

Special Immigrant Religious Worker Visa

As the name suggests, this visa allows you to come to the United States as a religious worker with the intent to immigrate. Your religious sponsor in the United States can petition for you, your spouse, and unmarried children under the age of 21, all on the same application. Among other qualifications, to get a Special Immigrant Religious Worker visa, you must have been employed full time for the most recent two years as a religious worker. You must have been paid for your work, but it could have been done inside the United States or another country.

Requirements

Eligible Immigrant Religious Workers

There are three types of religious workers who may qualify for a Special Immigrant Religious Worker visa:

- **Ordained Ministers**

- Ordained ministers are duly trained and authorized by their religious denomination to conduct religious worship and other duties to the standards of its clergy. The law does not specify what training must be, but it has to be common to all people who are clergy within that denomination.

- **A professional working in a religious capacity**

- A professional working for a religious organization only qualifies for a religious worker visa if the duties performed relate to the traditional functions of the religion and require intimate knowledge of that religion.
- For example, an immigration lawyer working for the Archdiocese of Milwaukee could not get a religious visa as a professional worker because immigration attorneys do not have to know anything about the Roman

Catholic faith to do their job. It wouldn't matter if that lawyer is a devout Roman Catholic or not. The same verdict would apply to professionals such as accountants, janitors or office managers working for a religious organization because they do not need intimate knowledge of religion or denomination to perform their work.

- However, a canon lawyer, one who works only with the laws of the Roman Catholic Church, would be different. A canon lawyer fulfills many functions which are essential to the church and must understand the teachings of the church to do the job.
- A word of caution, though: you should not try to bypass regular business-based immigration with the easier religious based immigration just because you work for a religious institution.

- **Someone with a lifelong religious vocation**

- A person in a religious vocation has formally made a lifetime commitment through vows, investitures, ceremonies, or similar kinds of events to officially declare a religious way of life. The religious denomination must have a class of individuals whose lives are dedicated to religious practices and functions, as distinguished from the secular members of the religion. Examples of persons with a religious vocation include, but are not limited to, nuns, monks, and religious brothers and sisters.

If you do not fulfill any of the roles defined above, you **do not** qualify for a Special Immigrant Religious Worker visa.

Work Requirements

1. You cannot sponsor yourself, rather the religious denomination in the United States petitions for you. If your denomination has no presence in the United States, then you cannot get a Special Immigrant Religious Worker immigrant visa.

Example: If you are a Roman Catholic priest who belongs to a religious order, it may or may not have a presence in the United States. If your order has no presence in the United States, then they cannot petition for you. However, a diocese or a parish in the United States could petition for you.

2. You will have to work for an organization in the United States that the Internal Revenue Service has recognized as a religious organization and is exempt from paying federal income taxes. If the organization itself is not exempt, it must at least

be affiliated with an organization that the Internal Revenue Service has recognized as a religious organization and as exempt from paying federal income taxes.

3. You must be coming to the United States to work full time, which must amount to at least 35 hours per week. Again, the work must specifically be the duties of an ordained minister, in a lifelong vocation, or in a religious occupation.

4. As previously outlined, you must have been employed as a religious worker for the most recent two years before asking for a Special Immigrant Religious Worker visa. You may have worked inside of the United States or in another country. Additionally, the work that you plan to do in the United States does not have to be exactly the same as the work you did in the previous two years.

There can be a break in your two years of work, if during that break:

- You were still employed as a religious worker;
- The break in your work did not exceed two years; and
- Your break was for further religious training or for a sabbatical that did not involve unauthorized work in the United States.
- Remember, this can be a break in your work, but you must remain a member of your denomination or church throughout your two years of employment.

Limitations of a Special Immigrant Religious Worker's Visa

A Special Immigrant Religious Worker approval is not a green card. It is simply permission to apply for a green card. **The Special Immigrant Religious Worker does not allow you to work, travel, or stay in the United States.** After you have the Special Immigrant Religious Worker, you can apply for lawful permanent residency or the green card. The green card will allow you to stay, work, and travel.

You May Also Qualify for an R-1

Sometimes a religious worker might qualify for both an R-1 Nonimmigrant Religious Worker and a Special Immigrant Religious Worker visa. You could apply for either depending on whether you wanted to stay in the United States only temporarily or if you wanted to immigrate here. The work you perform does not have to be inside of the United States for two years as an R-1 before applying for the Special Immigrant Religious Worker; this is a common misconception. The work could have been

performed in a different country. Ask your lawyer to help you understand your best options. Learn more about an R-1 in [this article](#).

Application Process

Petitioning on Your Behalf

Your petitioning denomination or church will file a very long form on your behalf and pay a fee to Immigration. Afterwards, Immigration will send them a receipt with a unique receipt number.

The same form is used for religious workers, immigrant victims of domestic violence, abused and abandoned children, widows and widowers, and Amerasian children. Therefore, you have to pay close attention to make sure you fill out all parts of the form that actually apply to you.

Also, anyone can pay the fees so long as they are paid; the employing religious denomination does not necessarily have to be responsible for the money. Immigration will send them a receipt and then process the petition.

Fraud Prevention

Immigration will also come to your denomination or church's place of business to verify that it is a religious denomination or church.

Immigration is very concerned about fraud, and they simply want to make sure that people merely posing as religious do not try to scam the system. They do not want people to spontaneously self-declare themselves a religion and then apply for all of their family members.

Evidence You'll Need

You will need to give your petitioning religious denomination or church some personal information. This is not a complete list, but you will need to at least provide the following items:

- A copy of your passport;
- A copy of your birth certificate;

- Proof that you are an ordained minister, in a lifelong vocation, or that you have the credentials to work in the professional capacity.
 - Acceptable items include: a copy of your certificate or ordination, a copy of your final vows, or a copy of any degree showing that you have studied for a certain vocation;
- Evidence that you have been employed as a religious worker for at least two years. You can use your taxes or payroll statements;
- Your mailing address in your home country; and
- If you are already in the United States, they will need your most recent I-94 card printout.

NOTE: Every item on this list will need to be translated into a certified English translation.

Civil Documents by Country

The U.S. Department of State provides a list of acceptable documents on their website for each country that has a relationship with the United States. For example, if you are looking for what documents you need to prove a marriage, start by selecting your country and then scroll until you see the marriage certificate section. There you will find the documentation you need to give U.S. Immigration that is specific to your country. This resource can also be helpful if you need to find out how to get a copy of a divorce, birth, adoption, or death certificate from your home country.

Request for Evidence

Immigration may ask your petitioning denomination or church for more information through something called a “Request for Evidence” or an RFE. This does not mean anything is wrong, but you **must** respond to an RFE by the deadline they give you. Be diligent about this.

Sometimes Immigration asks for things that they already have or requests information that doesn’t seem to be important. For example, Catholic Charities Milwaukee once got a request for evidence asking, “What hours is the Roman Catholic Church open to the public?” We’ve also been asked for a list of every ministry of the Archdiocese along with its meeting schedule.

Approval Letter

Immigration will send an approval letter to your petitioning denomination or church. If you are already in the United States, you can now apply for lawful permanent residence, or a green card. If you are abroad and coming to the United States, you will have to take additional steps.

If you are coming from abroad, you must check the United States consulate's instructions. You can find a complete list of U.S. consulates at the [embassy's website](#). You will find the instructions you need to get an appointment at the consulate. The information is straightforward and easy to follow, but read the instructions carefully. Not every United States consulate issues every type of visa.

You will also need to complete a form, a DS260, for the United States Department of State. You can find this form on [their website](#).

Remember

Your Special Immigrant Religious Worker visa is only the first step towards lawful permanent residency. You cannot apply for both the Special Immigrant Religious Worker visa and lawful permanent residency at the same time. Once you receive approval for your Special Immigrant Religious Worker visa, you can proceed with your green card application.

Green Card Application

When Can I Apply for Lawful Permanent Residency?

The United States limits how many Special Immigrant Religious Worker visas they give out every federal fiscal year. Unfortunately, sometimes the number of applicants exceeds the number of visas available. This means you may have to wait before you can apply for your green card. Checking priority dates is confusing, and if done incorrectly, it can put you in deportation. Please rely on the help of an experienced immigration attorney to determine when your priority date is current.

Applying from Inside the United States

Adjustment of Status

Those already in the United States apply for something called adjustment of status. There are a series of forms that you must complete, including:

- A green card application;
- A form for your work permit; and
- A for for your travel permit.

You also will need a [medical examination](#) by a designated civil surgeon, as well as a tuberculosis skin test. If you test positive for tuberculosis, you will need a chest x-ray. Please read our article about the medical examination for more information. The process is not as straightforward as you might expect.

Once you send in your application and payment, Immigration will send you a receipt for the fees you paid. Then they will send you a notice for a [biometrics appointment](#). If you cannot make this appointment, you must inform Immigration in writing and ask for a new one.

Next you will get the work permit, which is about the size of a credit card and will include a picture of you. Religious workers' work permits are unique because they also serve as a travel permit. You can use it to travel along with your passport.

Travel

You cannot travel on your R-1 visa once you send in your application to adjust status. You must wait until you receive your work permit before you can leave the United States again. If you have a genuine emergency, you can ask Immigration to process a travel permit quickly, but even this takes time. Plan vacation and travel accordingly.

Applying from Outside the United States

Consular Processing

If you apply for lawful permanent residency from abroad, you will process your application through a United States consulate in your home country. This is called consular processing. You can find the website for the U.S. consulate in your home country through usembassy.gov. Your consulate's website will provide detailed instructions specific to your country.

First, Immigration will ask your petitioning denomination for copies of documents such as your passport and birth certificate. Stay in close contact with your petitioning denomination so you can quickly send them whatever documents they need.

Next, your approved application and your file will be transferred to the National Visa Center. They will send you a series of emails instructing you what payments need to be made and what documents need to be submitted. Follow their instructions very carefully. They will also send an email with an invoice number and a case processing number. Please guard these numbers carefully as you will need them for a number of the next steps. Among other tasks, the National Visa Center will also ask you to complete a form called a [DS260](#). Once the National Visa Center has everything, they will tell you that your file is complete and you will be scheduled for an interview.

Medical Examination

Like those adjusting status, you will need a medical examination by a designated civil surgeon and a tuberculosis skin test. If you test positive for tuberculosis, you will need a chest x-ray. Your consulate's website will tell you which physicians are designated civil surgeons.

Consular Interview

Like those adjusting status, you will need a medical examination by a designated civil surgeon and a tuberculosis skin test. If you test positive for tuberculosis, you will need a chest x-ray. Your consulate's website will tell you which physicians are designated civil surgeons.

Frequently Asked Questions

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How long will it take for my Special Immigrant Religious Worker to get approved?

Expect the approval process to take at least five to six months once your sponsor submits the application on your behalf. You can check the current processing times at [USCIS.gov](#). Make sure that you scroll down the R-1 category and choose the appropriate service center. Please note: sometimes Immigration gets backed up at

one service center and sends your file to another. This does not mean that anything is wrong, it is just a way for Immigration to try and balance out their workload. If your file has been transferred, make sure that you check the service center that has your file. This will help you understand when you might be able to travel to the United States.

Is there a way to expedite my Special Immigrant Religious Worker approval?

There is no premium processing for Special Immigrant Religious Worker visas. Plan plenty of time for Immigration to process, and be prepared for a backlog in the available visas. **Do not procrastinate and wait until the last minute.**

Will I have to spend any money to get my Special Immigrant Religious Worker?

The employer is required to pay all the mandatory fees for business-based immigration. That is not true, however, for religious based immigration. There is no rule dictating who can pay for the fees associated with religious-based immigration. Ask your sponsor upfront what they expect you to pay for and what they plan to fund on your behalf.

Is it possible to lose my Special Immigrant Religious Worker?

Until you receive your green card, it is possible for your sponsor to revoke their petition on your behalf. So, yes, it is possible to lose your Special Immigrant Religious Worker if your sponsor revokes their petition.

What are some common mistakes people make when being sponsored for a Special Immigrant Religious Worker?

The biggest mistakes people tend to make when applying for an Special Immigrant Religious Worker are:

- **Leaving one employer and going to another without doing anything about their current Special Immigrant Religious Worker.** You would need to have your new employer petition for a new Special Immigrant Religious Worker. This procedure is very complicated, so work with a lawyer before you consider switching employers. Remember, the Special Immigrant Religious Worker actually belongs to your sponsor, not to you.
- **Traveling out of the United States without a way to renew their visa so that they can come back to the United States.**
- **Listening to rumors.** Don't ask a friend or colleague how to get a Special Immigrant Religious Worker, or what to expect. Every case is different, and if something goes wrong you will need the help of a good immigration attorney.

How do I bring my family with me?

Special Immigrant Religious Workers allow for spouses and children to accompany the religious worker. To qualify as derivatives, your children must be unmarried and under the age of 21. If they get married or turn 21, they will have to apply for their own status in the United States.

You should know that if you lose your Special Immigrant Religious Worker status, your spouse and children will also lose their status. Keep all of your visas and statuses current.

[Visa Processing Options for Status, Visas, Permits & Papers Immigration](#)

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