

November 15, 2023

Assistant Secretary Rena Bitter
Bureau of Consular Affairs
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Assistant Secretary Bitter,

It has come to my attention that a recent State Department rule created a massive backlog of employment-based, fourth preference category (EB-4) visas, which is adversely affecting faith-based employers in Missouri. As a direct result of this rule, a missionary employed in my state will be forced to leave her family and wait abroad—for potentially more than a decade—until her visa is processed. Concerningly, the Biden Administration seems to have pushed Christian missionaries to the back of the visa line—and allowed illegal aliens to cut ahead of them. It is incumbent upon your agency to provide relief to my constituents and religious organizations across the country who stand to be greatly harmed by this abrupt change in policy.

In March 2023, the State Department determined that it would no longer prorate EB-4 visa allocation to El Salvador, Honduras, and Guatemala, reversing the agency’s interpretation which had stood for nearly seven years. According to U.S. Citizenship and Immigration Services (USCIS) data, there were 105,267 approved petitions awaiting EB-4 visa availability as of March 2023, including 84,168 petitions from El Salvador, Honduras, and Guatemala—most of which are for unaccompanied youth. By contrast, only 866 such petitions were outstanding for religious workers.¹ Almost instantly, the Department’s rule added tens of thousands of petitions to the waiting list for EB-4 visas and thus created a lengthy backlog for such visas.

My office has been contacted by a religious non-profit in Missouri that is directly harmed by this action. The non-profit employs a missionary who is currently working on a temporary R-1 visa, which expires in January 2024. Though USCIS has approved her I-360 petition, she will be forced to leave the country when her R-1 visa expires and could wait more than a decade for her visa eligibility in the now-enormous queue of EB-4 visas. But for the State Department’s action, she may not have had to wait at all.

The present obstacles that religious organizations face are unacceptable. Sadly, it appears that religious workers are collateral damage in the Biden Administration’s push to expand “lawful pathways” for individuals who crossed the southern border illegally. Indeed, the State Department’s own announcement states that religious workers and other EB-4 applicants “should expect to wait longer for a visa to become available...while applicants from El Salvador, Guatemala, and Honduras...should expect a shorter wait time.”² In any case, this is a problem of

¹ https://www.uscis.gov/sites/default/files/document/data/EB_I140_I360_I526_performancedata_FY2023_Q1_Q2.pdf

² <https://travel.state.gov/content/travel/en/News/visas-news/employment-based-fourth-preference-eb4-announcement.html>

your agency's own making, and you bear responsibility for religious workers, like the missionary in my state, who are harmed by it.

Therefore, I urge you to redress the harms to religious workers generated by your agency's rule, including by advancing the priority date for religious workers. Please respond to this letter by providing the specific actions your agency will take to expeditiously fix this situation.

Thank you for your attention to this urgent matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hawley". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Josh Hawley
United States Senator

CC:

Director Ur Jaddou
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
20 Massachusetts Ave NW
Washington, D.C. 20001