



INFORMATION FOR RELIGIOUS ORGANIZATIONS: FREQUENTLY ASKED QUESTIONS

The R Visa for Religious Workers*

What is an R visa?

The R visa is available to individuals coming to the United States to work for a religious organization in either a clergy or a lay capacity.

Is it difficult to hire a religious worker?

The R visa process is relatively straightforward if the religious organization, the position, and the worker are a good match. Of course, some cases are more complicated than others. With any R visa case, it is advisable to proceed with legal assistance. With qualified counsel, the amount of work involved on the part of the religious organization is minimal.

What type of job can I fill with a religious worker?

Examples of positions that could qualify a person for an R visa include (but are not limited to) Hebrew, Judaica, or Sunday school instructors, rabbis, religious counselors, cantors, sextons, religious media writers/broadcasters, mohels, and kosher butchers. Jobs which may be in a religious institution but do not relate to the performing of a religious function do not qualify for an R visa. Examples of such non-qualifying work include maintenance workers, clerks, fundraisers, etc.

What qualifications must the religious worker possess?

The individual you wish to hire must have been a member of your religious denomination for two years or more, and must possess the minimum education and experience you require for the job you wish to fill. If a position is for a rabbinical or similar clergy position, the applicant must document ordination. If the position is a professional one that requires a university degree, a U.S. baccalaureate degree or the foreign equivalent is required.

How much do I have to pay the religious worker?

There is no set amount that you must pay the religious worker, but it must be enough to cover the person's basic living expenses. If you will be providing housing or otherwise supplementing the employee's salary, this will be taken into consideration when determining whether the salary is sufficient.

Can the employee change jobs?

The employee cannot change jobs on the R visa unless another employer files a new visa petition for him or her.

* This document is aimed at providing potential employers with some basic information about the immigration process and is not a substitute for the advice of a legal professional. As with all areas of the law, immigration laws are subject to frequent change. The information presented here is based upon the experience of the HIAS legal staff and the most up-to-date published information available from the U.S. Immigration and Naturalization Service and other sources.

Can a religious worker travel outside the United States?

A religious worker may travel, but if the person changed to an R visa from another type of visa while in the United States, he or she will have to report to a U.S. consulate abroad before returning to the United States.

For how long is an R visa valid?

An R visa is valid for up to five years. Under current law, an “R” visa holder often is able to pursue a “Green Card” as a religious worker, which allows him or her to find work anywhere and, after five years, apply for United States citizenship.

Can the employee’s family come to the United States?

The spouse or unmarried minor child of an R-1 visa holder may study and live – but not work – in the United States (unless the family member gets an employer to petition for him or her).

What documentation will I be required to submit?

- Employment contract and/or detailed job offer
- Letter explaining the nature of the employer, the job description, and details as to why this employee is qualified for the job described
- Evidence that the employer organization qualifies as a tax-exempt organization under section 501(c) of the Internal Revenue Code; and
- Financial documentation to establish that the organization is able to pay the employee’s salary.

How much does it cost?

If the employee is outside of the United States, there is a \$100 application fee for the applicant and each accompanying family member. If the employee is in the United States, the filing fee is \$130, plus \$120 for each family member.

How long does it take?

Processing currently takes from one to six months. For individuals already in the United States, a \$1000 supplemental fee may be paid to have the petition processed within two weeks, but if the INS has questions about the petition or needs additional information, the processing time will be longer. For individuals outside the United States, the application for the R visa can be submitted directly to the U.S. Consulate—eliminating the need for INS approval.

How can HIAS help?

HIAS can help religious organizations by: providing general information about religious and employment-based immigration options; in some cases, providing free or reduced-cost legal assistance (either in-house or through referrals to private attorneys); identifying qualified candidates; and screening potential employees for eligibility for visas. For more information, please contact: Melanie Nezer, Counsel & Director, HIAS Employment Visa Program, (202) 828-5115 or melanie.nezer@hias.org