

**TABLE OF CHANGES – INSTRUCTIONS
FORM I-360 – RELIGIOUS WORKER
10-20-2008**

LOCATION	CURRENT VERSION	NEW VERSION
Page 2 – Revise and add	<p>Special Immigrant Religious Worker</p> <p>Any person, including the alien, may file this petition for an alien who for the past two years has been a member of a religious denomination which has a bona fide nonprofit, religious organization in the United States, and who has been carrying on the vocation, professional work, or other work described below, continuously for the past two years; and seeks to enter the United States to work solely:</p> <ol style="list-style-type: none"> 1. As a minister of that denomination; or in a professional capacity in a religious vocation or occupation for that organization; or 2. In a religious vocation or occupation for the organization or its nonprofit affiliate. <p>NOTE: All special immigrant religious workers, other than ministers, immigrating to the United States as special immigrant religious workers must immigrate (i.e., enter the United States) or adjust status to permanent residence (i.e., have their Form I-360 and Form I-485 approved) before October 1, 2008.</p> <p>The petition must be filed with:</p> <ol style="list-style-type: none"> 1. A letter from the authorized 	<p>Special Immigrant Religious Worker</p> <p>Basic Requirements. A U.S. employer or an alien may file a special immigrant religious worker petition. In either case, the U.S. employer must submit certain evidence and an attestation in support of the petition. If applicable, the U.S. employer must submit a Religious Denomination Certification. The terms used in the basic requirements are defined below. The alien must be coming to the United States to work:</p> <ol style="list-style-type: none"> 1. Solely as a minister of the U.S. employer’s denomination; 2. In a religious vocation either in a professional or nonprofessional capacity; or 3. In a religious occupation either in a professional or nonprofessional capacity. <p>NOTE: All religious workers, other than ministers, immigrating to the United States as special immigrant religious workers must immigrate or adjust status to permanent residence before March 1, 2009. Statutory amendments may extend this date. USCIS will provide information if the date is extended.</p> <p>Immigrate means to enter the</p>

**TABLE OF CHANGES – INSTRUCTIONS
FORM I-360 – RELIGIOUS WORKER
10-20-2008**

	<p>official of the religious organization establishing that the proposed services and alien qualify as above;</p> <p>2. A letter from the authorized official of the religious organization attesting to the alien’s membership in the religious denomination and explaining, in detail, the person’s religious work and all employment during the past two years and the proposed employment; and</p> <p>3. Evidence establishing that the religious organization, and any affiliate which will employ the person, is a bona fide nonprofit religious organization in the United States that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.</p>	<p>United States with a valid immigrant visa. Adjust status to permanent residence means having Form I-485 approved.</p> <p>Definitions</p> <p>There are definitions that apply specifically to Special Immigrant Religious Worker petitions. Detailed explanations of the definitions may be found at 8 CFR 204.5(m). The evidence that must be submitted refers to the following definitions:</p> <p>1. Bona Fide Nonprofit Religious Organization in the United States means a religious organization exempt from taxation as described in section 501(c)(3) of the Internal Revenue Code of 1986, subsequent amendment, or equivalent sections of prior enactments of the Internal Revenue Code. The organization must have a currently valid determination letter from the Internal Revenue Service confirming the tax exemption. Tax-exempt organization is defined below.</p> <p>2. Bona Fide Organization That Is Affiliated with the Religious Denomination means an organization that is closely associated with a religious denomination. Religious denomination is defined below. The affiliated organization must be exempt from taxation as described in section 501(c)(3) of the Internal Revenue Code of</p>
--	---	--

TABLE OF CHANGES – INSTRUCTIONS
FORM I-360 – RELIGIOUS WORKER
10-20-2008

		<p>1986, subsequent amendment, or equivalent sections of prior enactments of the Internal Revenue Code. The organization must have a currently valid determination letter from the Internal Revenue Service confirming the tax exemption. Tax-exempt organization is defined below.</p> <p>3. Religious Denomination means a religious group or community of believers that is governed or administered under a common type of ecclesiastical government with:</p> <p>A. A recognized common creed or statement of faith shared among the denomination’s members;</p> <p>B. A common form of worship;</p> <p>C. A common formal code of doctrine and discipline;</p> <p>D. Common religious services and ceremonies;</p> <p>E. Common established places of religious worship, religious congregations; or</p> <p>F. Comparable evidence of a bona fide religious denomination.</p> <p>If there is no hierarchical ecclesiastical government, an individual church may qualify as a religious denomination by submitting a description of its internal governing structure.</p>
--	--	--

**TABLE OF CHANGES – INSTRUCTIONS
FORM I-360 – RELIGIOUS WORKER
10-20-2008**

		<p>4. Denominational Membership means membership during at least the two-year period immediately preceding the filing date of the petition, in the same type of religious denomination as the United States religious organization where the alien will work..</p> <p>5. Minister means an individual who:</p> <p>A. Is fully authorized by a religious denomination, and fully trained according to the denomination’s standards, to conduct religious worship and perform other duties usually performed by authorized members of the clergy of that denomination;</p> <p>B. Is not a lay preacher or a person not authorized to perform duties usually performed by clergy;</p> <p>C. Performs activities with a rational relationship to the religious calling of the minister; and</p> <p>D. Works solely as a minister in the United States, which may include administrative duties incidental to the duties of a minister.</p> <p>If the denomination does not require a particular level of formal academic training or experience, the U.S. organization may submit evidence of the:</p>
--	--	--

**TABLE OF CHANGES – INSTRUCTIONS
FORM I-360 – RELIGIOUS WORKER
10-20-2008**

		<p>A. Individual denomination’s requirements for ordination to minister;</p> <p>B. Duties allowed to be performed by virtue of ordination; and</p> <p>C. Denomination’s levels of ordination, if any; and</p> <p>D. The alien’s completion of the denomination’s requirements for ordination.</p> <p>6. Religious Occupation means an occupation which meets all of the following requirements:</p> <p>A. The duties must primarily relate to a traditional religious function and be recognized as a religious occupation within the denomination;</p> <p>B. The duties must be primarily related to, and must clearly involve, inculcating or carrying out the religious creed and beliefs of the denomination;</p> <p>C. The duties do not include positions which are primarily administrative or support such as janitors, maintenance workers, clerical employees, fund raisers, persons solely involved in the solicitation of donations, or similar positions, although limited administrative duties that are only incidental to religious functions are permissible; and</p> <p>D. Religious study or training</p>
--	--	---

**TABLE OF CHANGES – INSTRUCTIONS
FORM I-360 – RELIGIOUS WORKER
10-20-2008**

		<p>for religious work does not constitute a religious occupation, but a religious worker may pursue study or training incident to status.</p> <p>7. Religious Vocation means a formal lifetime commitment, through vows, investitures, ceremonies, or similar indicia, to a religious way of life. The religious denomination must have a class of individuals whose lives are dedicated to religious practices and functions, as distinguished from the secular members of the religion. Examples of religious vocations include nuns, monks, and religious brothers and sisters.</p> <p>8. Religious Worker means an individual engaged in and, according to the denomination's standards, qualified for a religious occupation or vocation, whether or not in a professional capacity, or as a minister.</p> <p>9. Tax Exempt Organization means an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, subsequent amendment, or equivalent sections of prior enactments of the Internal Revenue Code.</p> <p>A. The organization must demonstrate tax-exempt status by submitting a currently valid determination letter from the Internal Revenue Service.</p>
--	--	---

**TABLE OF CHANGES – INSTRUCTIONS
FORM I-360 – RELIGIOUS WORKER
10-20-2008**

		<p>B. A determination letter may be currently valid regardless of whether it is issued under 501(c)(3) of the Internal Revenue Code of 1986, subsequent amendment or equivalent sections of prior enactments of the Internal Revenue Code.</p> <p>C. These requirements also apply to religious organizations that are recognized as tax exempt under a group tax exemption.</p> <p>D. In instances where the organization is affiliated with the religious denomination and was granted tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, subsequent amendment, or equivalent sections of prior enactments of the Internal Revenue Code, as something other than a religious organization, additional documentation is required.</p> <p>Compensation Requirements</p> <p>A religious worker must be salaried and/or non-salaried. Salaried means receiving a traditional paycheck. Non-salaried means receiving support such as room, board, medical care, or transportation instead of a paycheck. The Attestation section below lists the evidence that the U.S. employer must submit regarding compensation.</p> <p>Attestation Requirements</p>
--	--	---

TABLE OF CHANGES – INSTRUCTIONS
FORM I-360 – RELIGIOUS WORKER
10-20-2008

		<p>In addition to completing Form I-360, the prospective employer must complete an Employer Attestation and complete a Religious Denomination Certification. Prospective employer means the U.S. employer that will be employing the alien.</p> <p>If the alien is a self-petitioner and is also an authorized official of the prospective employer, the self-petitioner may sign the attestation.</p> <p>An authorized official of the prospective employer must complete, sign, and date the Employer Attestation and complete the Religious Denomination Certification. The authorizing official must sign the attestation, certifying under penalty of perjury that the attestation is true and correct.</p> <p>On the Employer Attestation form, the prospective employer must specifically attest to the following:</p> <p>1. The prospective employer’s status as a:</p> <p>A. Bona fide non-profit organization; or</p> <p>B. Bona fide organization that is affiliated with a religious denomination and is exempt from taxation.</p> <p>2. The number of members of the prospective employer’s organization.</p>
--	--	--

**TABLE OF CHANGES – INSTRUCTIONS
FORM I-360 – RELIGIOUS WORKER
10-20-2008**

		<p>3. The number of employees who work at the same location where the alien will be employed and a summary of those employees' responsibilities.</p> <p>4. Number of aliens holding special immigrant or nonimmigrant religious worker status currently employed or employed within the past five years.</p> <p>5. Number of Special Immigrant Religious Worker Form I-360 and Nonimmigrant Religious Worker Form I-129 petitions submitted by the prospective employer within the past five years.</p> <p>6. The title of the position offered to the alien.</p> <p>7. The complete package of salaried or non-salaried compensation being offered.</p> <p>8. A detailed description of the alien's proposed daily duties.</p> <p>9. The position being offered to the alien requires at least 35 hours per week of compensated service.</p> <p>10. The specific location(s) of the proposed employment.</p> <p>11. The alien is qualified to perform the duties of the offered position.</p> <p>12. The alien's membership in</p>
--	--	---

TABLE OF CHANGES – INSTRUCTIONS
FORM I-360 – RELIGIOUS WORKER
10-20-2008

		<p>the prospective employer’s denomination for at least two years prior to admission to the United States.</p> <p>13. That, if the position is not a religious vocation, the alien will not be engaged in secular employment, and any compensation for religious work will be paid to the alien by the attesting employer.</p> <p>14. The prospective employer’s ability and intention to compensate and otherwise support (through housing, for example) the alien at a level at which the alien and accompanying family members will not become public charges.</p> <p>Initial Evidence Relating to the Prospective Employer</p> <p>The petitioner must submit the following initial evidence relating to the prospective employer:</p> <ol style="list-style-type: none"> 1. A currently valid determination letter from the Internal Revenue Service establishing status as a tax exempt organization as defined in part 9 above; 2. Documentation that establishes the religious nature and purpose of the organization, such as a copy of the organizing instrument of the organization that specifies the purposes of the organization; 3. Organizational literature, such
--	--	--

TABLE OF CHANGES – INSTRUCTIONS
FORM I-360 – RELIGIOUS WORKER
10-20-2008

		<p>as brochures, calendars, flyers, and other literature describing the religious purpose and nature of the activities of the organization; and</p> <p>4. A completed Religious Denomination Certification signed and dated by an authorizing official, certifying under penalty of perjury that the certification is true and correct.</p> <p>Initial Evidence Related to Compensation</p> <p>The prospective U.S. employer must submit verifiable evidence of how the petitioner intends to compensate the alien. The evidence may include:</p> <p>1. Past evidence of compensation for similar positions; budgets showing monies set aside for salaries, leases, etc.; documentation that food, housing, medical care, or transportation will be provided; or other similar evidence</p> <p>2. If Internal Revenue Service (IRS) documentation, such as IRS Form W-2 or certified tax returns, is available, it must be provided. If IRS documentation is unavailable, the prospective employer must explain why it is unavailable and submit comparable verifiable documentation.</p> <p>3. Specific evidence must be provided if the alien worked in the United States during the two years immediately before the</p>
--	--	--

**TABLE OF CHANGES – INSTRUCTIONS
FORM I-360 – RELIGIOUS WORKER
10-20-2008**

		<p>petition was filed. If the alien:</p> <p>A. Received salaried compensation, the prospective employer must submit IRS documentation that the alien received a salary, such as an IRS Form W-2 or certified copies of income tax returns.</p> <p>B. Received non-salaried compensation, the prospective employer must submit IRS documentation of the non-salaried compensation if available.</p> <p>C. Received no salary but provided for his or her own support and for any dependents, the prospective employer must show how support was maintained by submitting documents such as audited financial statements, financial institution records, brokerage account statements, trust documents signed by an attorney, or other verifiable evidence acceptable to USCIS.</p> <p>Initial Evidence Related to the Alien’s Prior Employment</p> <p>1. Evidence relating to the alien’s prior employment. Qualifying prior experience during the two years immediately preceding the petition or preceding any acceptable break in the continuity of the religious work, must have occurred after the age of 14, and if acquired in the United States, must have been authorized under United States</p>
--	--	--

TABLE OF CHANGES – INSTRUCTIONS
FORM I-360 – RELIGIOUS WORKER
10-20-2008

		<p>immigration law. If the alien was employed in the United States during the two years immediately preceding the filing of the application and:</p> <p>A. Received salaried compensation, the petitioner must submit IRS documentation that the alien received a salary, such as an IRS Form W-2 or certified copies of income tax returns.</p> <p>B. Received non-salaried compensation, the petitioner must submit IRS documentation of the non-salaried compensation if available.</p> <p>C. Received no salary but provided for his or her own support, and provided support for any dependents, the petitioner must show how support was maintained by submitting with the petition additional documents such as audited financial statements, financial institution records, brokerage account statements, trust documents signed by an attorney, or other verifiable evidence acceptable to USCIS.</p> <p>2. If the alien was employed outside the United States during such two years, the petitioner must submit comparable evidence of the religious work.</p> <p>3. The prior religious work need not correspond precisely to the type of work to be performed.</p> <p>4. A break in the continuity of</p>
--	--	--

TABLE OF CHANGES – INSTRUCTIONS
FORM I-360 – RELIGIOUS WORKER
10-20-2008

		<p>the work during the preceding two years will not affect eligibility so long as:</p> <p>A. The alien was still employed as a religious worker;</p> <p>B. The break did not exceed two years; and</p> <p>C. The nature of the break was for further religious training or for sabbatical that did not involve unauthorized work in the United States. However, the alien must have been a member of the petitioner’s denomination throughout the two years of qualifying employment.</p> <p>Initial Evidence Related to a Minister</p> <p>If filing in behalf of a minister, the petitioner must submit the following additional initial evidence:</p> <p>1. A copy of the alien’s certificate of ordination or similar documents reflecting acceptance of the alien’s qualifications as a minister in the religious denomination; and</p> <p>2. Documents reflecting:</p> <p>A. Acceptance of the alien’s qualifications as a minister in the religious denomination;</p> <p>B. The alien’s completion of any course of prescribed theological education at an accredited theological institution normally required or recognized</p>
--	--	---

**TABLE OF CHANGES – INSTRUCTIONS
FORM I-360 – RELIGIOUS WORKER
10-20-2008**

		<p>by that religious denomination, including transcripts, curriculum, and documentation that establishes that the theological institution is accredited by the denomination.</p> <p>3. For denominations that do not require a prescribed theological education, evidence of:</p> <p>A. The denomination’s requirements for ordination to minister;</p> <p>B. The duties allowed to be performed by virtue of ordination;</p> <p>C. The denomination’s levels of ordination, if any; and</p> <p>D. The alien’s completion of the denomination’s requirements for ordination.</p> <p>Verification of Evidence</p> <p>USCIS may verify the submitted evidence through any means that USCIS determines as appropriate, up to and including an on-site inspection. If USCIS decides to conduct a pre-approval inspection, satisfactory completion of such inspection will be a condition for approval of any petition. The inspection may include:</p> <p>1. A tour of the organization’s facilities and, if appropriate, the organization’s headquarters, or satellite locations;</p> <p>2. An interview with the</p>
--	--	--

**TABLE OF CHANGES – INSTRUCTIONS
FORM I-360 – RELIGIOUS WORKER
10-20-2008**

		<p>organization’s officials;</p> <p>3. A review of the organization’s records related to compliance with immigration laws and regulations; or</p> <p>4. A visit to the locations where the alien will work or live.</p>
<p>Page 9 - Revise</p>	<p>Paperwork Reduction Act</p> <p>...The public reporting burden for this collection of information is estimated at 2 hours per response, including the time for reviewing instructions and completing and submitting the form. The estimated public reporting burden on Iraq Nationals who were employed by or on behalf of the U.S. Government in Iraq is 3 hours per response, including the time for reviewing instructions and completing and submitting the form...</p>	<p>Paperwork Reduction Act</p> <p>...The public reporting burden for this collection of information is estimated at 2 hours per response (except 3 hours per response for Iraqi Nationals who were employed by or on behalf of the U.S. Government in Iraq, and 2 hours and 15 minutes per response for Religious Workers), including the time for reviewing instructions and completing and submitting the form...</p>