and children of R-1 visa holders are admitted in R-2 status and are not

[11] For more information on permanent immigration, see CRS Report R42866, *Permanent Legal Immigration to the United States: Policy Overview*.

[12] For information on family-sponsored preference immigration, see CRS Report R43145, *U.S. Family-Based Immigration Policy*.

[13] 8 C.F.R. §214.2(r).

[14] 8 C.F.R. §214.2(r)(1)(i).

authorized for employment in the United States.[15] An R nonimmigrant's period of stay may not exceed five years, with an initial admission of up to 30 months and one extension of up to 30 additional months.[16] Until recently, foreign nationals wishing to re-enter the United States in R-1 status after having stayed for five years in R-1 status had to first spend at least one year outside the United States.[17] DHS has recently changed this requirement (see the "Outcomes and Responses" section below).

An R-1 nonimmigrant may work for more than one employer provided that all employers submit petitions on behalf of the worker and all the work meets the requirements for R-1 nonimmigrant status.[18] In addition to the petition that an employer must submit to USCIS for most temporary workers, an employer of an R-1 nonimmigrant must submit a supplemental form providing additional information and attesting that the employee will work at least 20 hours per week, is qualified for the position, will not be engaged in secular employment, and has been a member of the denomination for at least two years.[19] There is no annual numerical limit on the number of R visas that may be issued.

EB-4 Employment-Based Immigrant Category

Although employers may sponsor religious workers to live and work in the U.S. permanently through other employment-based worker categories, they typically do so through the EB-4 special immigrant category.[20] EB-4 special immigrants include those classified as international organization or NATO employees; members of the U.S. Armed Forces; certain broadcasters; certain employees of the U.S. government abroad; Special Immigrant Juveniles (SIJs);[21] and religious workers.[22]

Each EB-4 special immigrant classification has its own eligibility criteria. "Special immigrant religious workers" are foreign nationals who, for two years prior to an employer petitioning on their behalf, have been members of a religious denomination having a bona fide nonprofit religious organization in the United States and seek to enter the country (1) for the purpose of carrying on the vocation of a minister or other religious vocation or occupation of that religious denomination and (2) have been working continuously in that religious position for two years prior to petitioning.[23]

Among religious workers, the INA further distinguishes between *ministers* and *non-ministers*.[24] Ministers are authorized and trained by a religious denomination to conduct religious worship and

[15] 8 C.F.R. §214.2(r)(4)(ii)(B).

[16] 8 C.F.R. §§214.2(r)(4)-(5).

[17] 8 C.F.R. §214.2(r)(6).

[18] 8 C.F.R. §214.2(r)(2).

[19] 8 C.F.R. §214.2(r)(8). Prior to 2008, employers of R-1 nonimmigrants did not submit petitions or attestations. These requirements were added by rulemaking in order to "improve the Department of Homeland Security's (DHS's) ability to detect and deter fraud and other abuses in the religious worker program." See DHS, USCIS, "Special Immigrant and Nonimmigrant Religious Workers," 73 *Federal Register* 72276, November 26, 2008.

[20] For more information on permanent employment-based immigration, see CRS Report R47164, *U.S. Employment-Based Immigration Policy*.

[21] For more information on this EB-4 category, see CRS Report R43703, *Special Immigrant Juveniles: In Brief*.

[22] INA §101(a)(27), 8 U.S.C. §1101(a)(27).

[23] INA §101(a)(27)(C), 8 U.S.C. §1101(a)(27)(C). For more information, see DHS, USCIS, "Special Immigrant Religious Workers," November 13, 2025.

[24] INA §101(a)(27)(C), 8 U.S.C. §1101(a)(27)(C), and 8 C.F.R. §204.5(m)(5). The INA and associated regulations do not explicitly define or use the term "non-minister."

other duties performed by authorized members of that denomination's clergy, among other criteria.[25] Non-minister religious workers work for a religious denomination in a professional capacity in a religious vocation or occupation.[26] Regardless of this distinction, religious worker visas for both nonimmigrants and immigrants are granted to both types of workers.

Ministers and non-ministers are eligible for LPR status through the EB-4 category under INA Section 203(b)(4). While the statutory provision for the admission of ministers is permanent, the provisions admitting non-ministers have always had a sunset date. Most recently, P.L. 119-37 authorized the non-minister provisions through January 30, 2026.[27]

The EB-4 category is limited to 9,940 visa numbers annually for all special immigrants combined.[28] Within the EB-4 category, the INA imposes additional numerical limits. A maximum of 5,000 visas can be given to non-ministers under the temporary provisions described above.

For a religious worker to become an LPR through the EB-4 pathway, his or her employer must file a Form I-360 *Petition for Amerasian, Widow(er), or Special Immigran*t with USCIS. If USCIS determines that the prospective immigrant meets the INA criteria for the category and approves the petition, the individual is assigned a *priority date* that represents his or her place in the queue of prospective immigrants waiting for numerically limited immigrant visa numbers.

Advancement in the green card queue is based on where a prospective immigrant's priority date falls in relation to "final action dates" published by DOS in its monthly *Visa Bulletin.* Final action dates represent the dates of the submitted petitions that DOS is currently processing for LPR status and are presented for each category of employment-based and family sponsored preference immigrants. They typically change from month-to-month, becoming more recent as DOS completes processing for the earliest submitted petitions.

Prospective immigrants whose priority dates fall on or earlier than the latest final action dates—meaning that their approved immigrant petition is now "current" and an immigrant visa number is available to them—can advance in the green card process by either applying for an immigrant visa (if they reside abroad) or by applying to adjust status (if they are in the United States on a nonimmigrant visa. Those in the United States with R-1 or another nonimmigrant status can then file a Form I-485, *Application to Register Permanent Residence or Adjust Status*. Once approved, individuals must satisfactorily submit biometrics and medical information, and be interviewed by a USCIS adjudicator before receiving a green card.

Revisions to Statutory Interpretations

In March 2023, DOS—which is responsible for accounting for and allocating numerically limited immigrant visas—revised its interpretation of how the 7% per-country ceiling should be applied.

Prior to this revision, DOS had applied the 7% limit to *each specific subcategory* within both the employment-based and family-sponsored preference systems for each country. That meant that prospective EB-1, EB-2, EB-3, EB-4, and EB-5 immigrants from a single country were subject to the 7% limit within each of those employment-based immigrant categories.

[25] 8 C.F.R. §204.5(m)(5). See 8 C.F.R. §204.5(m)(9) for evidence rules of minister qualifications.

[26] 8 C.F.R. §204.5(m).

[27] USCIS, "Special Immigrant Religious Workers," November 13, 2025.

[28] INA §203(b)(4), 8 U.S.C. §1153(b)(4). The statute refers to 7.1% of the 140,000 worldwide level of employment-based immigrants specified in INA §201(d), 8 U.S.C. §1151(d), the product of which is 9,940.

Using this prior interpretation, DOS created a separate EB-4 queue in the May 2016 *Visa Bulletin* for prospective EB-4 immigrants from the three Northern Triangle countries of El Salvador, Guatemala, and Honduras, similar to the existing queues for prospective EB-4 immigrants from China, India, Mexico, and the Philippines.[29] DOS imposed this separate queue for prospective Northern Triangle EB-4 immigrants in response to their high demand for that category, driven primarily by SIJ applicants seeking to adjust to LPR status.[30] Prospective EB-4 immigrants from all other countries that did not reach the 7% limit represented the "rest of the world" (ROW) queue that typically had a significantly shorter waiting time.

Because of their differing national origins, the prior interpretation affected EB-4 ministers and religious workers (who originate from many countries and typically wait in the ROW queue) differently than EB-4 SIJ applicants (who are typically unaccompanied alien children from Northern Triangle countries). By creating a separate queue within the EB-4 category in 2016 for Northern Triangle country nationals, DOS effectively segregated SIJ applicants into their own relatively long queue for EB-4 visa numbers, thereby making more EB-4 visa numbers available for other applicants, including ministers and religious workers. As a result, SIJ applicants received relatively fewer visa numbers, and ministers and religious workers received relatively more. As growing numbers of SIJs continued to enter the EB-4 queue, DOS maintained the separate Northern Triangle country queue for almost seven years.

In March, 2023, DOS published a notice explaining that it had incorrectly interpreted the INA's 7% per-country limit provision.[31] Under its new interpretation, DOS announced that it would now apply the 7% per-country limit not to each individual employment-based and family-sponsored preference category, but rather to each country's applicants under all such categories aggregated together.[32] This interpretation means, for instance, that if all prospective employment-based and family-sponsored preference immigrants from a single country together do not exceed 7% of all the preference immigrants allowed, then they are not considered oversubscribed, do not merit a separate queue, and are therefore included in the ROW queue.

The following example using El Salvadoran nationals illustrates this change. Under the pre-March 2023 interpretation, the 7% per-country limit applied to each numerically limited immigrant preference category. Thus, prospective EB-4 immigrants from El Salvador were limited to a maximum of 696 EB-4 visa numbers (i.e., 7% of the 9,940 numerical limit for all EB-4 immigrants). Consequently, when DOS anticipated in April 2016 that the number of El Salvadoran nationals applying for LPR status through the EB-4 category would exceed this upper limit of 696, it created the separate EB-4 queue for those nationals. As the number of El Salvadoran SIJ applicants who sought LPR status through the EB-4 category continued to increase, DOS maintained the separate EB-4 queue.

As noted previously, the INA limits the number of employment-based immigrants to 140,000 each year. Similarly, the INA limits the number of family-sponsored preference immigrants to 226,000 each year. Under the 2023 interpretation, the INA's 7% per-country ceiling allows numerically limited immigrants from any single country to receive a maximum of 25,620

[29] See, for example, DOS, *Visa Bulletin For February 2023*, January 11, 2023.

[30] See DOS, *Visa Bulletin For May 2016*, April 12, 2016. The increase in the number of SIJ applicants corresponded with the growth in the number of unaccompanied alien children who entered the United States at the start of the last decade. For more information, see CRS Report R43599, *Unaccompanied Alien Children: An Overview*, Figure 1.

[31] INA §202(a)(2), 8 U.S.C. §1152(a)(2).

[32] DOS, "Employment-Based Preference Immigrant Visa Final Action Dates and Dates for Filing for El Salvador, Guatemala, and Honduras," 88 *Federal Register* 18252-18253, March 28, 2023.

employment-based and family-sponsored preference immigrant visa numbers annually.[33] Accordingly, this total of 25,620 employment-based and family-sponsored preference immigrant visa numbers can be spread across all these categories. For example, in the highly unlikely case that nationals from no other country applied for EB-4 immigrant visas, nationals from El Salvador could conceivably be eligible for all 9,940 EB-4 immigrant visa numbers that year, as long as all employment-based and family-sponsored preference immigrant visas for El Salvadoran nationals that year did not exceed 25,620.[34]

Outcomes and Responses

While DOS's revised interpretation of the 7% provision has affected all numerically limited immigrant categories to some extent, the impact on the EB-4 immigrant category has been particularly significant. The revision has effectively merged what had been two distinct EB-4 queues: a relatively large and slow one for prospective immigrants from El Salvador, Guatemala, and Honduras, and a relatively small and quick one for prospective ROW immigrants. The policy change was compounded by sizeable increases in the number of EB-4 petitioners—primarily SIJ petitioners—which caused the number of approved pending EB-4 petitions to grow from 33,389 in September 2021 to 306,838 by June 2025 (**Table A-2**).

Wait times for LPR status through the EB-4 category reflect the policy change. Individuals from ROW countries who previously had relatively short waiting times or no waiting times in the EB-4 category now have to wait substantially longer because a large number of prospective EB-4 immigrants from Central America, who used to have their own queue, are now waiting in the same, newly created single queue. This effectively made all pending EB-4 petitioners subject to the same long waits, which in many cases exceeded the five-year limit on duration of R-1 status. In August 2023, the American Immigration Lawyers Association asserted that this revision would result in an 11-year wait for the most recent EB-4 applicants.[35] Unable to extend their status beyond the five-year limit, some R-1 religious workers have terminated their employment and returned to their home countries.

Following the March 2023 reinterpretation of visa numbers, U.S. religious organizations that rely on foreign workers reached out to Members of Congress for help addressing the issue of R-1 religious workers' status ending before they are able to adjust to LPR status.[36] A bipartisan group

[33] This figure is computed as follows: 140,000 total annual employment-based visa numbers plus 226,000 total annual family-sponsored preference visas numbers = 366,000 total annual visa numbers, multiplied by 7%.

[34] Before DOS's announcement of the March 2023 rule changing the interpretation of how the 7% per-country ceiling functioned, the existing interpretation had been used since 2016. Yet, between CY2016 and CY2023 demand for EB-4 immigrant visas still exceeded the annual allotment, and prospective EB-4 immigrants were still facing multiyear waits that were expected to continue to lengthen. See Letter from Ur Jaddou, U.S. Citizenship and Immigration Services Director, to Senators Susan Collins and Tim Kaine, December 6, 2023, https://www.uscis.gov/sites/default/files/document/foia/EB-4Visas-SenatorCollins.pdf. It is unclear to what extent the 2023 change in interpretation affected the total EB-4 queue compared to the interpretation of the 7% per country ceiling that DOS used between 2016 and 2023. The 2023 interpretation change has resulted in different impacts for different groups within the EB-4 category.

[35] Letter from the American Immigration Lawyers Association to The Honorable Anthony Blinken, Secretary of State, and The Honorable Alejandro Mayorkas, Secretary of Homeland Security, "RE: Administrative Actions to Remedy the Impact of the April 2023 Visa Bulletin Change," AILA Doc. No. 23080100, August 1, 2023, https://www.aila.org/library/letter-to-dhs-and-dos-urging-eb-4-administrative.

[36] See, for example, Letter from Most Reverend Timothy P. Broglio, President, USCCB, and Most Reverend Mark J. Seitz, Chairman, USCCB Committee on Migration, to U.S. Senate, U.S. House of Representatives, April 10, 2025; and Letter from Evangelical Immigration Table Organizations (multiple) to Members of Congress, August 22, 2023.

of Members also sent letters to USCIS requesting deferred action for religious workers in this predicament.[37]

Some Members have expressed support for addressing this issue through legislation. The bipartisan Religious Workforce Protection Act (H.R. 2672/S. 1298), introduced in the 119th Congress, would do so by allowing R-1 nonimmigrants with an approved employer petition for EB-4 religious worker status to extend their R-1 status until an EB-4 visa number becomes available for them to adjust to LPR status.[38] These bills would also exempt such workers who had departed the United States due to the five-year limit on their period of admission from the requirement to remain outside the country for at least one year.[39]

The Protect Vulnerable Immigrant Youth Act (H.R. 3763/S. 1965), also introduced in the 119th Congress, would indirectly address the religious worker issue by making EB-4 visas for SIJs exempt from numerical limitations. By moving SIJs out of the EB-4 queue, more EB-4 visas would be available to religious workers and other categories of EB-4 immigrants.

In January 2026, DHS issued an interim final rule, effective January 16, 2026, amending its regulations to eliminate the one-year foreign residency requirement for R-1 nonimmigrants who reach the statutory five-year maximum period of stay. The rule stems from President Trump's Executive Order 14205, which established the White House Faith Office and reiterated DHS's commitment to "protecting and preserving freedom and expression of religion."[40] The rule amends DHS's R-1 regulations "to enhance stability and significantly reduce disruptions for U.S. religious organizations and their employees, including those who are impacted by long waits for immigrant visas caused by demand in the fourth employment-based preference category (EB-4) that far exceeds the numerical limits established by Congress."[41]

Under the new rule, a religious worker would still need to depart the United States after reaching the five-year maximum duration of status but could be readmitted without having to reside and be physically present outside the United States for any specific period of time. In order to apply for a new period of admission, the religious worker would need to have a new employer petition approved by DHS and, if applicable, a new R-1 nonimmigrant visa issued from DOS (unless the worker is visa exempt).

As evidence of broad support for the change, the rule references multiple letters from religious organizations and Members of Congress, as well as the bicameral and bipartisan Religious Workforce Protection Act mentioned above. Unlike the Religious Workforce Protection Act, this rule change applies to all R nonimmigrants, not just those sponsored for EB-4 immigrant status.

While this policy change is expected to provide employment continuity to all R-1 visa holders and their employers, and administrative relief to R-1 visa holders applying for LPR status, the long-term effects of the policy remain uncertain. The policy also does not alter how many prospective immigrants in the EB-4 queue can receive lawful permanent residence each year.

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[37] Letter from Pete Sessions, Member of Congress, Jamie Raskin, Member of Congress, and Marc A. Veasey, Member of Congress, et al. to The Honorable Ur Jaddou, Director, USCIS, April 17, 2024.

[38] For more information, see "Bill Analysis: Religious Workforce Protection Act," National Immigration Forum, June 10, 2025.

[39] These bills would also allow religious workers to change locations or positions with their employer while awaiting LPR status.

[40] DHS, "DHS Reduces Wait Times for Thousands of Religious Workers Abroad," press release, January 14, 2026. The amended regulation was 8 C.F.R. §214.2(r)(6).

[41] DHS, "Improving Continuity for Religious Organizations and Their Employees," 91 *Federal Register* 2049-2066, January 16, 2026.

Appendix.

Table A-1. EB-4 LPR Admissions and Adjustments of Status, and R Nonimmigrant Visa Issuances, FY2014-FY2023

Fiscal Year	EB-4 Immigrants						R-1 and R-2 Nonimmigrant Visa Issuances		
				Religious Workers					
	Total	All Other	Special Immigrant Juveniles	Total	Workers	Family Members	Total	Workers	Family Members
2014	8,362	1,631	3,359	3,372	1,819	1,553	6,123	4,599	1,524
2015	10,584	2,028	5,194	3,362	1,818	1,544	6,256	4,572	1,684
2016	10,377	2,166	5,613	2,598	1,380	1,218	6,424	4,764	1,660
2017	9,504	2,145	4,726	2,633	1,432	1,201	6,831	4,942	1,889
2018	9,711	2,058	4,547	3,106	1,703	1,403	6,307	4,607	1,700
2019	9,609	2,226	5,052	2,331	1,331	1,000	6,288	4,583	1,705
2020	10,704	1,630	5,545	3,529	1,958	1,571	2,399	1,732	667
2021	15,315	2,435	11,409	1,471	805	666	2,777	1,942	835
2022	20,526	3,854	14,383	2,289	1,166	1,123	5,904	4,098	1,806
2023	14,600	1,490	10,370	2,740	1,470	1,270	8,009	5,330	2,679

Source: EB-4 religious employee immigrant data: DHS, *Yearbook of Immigration Statistics*, multiple years, Table 7; R-1 and R-2 nonimmigrant data: DOS, *Report of the Visa Office*, multiple years, Table XV(B).

Notes: FY2023 data represent the most recent available from the DHS *Yearbook of Immigration Statistics* as of the cover date of this CRS report. EB-4 religious workers and Special Immigrant Juveniles are subsets of all EB-4 immigrants. EB-4 religious worker immigrants include minister and religious worker immigrants and represent both new arrivals (i.e., those issued EB-4 visas abroad) and adjustments of status (i.e., those changing from nonimmigrant to LPR status from within the United States). DHS's *Yearbook of Immigration Statistics* refers to Special Immigrant Juveniles as "juvenile court dependents." The excess of EB-4 immigrants above the 10,000 annual limit in FY2021-FY2023 was the result of the COVID-19 pandemic, during which unused family-sponsored preference visas (for family-based immigrants) were statutorily required to "fall across" for use by employment-based immigrants. See INA §201(d)(1)(C), 8 U.S.C. 1151§(d)(1)(C).

Table A-2. EB-4 Pending Approved Petitions by Origin Country, 2014-2025

Date	Total	Rest of World	India	China	El Salvador	Guatemala	Honduras	Mexico
2014	0	0	0	0	0	0	0	0
2015	0	0	0	0	0	0	0	0
2016	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2017	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
April 2018	19,381	0	0	0	7,252	6,027	5,402	700
November 2019	36,305	0	0	0	13,324	11,171	9,835	1,975
April 2020	56,040	0	0	0	20,570	18,487	14,221	2,762
November 2020	45,476	0	0	0	15,355	16,452	11,103	2,566
April 2021	39,262	0	0	0	12,096	14,934	9,570	2,662
September 2021	33,389	0	0	0	9,921	13,359	8,466	1,643
March 2022	71,260	0	0	0	24,339	26,314	18,396	2,211
December 2022	81,950	4,067	149	67	23,501	29,878	20,739	3,549
June 2023	137,022	125,859	2,433	854	0	0	0	7,876
September 2023	156,153	143,522	2,741	947	0	0	0	8,943
December 2023	150,498	140,848	1,757	382	0	0	0	7,511
June 2024	155,761	143,758	2,534	581	0	0	0	8,888
December 2024	182,170	166,725	3,749	744	0	0	0	10,952
March 2025	217,438	198,756	4,866	853	0	0	0	12,963
June 2025	306,838	277,278	8,948	1,527	0	0	0	12,963

Source: USCIS reports of Pending Approved I-140, I-360, and I-526 Petitions, multiple years.

Notes: N/A = not available. Rest of World (ROW) includes the Philippines, which is listed separately in USCIS reports but represented less than 1% of the ROW pending petitions in any year shown. Pending approved petitions represent all prospective EB-4 immigrants, not just religious workers. Petitions represent only those for principal immigrants and do not include accompanying family members (spouses and children). USCIS has not published these reports at consistent intervals since it issued the first report in April 2018. Figures for FY2014 and FY2015 were zero values according to unpublished data provided by USCIS to CRS in April 2024.

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