

September 27, 2024

Dear Legislators:

I write to bring to your attention major challenges we are experiencing with the Religious Worker Visa Program (RWVP), which threaten our ability to carry out our religious mission in accordance with our nation's founding principles. I urgently seek your help in addressing these issues, not only for the sake of religious workers and their employers but for the many American communities that rely upon them for a wide range of religious and social services.

As of April 2023, these challenges largely relate to the employment-based, fourth preference immigrant (EB-4) visa utilized by foreign-born religious workers. That month, the U.S. Department of State [implemented a change in its longstanding interpretation of the Immigration and Nationality Act](#), such that EB-4 applicants from all countries, including immigrant religious workers, now have an increased wait time for a visa to become available. The change was made suddenly, without sufficient notice, and after the State Department operated under the prior interpretation for seven years—ample time to establish a detrimental reliance by individuals and their sponsors. Prior to the change, it took about one year for applicants from most countries to receive an EB-4 visa. Someone applying today will now wait fourteen years or more for a visa to become available. The practical impact of this change is that it is now impossible for a nonimmigrant religious worker (R-1) visa holder to adjust status to an EB-4 visa within the maximum time of five years provided for an R-1 visa.

The expanded EB-4 backlog now impacting all applicants from every country is much more severe than backlogs for most other employment-based visa categories (which aren't an option for most religious workers). This is contrary to Congress' original intent when creating the RWVP: to ensure religious organizations in the United States have access to needed workers to carry out their wide-ranging religious and charitable activities, consistent with the First Amendment.

For the Catholic Church generally, this means many priests, religious sisters and brothers, and others cannot remain assigned to ministries beyond the five years of their R-1 visas because they must leave the United States for at least one full year before possibly returning on another R-1 visa.

With respect to the Diocese of Madison in particular, this means:

- The R-1 visas of 12 of the 31 foreign-born priests will expire in the next few years. Foreign-born priests account for 30% of the total active priests ministering in the Roman Catholic Diocese of Madison, and these foreign-born priests minister in 63% of all parishes in the Roman Catholic Diocese of Madison, since most priests in the Diocese of Madison serve in multiple parishes due to a shortage of priests.
- Foreign-born priests ministering in the Diocese of Madison have arrived in recent years from many countries: Chile, Ecuador, Haiti, India, Ireland, Mexico, Nigeria, Poland, South Korea, Spain, and Zimbabwe.

O F F I C E O F T H E B I S H O P

Diocese of Madison · 702 S. High Point Road · Suite 225 · Madison, WI 53719

Phone: 608-821-3002 · Fax: 608-440-2809 · Email: Officeofbishop@madisondiocese.org

- The numbers above do not include the additional eventual loss of two current seminarian students studying for the priesthood for the Roman Catholic Diocese of Madison at a seminary in Wisconsin. One student is from Colombia and one student is from Ecuador, who upon ordination to the priesthood will face the same detrimental effect of the limited duration of their religious worker status (R1). In short, if nothing changes, they will have to leave the United States when their R1 status as priests expires without obtaining permanent legal residence within the R1 period.
- Our foreign-born priests not only serve the Catholic parishioners at our Catholic parishes, but they also regularly make pastoral visits to the sick and aged in local hospitals and nursing homes. This expansive ministry provides spiritual care for families and the sacrament of the Anointing of the Sick for those who seek comfort and healing in their suffering.
- The Diocese of Madison has made a significant financial investment and time commitment to maintain its foreign-born priest program, including the costs related to the U.S. immigration process. Additional financial investment will be necessary for each priest who is required to return to his native country for a year before returning to Madison. Also, the longer foreign-born priests can continue to stay in the Diocese of Madison, the more they inculcate to the religious and societal customs of the United States, and the more the Catholic parishioners in the Diocese of Madison grow to know them, become accustomed to them, and love them as their priests. The loss of foreign-born priests would also have a significant negative impact on the availability of the sacraments for Catholic parishioners as well as numerous other parish ministries.

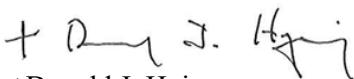
Bishop Mark J. Seitz of El Paso, chairman of the U.S. Conference of Catholic Bishops' (USCCB) Committee on Migration, [wrote to you and your colleagues](#) last July, underscoring these issues and conveying our support for the Protect Vulnerable Immigrant Youth Act (S. 1885/H.R. 4285), given the shared reliance on EB-4 visas by special immigrant juveniles. As with our broken immigration system generally, only Congress is empowered to address this situation fully and sustainably.

In a May 2023 [interfaith letter led by the USCCB](#), several other recommendations were made, including two that could be taken unilaterally by the executive branch. A forthcoming rule could implement one such recommendation, shortening the length of time that a religious worker is required to be outside of the United States before being able to return on a subsequent R-1 visa. In addition to the May interfaith letter, this was discussed at greater length in a [more recent letter to the Administration from the USCCB](#). While it is not clear how long the new time period will be, the USCCB has recommended 30 days. Though this is not a solution to the EB-4 backlog itself, it would provide meaningful relief to organizations such as the Diocese of Madison, our workers, and the communities relying on them. Given this, I request your assistance with encouraging the U.S. Department of Homeland Security to prioritize and expedite this rulemaking.

In bringing this issue to your attention, I echo the words of Pope Francis while addressing a joint meeting of Congress in 2015: "In this land, the various religious denominations have greatly contributed to building and strengthening society. It is important that today, as in the past, the voice of faith continue to be heard, for it is a voice of fraternity and love, which tries to bring out the best in each person and in each society. Such cooperation is a powerful resource in the battle to eliminate new global forms of slavery, born of grave injustices which can be overcome only through new policies and new forms of social consensus." To achieve this, a functioning Religious Worker Visa Program is necessary.

I would welcome an opportunity to discuss this situation with you further, especially during the current congressional recess. My Assistant, Nate Simmons, would be happy to arrange a call or meeting on my behalf. He can be reached at Nate.Simmons@MadisonDiocese.org or 608-821-3002.

Yours in Christ,



+Donald J. Hying
Bishop of Madison