



U.S. Customs and
Border Protection

October 14, 2004

MEMORANDUM FOR: DIRECTORS, FIELD OPERATIONS
DIRECTOR, PRECLEARANCE OPERATIONS

FROM: Acting Executive Director /S/
Immigration Policy and Programs

SUBJECT: Guidance on Period of Admission for Religious
Workers (R-1)

It has come to the attention of the Office of Field Operations that frequent errors have been made regarding the period of admission of non-immigrant religious workers (R-1) at various ports of entry. In order to achieve and maintain accurate consistency, field offices are instructed to review the following regulations to ensure compliance.

Title 8, Code of Federal Regulations, Part 214.2(r)(4) states that the initial period of admission of a religious worker, spouse, and unmarried children under 21 years of age shall not exceed three years, with a total limitation on stay of five years. Pursuant to 22 CFR 41.112(a), the period of visa validity has no relation to the period of time the immigration authorities at the port of entry may authorize the alien to stay in the United States. Therefore, an applicant with a valid visa is to be initially admitted for a period of three years, regardless of the expiration date of the non-immigrant visa.

Aliens in possession of a valid R visa normally are not required to present additional documentation to establish eligibility upon application for admission or readmission to the United States. Although possession of a non-immigrant visa does not guarantee admission, issuance of the R visa by a consular officer generally signifies that the alien has established eligibility for that classification. However, in cases where there are indications that the visa was inappropriately issued or obtained by fraud, that the alien does not qualify for the R classification, or that the alien is otherwise inadmissible, officers may require evidence of the religious affiliation.

Passports should be valid for six months beyond date of admission unless the applicant is from one of the countries listed in Appendix 15 – 2 of the IFM.

Please ensure that this is disseminated to all field officers.

/S/

Michael J. Hrinyak