

Religious workers visa

The religious worker provision under the Immigration Act of 1990 is one of many avenues now being tapped by Filipinos with religious experience as a way to enter the US. The provision was recently expanded to cover a broader scope for which religious workers may now be classified under temporary and permanent.

In this column, we will discuss the benefits afforded by the law to permanent religious workers.

Ten thousand visas are annually allocated to permanent workers also known as "special immigrants." They are subdivided as follows:

1. Minister of religion
2. Professionals working in a religious vocation or occupation; and
3. Other workers in a religious vocation or occupation employed by any US non-profit religious organization or by any non-profit religious organization affiliated with qualified religious denominations.

New categories

The second and third categories are actually new and are further subject to a limitation of 5,000 yearly visas. Further, by October 1, 1994, the provisions afforded to these two groups will be scrapped.

To qualify for immigrant status, the applicant religious worker must enter the US solely for the purpose of acting as minister or in a professional capacity for a religious organization and at the



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organization's request, or as a worker for a bonafide organization affiliated with a religious denomination.

Ministers of religion referred to in the first category are those duly authorized by a religious denomination to conduct religious worship. Lay preachers are not included.

Working in a professional capacity as stated in the second category involves an activity in a religious vocation or occupa-

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tion requiring a bachelor's degree as minimum.

The third category of religious workers include liturgical workers, religious instructors, religious counselors, cantors, catechists, workers in religious hospitals or religious health care facilities, missionaries, religious translators or religious broadcasters.

When filing a petition with the Immigration Service, the sponsoring organization must prove that it qualifies as a non profit organization either by presenting its tax exempt status under section 501(c)(3)

of the Internal Revenue Code or by establishing that it is eligible for such tax exemption.

The petition must be accompanied by a letter from an authorized official of the organization in the US. The letter must establish the applicant's qualification with regard to the following:

1. Two years experience in religious work and at least two years membership in the denomination.
2. Authorization to conduct religious worship, including detailed description of such duties.
3. Bachelor's degree in the case of religious professionals.
4. Evidence of qualification to work in another religious vocation or occupation.
5. If applicant is to work in a non-ministerial and non-professional capacity for a bona fide religious organization affiliated with a religious denomination, letter must prove its affiliation.
6. Indication that alien will solely perform the vocation of a minister.
7. Manner of remuneration whether applicant is to work in a professional religious capacity or in other religious work.