

119TH CONGRESS
1ST SESSION

S. _____

To authorize the continuation of lawful nonimmigrant status for certain religious workers affected by the backlog for religious worker immigrant visas.

IN THE SENATE OF THE UNITED STATES

Mr. KAINE (for himself, Ms. COLLINS, and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To authorize the continuation of lawful nonimmigrant status for certain religious workers affected by the backlog for religious worker immigrant visas.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Religious Workforce
5 Protection Act”.

1 **SEC. 2. EXTENSION OF NONIMMIGRANT STATUS FOR RELI-**
2 **GIUS WORKERS CAUGHT IN LONG BACK-**
3 **LOGS FOR LAWFUL PERMANENT RESIDENCE.**

4 (a) IN GENERAL.—Section 214(a)(2) of the Immi-
5 gration and Nationality Act (8 U.S.C. 1184(a)(2)) is
6 amended by adding at the end the following:

7 “(C) Notwithstanding section 101(a)(15)(R)(ii), an
8 alien may apply for, and the Secretary of Homeland Secu-
9 rity may grant, an extension of nonimmigrant status
10 under section 101(a)(15)(R) until such alien’s application
11 for adjustment of status or an immigrant visa has been
12 processed and a decision has been made on such applica-
13 tion if the alien—

14 “(i) is the principal or derivative beneficiary of
15 an immigrant petition filed pursuant to section
16 204(a) for a preference status under section
17 203(b)(4); and

18 “(ii) is eligible to be granted such immigrant
19 status absent the application of the numerical limita-
20 tions under sections 201, 202, and 203.”.

21 (b) CONFORMING AMENDMENT.—Section
22 101(a)(15)(R)(ii) of the Immigration and Nationality Act
23 (8 U.S.C. 1101(a)(15)(R)(ii)) is amended by inserting “,
24 except as provided in section 214(a)(2)(C),” after “5
25 years”.

1 **SEC. 3. LIMITED JOB FLEXIBILITY FOR CERTAIN RELI-**
2 **GIUS WORKERS WITH LONG-DELAYED AP-**
3 **PLICATIONS FOR LAWFUL PERMANENT RESI-**
4 **DENCE.**

5 Section 204(j) of the Immigration and Nationality
6 Act (8 U.S.C. 1154(j)) is amended by striking “subsection
7 (a)(1)(D)” and inserting “subsection (a)(1)(F) or sub-
8 section (a)(1)(G)(i) (with respect to special immigrants
9 described in section 101(a)(27)(C))”.

10 **SEC. 4. EXEMPTION TO 1-YEAR FOREIGN RESIDENCE RE-**
11 **QUIREMENT FOR CERTAIN NONIMMIGRANT**
12 **RELIGIOUS WORKERS.**

13 An alien described in section 214(a)(2)(C) of the Im-
14 migration and Nationality Act, as added by section 2(a),
15 who departed from the United States due to the 5-year
16 limitation on nonimmigrant status under section
17 101(a)(15)(R) of such Act (8 U.S.C. 1101(a)(15)(R))
18 shall be exempt from the 1-year foreign residence require-
19 ment set forth in section 214.2(r)(6) of title 8, Code of
20 Federal Regulations.