



Explainer: Interim Final Rule Eliminates One-Year Foreign Residency Requirement for Religious Workers with R-1 Visas

Introduction

On January 16, 2026, the U.S. Department of Homeland Security (DHS) published an interim final rule titled [Improving Continuity for Religious Organizations and Their Employees](#) in the Federal Register. The rule reforms long-standing restrictions on R-1 religious worker visas by eliminating a mandatory one-year foreign residency requirement before returning to the United States after reaching the five-year maximum stay of the R-1 visa.

This rule will benefit thousands of foreign-born clergy, missionaries, educators, and nonprofit staff whose ministries and service work are central to the life of congregations and faith-based community organizations nationwide. For many of these individuals, the [path to permanent residency](#) (a green card) is already fraught with delays because religious workers are classified under the employment-based fourth preference (EB-4) category, which is currently experiencing severe backlogs that can stretch well beyond the five-year R-1 visa period. This reality makes the new interim final rule especially significant — even if it does not address the permanent residence delays directly.

More broadly, this regulatory change underscores the importance of flexible immigration policies that allow employers across all industries — not just religious institutions — to hire and retain noncitizen workers critical to their missions.

The rule took effect upon publication on January 16, 2026, and DHS is accepting [comments](#) on the interim final rule through March 17, 2026.

Key Provisions of the Interim Final Rule

Religious organizations — including churches, mosques, synagogues, and faith-based nonprofits — often rely on foreign-born clergy and support staff to sustain critical ministries, outreach programs, and community services.

Under prior regulations, noncitizens in R-1 status who reached the five-year maximum period of admission were [required](#) to depart the United States and remain physically outside the country for at least one full year before they could be readmitted under a new R-1 visa. This “one-year abroad” requirement often [forced](#) religious organizations to interrupt ministries, find temporary replacements, or scale back services while key staff remained overseas.

The new interim final rule streamlines the R-1 visa process in the following ways:

- Removes the required one-year foreign residency period for R-1 religious workers who have reached the maximum authorized stay.
- Allows eligible R-1 workers to depart the U.S., apply for a new R-1 visa, and be readmitted immediately without waiting abroad for 12 months.



- Maintains the existing five-year total stay limitation. Religious workers with R-1 visas must still depart after five years, but the path to return is streamlined.
- Continues to require all other eligibility and admissibility criteria for R-1 visas.

Faith leaders and advocacy organizations, such as [World Relief](#) and the [U.S. Conference of Catholic Bishops](#), have welcomed this regulatory adjustment as a meaningful step toward safeguarding essential religious services and supporting the free exercise of religion in local communities.

Conclusion

The *Improving Continuity for Religious Organizations and Their Employees* interim final rule eases a long-standing regulatory hurdle for R-1 religious workers, offering a practical, commonsense fix that will help ensure that vital ministries and community services continue uninterrupted. By eliminating the mandatory one-year foreign residency requirement, DHS has acknowledged both the dignity of religious workers and the central role faith-based organizations play in American civic life.