



June 26, 2026

PA-2026-02

Policy Alert

SUBJECT: Improving Continuity for Religious Organizations and Their Employees

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to implement the regulatory change to the requirement on how long a nonimmigrant religious worker (R-1) must remain outside the United States after reaching the 5-year statutory maximum period of stay.

Background

Prior to January 16, 2026, [8 CFR 214.2\(r\)\(6\)](#) stated that R-1 religious workers who had reached the 5-year maximum period of stay under [INA 101\(a\)\(15\)\(R\)\(ii\)](#) could not be readmitted or receive an extension of stay in R-1 status until they had resided abroad and been physically present outside the United States for 1 year. However, on January 16, 2026, DHS removed the 1-year requirement to promote stability and minimize disruptions to the vital services that R-1 religious workers provide to bona fide nonprofit religious organizations.¹

Although the alien is still required to be physically present outside the United States prior to readmission in R-1 status after spending 5 years in the United States in R-1 status under INA 101(a)(15)(R)(ii), R-1 visa applicants, including those who may have been subject to the restriction before January 16, 2026, are no longer required to be physically present outside the United States for a minimum period of time before readmission based on a new R-1 petition approval.

The minimum period of time to be physically present outside the United States no longer applies, irrespective of whether the alien beneficiary of an R-1 worker petition was inside or outside the United States on January 16, 2026 and whether he or she was the beneficiary of a pending or approved petition on January 16, 2026.

This guidance, contained in Volume 2 of the Policy Manual, is effective immediately and applies to requests pending or filed on or after January 16, 2026.

The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

¹ See [91 FR 2049](#) (Jan. 16, 2026).

Policy Highlights

- Explains that while an R-1 nonimmigrant must still leave the United States after reaching the maximum 5-year period of stay under INA 101(a)(15)(R)(ii), he or she is no longer required to remain outside the United States for 1 year before readmission in R-1 status.
- Clarifies that a new period of stay in R-1 status begins when the beneficiary of a new approved R-1 petition is admitted to the United States.

Summary of Changes

Affected Section: Volume 2 > Part O > Chapter 7, Period of Stay

- Revises the first paragraphs of Section A (Maximum Period of Stay) and Section B (Exceptions to Limitation on Total Stay).
- Adds new Section C (Obtaining a New 5-Year Total Period of Stay).
- Redesignates former Section C (Recapture Time) as new Section D (Recapture Time) and adds a citation at the end of the last sentence.

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

Citation

Volume 2: Nonimmigrants, Part O, Religious Workers (R), Chapter 7, Period of Stay [[2 USCIS-PM O.7](#)].