U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Camp Springs, MD 20588-0009

U.S. Citizenship and Immigration Services

June 28, 2023

David Spicer
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U.S. Conference of Catholic Bishops
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Dear Mr. Spicer:

Thank you for your May 25, 2023 letter to the Department of Homeland Security. I am responding on behalf of the Department.

U.S. Citizenship and Immigration Services (USCIS) is keenly aware that demand greatly exceeds the limited supply of immigrant visas in the family-sponsored and employment-based preference categories, established by Congress over 30 years ago, and that such demand has steadily increased over the years. In the family-sponsored categories, the annual limits were insufficient from the moment they were enacted, and U.S. citizens and lawful permanent residents have had to wait many years for visas to become available so that they might reunite with their family in the U.S. Similarly, many U.S. business seeking visas to fill critical positions for a strong U.S. economy have faced significant and increasingly long waits due to limited visa availability. Only legislation can address the imbalance between the limited supply of immigrant visas and the increasing demand for those visas.

What has been and remains true for the family-sponsored and employment-based categories in general is also true for the EB-4 category in particular. Overall demand for visas within the EB-4 category has steadily increased over time, with that demand coming from an increasingly diverse array of countries. Demand has exceeded the supply of visas for over seven years, and had it not been for the much higher annual limits of employment-based visas in fiscal years 2021-2023, all potential applicants in the EB-4 category would have seen significant delays in visa availability several years ago. Even prior to the recent changes to the EB-4 Final Action Dates in the Visa Bulletin, applicants in the EB-4 categories from all countries faced a multi-year wait for visas that was projected to continue increasing and have the same or similar impacts on religious organizations as you describe in your letter.

The impacts of the imbalance between the supply of immigrant visas and the demand for such visas is not limited to prospective applicants in the religious worker or minister of religion categories. Within the EB-4 category, even a short wait for visa availability impacts several of

the special immigrant programs due to the statutory provisions of INA 101(a) and INA 245(c). The existing statutes do not envision that there would be a wait for visas in these categories, such that, even a minimal delay in visa availability may close the pathway to adjustment of status for noncitizens seeking visas in several other EB-4 categories.

USCIS acknowledges the challenges faced by religious organizations and the important role (both historically and at the present time) of noncitizen ministers of religion and religious workers in your ministries and the practice of your respective faiths. The immigration of noncitizens of various faiths over the years, including ministers of religion and religious workers to enable them to practice their faith, is a rich part of our nation's history and present diversity. We share your concerns that the imbalance between the supply of EB-4 visas and the demand for those visas may change the way in which religious organizations have been accustomed to bringing noncitizen ministers of religion and religious workers into the United States in the R-1 category and then transitioning them to Lawful Permanent Resident status in the EB-4 category.

USCIS is considering a variety of policy and regulatory options that would help to ease some of the challenges faced by noncitizens with lengthy waits for available visas in the EB-4 category. We appreciate your suggestions. While USCIS may be able to provide some additional flexibility for prospective applicants, only legislation can fully address the important concerns you raise. The EB-4 limits established by Congress over 30 years ago are insufficient to meet the present demand. USCIS supports legislative efforts that would address this challenge, as you propose in your letter, so that all of the EB-4 programs are able to function in the 21st century.

Thank you again for your letter and interest in this important issue. Please share this response with the other organizations that cosigned your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,



Ur M. Jaddou
Director