

U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services

HQ70/8

*425 I Street NW
Washington, DC 20536*

July 18, 2003

MEMORANDUM FOR SERVICE CENTER DIRECTORS, BCIS
REGIONAL DIRECTORS, BCIS
ADMINISTRATIVE APPEALS OFFICE

FROM: William R. Yates /s/ by Janis Sposato
Associate Director for Operations

SUBJECT: Expedited Handling of Special Immigrant Religious Worker Petitions Before the
October 1, 2003 Sunset Deadline.

Subclauses (II) and (III) of section 101(a)(27)(C)(ii) of the INA provide for the admission as "special immigrants" for those who qualify as professional or other religious workers in a religious vocation or occupation. These provisions, which were originally enacted in 1990 and have been extended multiple times, have a current sunset date of September 30, 2003. Aliens who qualify for special immigrant status under these two categories of religious workers must either adjust status or immigrate on or before September 30, 2003. This also includes the accompanying spouses and children of such religious workers. On or after October 1, 2003, qualifying religious workers cannot immigrate under this provision. This sunset date however, does not apply to the continuing permanent definition of "special immigrants" covered by subclause (I) which include those individuals who enter solely for the purpose of carrying on the vocation of a minister of a religious denomination.

There is legislation under consideration which, if passed, will extend the sunset date or make permanent these two categories of religious workers which are scheduled to sunset on September 30, 2003. If this legislation is passed we will notify you immediately of the change. Notwithstanding the pending legislation, and in light of the approaching deadline for completing the processing of special immigrant religious worker petitions, offices should, if necessary, expedite the adjudication of Form I-360 petitions filed on behalf of religious workers and the scheduling of adjustment of status interviews for aliens who have had petitions approved on their behalf. When the Form I-485 cases are identified as having underlying Form I-360 petitions

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which are based on the sunseting religious worker provision, or when the Service is notified, these cases should be expedited.

In some instances, offices may need to promptly notify a U.S. consulate of an approved petition in order that the alien religious worker can receive an immigrant visa and enter the United States before October 1, 2003. It currently takes several months from the date of approving the petition until the date the alien can be interviewed at a consulate for an immigrant visa. In such cases, the office which approved the petition should send a VISAS FIFTY-EIGHT cable to the consulate.

There will also be requests from aliens who have adjusted their status as special immigrant religious workers to notify a U.S. consulate in order that a spouse and/or child can be processed for an immigrant visa as a follow-to-join relative. Upon receipt of a Form I-824, the office that approved the application for adjustment of status should send a cable to the appropriate U.S. consulate and request that the case be expedited. The cable should contain the principal's name, address, date of birth, and adjustment classification and the spouse's and/or children's names, dates of birth, address, and a statement which explains that the underlying Form I-360 petition associated with the adjustment of status application is subject to the September 30, 2003 Special Immigrant Religious Worker sunset provision and should be expedited. If fingerprints or name checks are not current, follow existing instructions for expedite procedures.