



## S. 3606 - Special Immigrant Nonminister Religious Worker Program Act

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### FLOOR SITUATION

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S. 3606 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. The bill was introduced by Senator Orrin Hatch (R-UT) on September 26, 2008. The Senate passed this legislation by unanimous consent on the same day.

Representative Zoe Lofgren (D-CA) introduced similar legislation (H.R. 5570), which passed the House of Representatives on April 15, 2008 by voice vote.

*\*Note: H.R. 5570 establishes a longer extension than S. 3606. In fact, H.R. 5570 would extend the special immigrant program for non-minister religious workers until January 1, 2010 and would it extend it January 1, 2016 if the Secretary of Homeland Security issues final regulations by December 31, 2008.*

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### SUMMARY

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The legislation extends the special immigrant nonminister religious worker program by allowing individuals to qualify if they seek to enter the United States prior to March 6, 2009.

*\*Note: Current law allows for individuals seeking to enter the United States prior to October 1, 2008. This bill would simply extend that date (described in the background) and keep all other criteria in place.*

The bill also requires the Secretary of Homeland Security to issue final regulations within 30 days on eliminating or reducing fraud related to the granting of special immigrant status for special immigrants.

Additionally, the Department of Homeland Security's Inspector General is required to issue a report to Congress by March 6, 2009 of the effectiveness of the regulations implemented by DHS.

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### BACKGROUND

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Special immigrant religious workers are defined in current law (8 USC 1101(a)(27)(C)(ii)) as an immigrant (and the immigrant's spouse and children if accompanying or following to join the immigrant) who:

- for at least 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States;
- seeks to enter the United States
  - (1) solely for the purpose of carrying on the vocation of a minister of that religious denomination;
  - (2) before October 1, 2008, in order to work for the organization at the request of the organization in a professional capacity in a religious vocation or occupation, or;
  - (3) before October 1, 2008, in order to work for the organization (or for a bona fide organization which is affiliated with the religious denomination and is exempt from taxation as an organization described in section [501 \(c\)\(3\)](#) of title [26](#)) at the request of the organization in a religious vocation or occupation



# LEGISLATIVE DIGEST

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- has been carrying on such vocation, professional work, or other work continuously for at least the 2-year period

According to the Congressional Research Service (CRS), "the largest number of special immigrants are ministers of religion and religious workers. Religious workers are treated separately from ministers of religion and are limited to 5,000 immigrants annually. Accompanying spouses and minor children of ministers of religion and religious workers are included as special immigrants."

During the 108<sup>th</sup> Congress, legislation (H.R. 2152) was signed into law by President Bush (PL 108-99) that extended the program to October 1, 2008, which is current law.

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#### COST

The Congressional Budget Office has not issued a cost estimate for this legislation.

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#### STAFF CONTACT

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