

Fraud in the R1 Visa Program – The Paper Church?

The R1 Non-Immigrant Visa has been in existence since 1990 and it is subject to periodic Congressional Re-Authorization. The program has, however, developed a bad reputation in legal and academic circles for fraud.

In 2008, nearly 32,000 non-immigrants were admitted in the United States in the R1 Visa category. In the same year, just over 5,000 holders of R1 Visas were adjusted to permanent residency in the United States. The R1 Visa would probably still be uncontroversial since it permits Priests, Ministers, Nuns, Monks and Religious Workers to come to the United States to work for religious organizations. However, in 1993 Sheik Omar Abdel Rahman, a Muslim Imam, arrived in the United States on a R1 Visa. Sheik Rahman was the mastermind of the 1993 World Trade Center bombings. Since then, several other terrorists and would be terrorists have used the R1 Visa to enter the United States.

In 2006, the Department of Homeland Security prepared a "Religious Worker Benefit Fraud Assessment Summary". As part of that Summary, DHS determined more than 1/3 of the applications made were fraudulent.

The most serious instance of fraud found by the DHS was what is called instances of the "Paper Church". A Church at an address where there is no indication of a religious function or a Church that has an originator who cannot be located or where the religious group address is located at an apartment complex address.

In March of 2009, the Social Security Administration published a "Management Advisory Report" on the misuse by Religious Workers of Social Security numbers. The Social Security Administration found that 40% of the Religious Workers had no wages reported and, therefore, were using their Social Security numbers for possibly illegal reasons.

In the wake of the DHS and SSA studies, commentators are now linking the R1 Visa to human trafficking. With this historical baggage, perhaps the R1 Visa should be eliminated by Congress all together.

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