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SPONSORSHIP FOR A GREEN CARD BY A CHURCH OR OTHER RELIGIOUS INSTITUTION

I have written elsewhere about the R-1 or religious visa that allows someone to come to the U.S. temporarily to work for a church or other religious institution. This article will discuss how sponsorship by a church or synagogue can allow a person to obtain a green card. This can be done *whether the person is in the U.S. or somewhere overseas.*

As with the R visa, to qualify for permanent residence, the person must be sponsored by a religious institution to work for that institution in a traditionally religious function. The following are some examples of qualifying jobs: liturgical workers, religious instructors, religious counselors, cantors, religious school teachers, workers in religious hospitals or religious health care facilities, missionaries, religious translators, or religious broadcasters. The regulations specifically exclude janitors, maintenance workers, clerks, fund raisers or persons involved solely in the solicitation of donations.

The sponsoring organization must qualify as a nonprofit religious organization under the Internal Revenue Service guidelines, as most churches automatically do.

Unlike the temporary R-1 visa, the applicant must have two years of qualifying work experience in the religious vocation or other religious occupation for which the petition is being filed. This, of course, must be documented. We typically document this experience with a letter from the church or religious institution where the person worked in Russia or elsewhere in the former Soviet Union. The law provides that the qualifying two years of religious experience, although required to be continuous, need not be full time. *Moreover, the two years of past experience need not be paid but may be work as a volunteer.*

To apply for permanent residence, the church or other religious institution must submit an application, letter and supporting documentation stating its willingness to employ the applicant. The sponsorship application must be submitted to the INS office here, whether or not the person is presently in the U.S. If approved and the person is in the U.S., they then submit an application to the INS to change their status to permanent resident; if they in the former USSR, they would go to an American consulate to pick up their permanent residence visa.

Provided a church or other religious institution is willing to sponsor them, a religious worker can come to the U.S. within several months on an R-1 visa and then obtain permanent residence within a relatively short time afterward.

CHRISTOPHER A. KEROSKY of the law firm of KEROSKY PURVES & BOGUE has practiced law since 1984 and has been recognized as one of the top immigration lawyers in Northern California for the last six years by San Francisco Magazine "Super Lawyers" edition (2006-2011). He graduated from University of California, Berkeley Law School and was a former counsel for the U.S. Department of Justice in Washington D.C.

WARNING: The foregoing is an article discussing legal issues. It is not intended to be a substitute for legal advice. We recommend that you get competent legal advice specific to your case. If you would like such advice from our office, call (415) 777-4445 (San Francisco); (916) 349-2900 (Sacramento) or (707) 433-2060 (Santa Rosa).