

EXPRESS

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LEGAL NOTES

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'Special immigrant'

An immigrant visa category that has benefited Filipinos the most under the Immigration Act of 1990 is the "special immigrant" visa for religious workers.

This category is divided into three groups: 1) Ministers of religion, 2) professionals working in a religious vocation or occupation, and 3) other workers in a religious vocation or occupation who work for US non-profit religious organization or at non-profit religious organization affiliated with

qualified religious denomination.

The downside is that the last two groups shall be scraped on October 1, 1994. Workers who are involved in religious work and are mulling further opportunities in the US should therefore make their inquiries soon and take advantage of the categories while they are still in effect.

A minister of religion, classified in the first group, should be a member of a religious denomination duly authorized to conduct religious worship and other activities in his denomination for which he is

authorized to perform. The term does not include lay preacher, a nun, a lay brother or a cantor.

In the second group, "professionals" refer to those in occupations within their respective denomination requiring a minimum educational attainment of a US bachelor's degree or its foreign equivalent. This includes teachers and other professionals who will serve in a qualified capacity and have been doing such work continuously for at least two years immediately preceding their application.

An organization that claims

to be a "bonafide nonprofit religious organization" for the purpose of the third group, should qualify under the US tax-exempt standard code as defined by the IRS. Organizations closely affiliated with religious denominations may also be deemed a bonafide religious organization if they meet tax-exempt standard should they apply for tax-exempt status.

A "religious denomination" should constitute a group of believers with its own form or ecclesiastical government, a creed or statement of faith, some form of worship, code of doctrine and discipline, religious services and ceremonies, established places of religious worship and religious congregations. Those involved in a "religious occupation" may include religious counselors, religious translators, liturgical workers, religious instructors, missionaries and religious broadcasters. Nuns, monks and religious brothers

and sisters are examples of "individuals with a religious vocation."

In view of the imminent so-called "sunset provision" of the second and third group, petitions for religious workers should be submitted on or before September 30, 1994. An authorized representative from a US religious organization should establish the alien's two years membership in his domination and experience in his vocation, religious work, or professional religious work.

An official academic record may be requested from religious professionals while evidence of qualification may be required from those in the vocation such as the nuns, monks and religious brothers and sisters.

The spouses and the children who will accompany or follow-to-join "special immigrant" religious workers are eligible for derivative immigrant status.