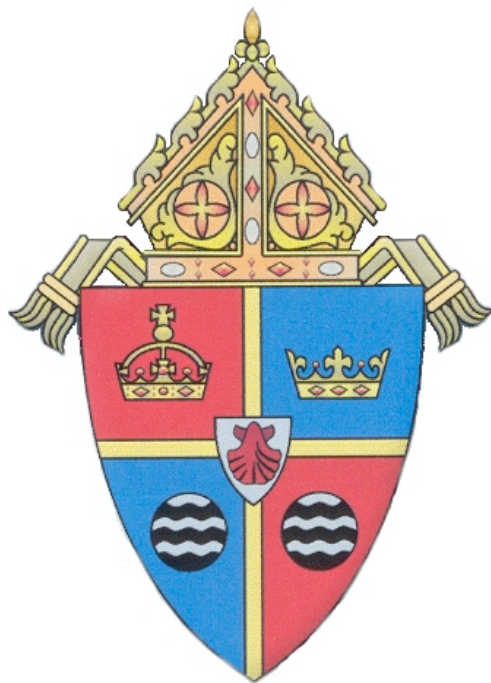


POLICY AND PROCEDURE MANUAL

Non-Citizen Candidates for Priestly Formation, Non-Citizen Seminarians, and Newly Ordained Non-Citizen Incardinated Deacons



Diocese of Brooklyn

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Introduction

The universal mission of priests "to the ends of the earth" (Acts 1:8) has been enthusiastically renewed by the Second Vatican Council and the Magisterium of the Church¹. In the Decree on Missionary Activity *Ad Gentes*, the Conciliar Fathers exhorted priests to be "profoundly aware of the fact that their very life is consecrated to the service of the missions"².

The Decree on the Ministry and Life of Priests "*Presbyterorum ordinis*" indicates the indelible, ontological foundation of this missionary characteristic of every priest in the Sacrament of Orders he has received: "The spiritual gift which priests have received in ordination does not prepare them merely for a limited and circumscribed mission, but for the fullest, in fact the universal mission of salvation 'to the end of the earth'. The reason is that every priestly ministry shares in the fullness of the mission entrusted by Christ to the apostles" (*Presbyterorum ordinis*, n. 10). Obviously, this missionary dimension of the priesthood is not cancelled by his assignment to a diocese. In fact the "innate" missionary vocation of priests is at the root of a precious service, even temporary, which they can offer to the Universal Church. It has given rise to an important form of missionary cooperation for diocesan priests called "*fidei donum*", according to the Encyclical of Pius XII.

Priests from: African, Latin American, European, and Asian countries become missionaries on other continents. Such movement is normally inspired by true missionary motives. Moreover, the new wave of immigrants from Africa, Asia, Latin America, Europe, and Oceania can be a pastoral challenge for the local Churches, especially in the United States, which must seek pastors who can guide and eventually evangelize them³.

The history of the Diocese of Brooklyn, and in fact, the history of the Church in the United States, is one in which foreign-born seminarians and priests have played a critical role. From founding of our nation foreign-born seminarians and priests have helped to build up the Church and strengthen the faith of God's People. With the exception of the 1940s and 1950s, the Church in the United States has had to rely upon the generosity of foreign-born seminarians and priests. The history of the United States, as well as the history of the Church in the United States is one that involves foreign-born priests⁴.

¹ Cf. SECOND VATICAN COUNCIL, Decree on the Priesthood *Presbyterorum Ordinis*, no. 10: AAS 58 (1966) 1007; JOHN PAUL II, Encyclical letter *Redemptoris Mission*, 7 December 1990, nos. 67-68: AAS 83 (1991) 315-326

² SECOND VATICAN COUNCIL, Decree on Missionary Activity *Ad Gentes*, no. 39: AAS 58 (1966) 986-987.

³ Refer to: Comments by Jozef Cardinal Tomko on the Sending Abound and Sojourn of Diocesan Priest from Mission Territories, 25 April 2001.

⁴ Refer to: *International Priests in America: Challenges and Opportunities*. Liturgical Press (Pages 1-7)

The Diocese of Brooklyn is blessed and enriched by the generosity and dedication of so many foreign-born seminarians and priests. The Church of Brooklyn and Queens is a totally urban diocese, which includes numerous multi-lingual, multi-cultural, and multi-ethnic communities who need to be served by those consecrated by the Sacrament of Orders. The assistance of foreign-born seminarians and priests in the universal mission of the Church and especially the willingness of foreign-born seminarians and priests to walk among the People of God in the Diocese of Brooklyn is a true blessing.

By Sacramental Ordination, priests are consecrated for the service of the People of God, and all priests are ordained into the Priesthood of Jesus Christ. It is hoped that all foreign-born seminarians and priests feel welcomed by their brother seminarians and priests, and the people they will serve, in the Diocese of Brooklyn.

Article I. Non-Citizen Candidate for Priestly Formation

Section 1.01 Definition

- (a) **Non-Citizen Candidate for Priestly Formation:** This term refers to a man who is applying to the priestly formation program of the Diocese of Brooklyn who was not born in the United States, or who has not become a citizen through naturalization.

- (b) **Those covered by this policy**
 - 1) A potential non-citizen resident of the Saint John Paul II House of Discernment
 - 2) A non-citizen candidate for Priestly Formation for the Diocese of Brooklyn [College Level and Theologate Level]

Section 1.02 Confidentiality and Privileged Information

- (a) Throughout the admission process and, if accepted, after entrance into the seminary, the candidate's right to privacy should be respected and the careful management of confidential materials is to be observed.

- (b) The Vocation Office must observe all legal requirements, inform the applicant in of his specific rights to privacy and confidentiality and utilize appropriate release forms.⁵

- (c) An "Immigration Status Assessment" is an integral part of the admission procedure for a non-citizen candidate for priestly formation in the Diocese of Brooklyn. "Immigration Status Assessments" should be administered using methods that do not violate the applicant's right to privacy and confidentiality and do not harm to the reputation of the applicant. At the same time, the applicant should understand that the "Immigration Status Assessment" will be shared with the Vocation Office and/or the Director of Seminarians and other officials of the Diocese of Brooklyn in a way that permits a thorough review, only after the written authorization is provided.

- (d) The non-citizen candidate for priestly formation must freely give consent in writing [Appendix A] authorizing and permitting Catholic Migration Services to share with the Vocation Office and the Office of the Director of Seminarians the results of the "Immigration Status Assessment"; which, shall contain the confidential immigration status of the candidate. Catholic Migration Services will not share the results if the candidate does not authorize the sharing of this privileged and confidential information [Appendix A].

⁵ See CIC, c220

Section 1.03 Immigration Status

- (a) In order for a man to be a candidate for Priestly Formation in the Diocese of Brooklyn, he must be either: a Citizen of the United States, a Permanent Resident of the United States, or be in possession of proper immigration documents which proves his lawful presence in the United States. A man, who does not have lawful status to be present in the United States, will not be considered as a candidate for priestly formation until his immigration status has been corrected.
- (b) All non-citizen candidates for Priestly Formation for the Diocese of Brooklyn (including residents of the Saint John Paul II House of Discernment) shall have their current immigration status determined by Catholic Migration Services.
- (c) After the current immigration status of the candidate for Priestly Formation has been determined, a Confidential Memo (after the candidate gives written authorization) will be issued to the Vocation Director and the Director of Seminarians for the Diocese of Brooklyn indicating the current immigration status and possible future immigration status of the candidate.
- (d) A Confidential Memo regarding the immigration status of the Candidate for Priestly Formation shall be a part of the application items for a non-citizen, after which this Memo shall be included in the seminarian's permanent file located in the Office of the Director of Seminarians.

Section 1.04 Procedures to Review Immigration Status

- (a) The following steps should be followed when the Vocation Office has a Non-Citizen⁶ Candidate for Priestly Formation.
 - 1) The Vocation Office will contact Catholic Migration Services with the contact information of the non-citizen candidate for priestly formation. Then the non-citizen candidate will be instructed by the Vocation Office to bring his passport and all his immigration paperwork to the scheduled immigration consultation.
 - 2) Catholic Migration Services will schedule an immigration consultation with the non-citizen candidate for priestly formation to review his legal status and advise him of all legal options.
 - 3) The non-citizen candidate will be requested to give Catholic Migration Services permission to share his status with the Diocese of Brooklyn. This permission will be given in writing [Appendix A].

⁶ **Non-Citizen Candidate:** This term refers to any man who is applying to the formation program of the Diocese of Brooklyn who was not born in the United States or who has not become a citizen through naturalization

- 4) Catholic Migration Services will prepare a Confidential Memo for the Vocation Office and the Office of the Director of Seminarians outlining the legal status of the non-citizen candidate for priestly formation and all available options only after the candidate has provided written authorization.

Article II. Non-Citizen Seminarian

Section 2.01 Immigration Status

- (a) In order for a man to be a seminarian for the Diocese of Brooklyn, he must be either: a Citizen of the United States, a Permanent Resident of the United States, or be in possession of proper immigration documents which prove his lawful presence in the United States.
- (b) It will be the responsibility of the non-citizen seminarian to keep his legal status in check and up to date at all times. If he loses his legal status to be in the United States, he must leave the Diocese of Brooklyn immediately.
- (c) It shall be the policy of the Diocese of Brooklyn, that each summer, every non-citizen seminarian will be scheduled by the Office of the Director of Seminarians for a meeting with a staff member of Catholic Migration Services, to review and update their immigration paperwork. It is the responsibility of the non-citizen seminarian to ensure that all his F-1 Visa is valid and current by working with the institution that he is enrolled in.

Section 2.02 Procedure

- (a) After a non-citizen has been accepted as a seminarian for the Diocese of Brooklyn [College Level or Theologate Level], the Office of the Director of Seminarians will notify Catholic Migration Services, and arrange for an appointment the new seminarian.
- (b) The seminarian will be required to collect numerous documents with translations and give copies to Catholic Migrations Services (see list below). These documents will remain part of the non-citizen immigration file at Catholic Migration Services.
- (c) The Office of the Director of Seminarians will follow up with the seminarian to ensure that all required documents are forwarded to Catholic Migration Services in a timely manner.
- (d) The Office of the Director of Seminarians will schedule a meeting each fall and spring with Catholic Migration Services to review the entire list of non-citizen seminarians.
- (e) The Office of the Director of Seminarians will contact Catholic Migration Services, if and when additional questions arise regarding a non-citizen seminarian, especially with regards to international travel.

Section 2.03 Immigration File

- (a) Once a non-citizen man has been accepted as a seminarian⁷ for the Diocese of Brooklyn, it shall be the policy of the Diocese of Brooklyn that a legal case file is created for him, which shall contain all his immigration documents [with official translation] that may be needed for future adjustments.
- (b) The legal file shall contain the following documents⁸:
- 1) A copy of his passport (all pages)
 - 2) A copy of his baptismal certificate (with an English Translation that has been certified)
 - 3) A copy of his confirmation certificate (with an English Translation that has been certified)
 - 4) A copy of his birth certificate (with an English Translation that has been certified)
 - 5) A copy of his seminary transcripts (with an English Translation that has been certified)
 - 6) A copy of his college transcripts (with an English Translation that has been certified)
 - 7) A copy of his college degree (with an English Translation that has been certified) if completed
 - 8) A copy of the Form I-20 issued by the Seminary, University or Language School
- (c) If the seminarian leaves or is dismissed by the Diocese, the case file shall be closed.

Section 2.04 International Travel

- (a) **A non-citizen seminarian should limit his travel overseas during his formation period.** He will not be permitted to travel overseas once an R-1 Visa application has been applied for on his behalf, and until approval has been issued. A non-citizen seminarian is expected to follow all the policies and procedures of the seminary in which he is enrolled.
- (b) **A non-citizen seminarian is required to receive the written authorization from the Director of Seminarians to travel overseas.** This written authorization must be requested before any travel arrangements have been made,

⁷ **Seminarian:** This term refers to any man who is in formation for the priesthood at either the college level or theological level

⁸ USCIS requires these documents to be part of a Religious Worker Visa application. In addition, USCIS requires all non-English language documents to be translated and for the translation to be certified.

and only after the non-citizen's seminary has given permission to travel. The non-citizen seminarian is required to seek and receive permission of both his rector and the Director of Seminarians. After the seminarian has received written authorization and only after he has received written authorization from the Director of Seminarians, may he make any travel arrangements. Please be advised that a seminarian must not make travel arrangements (i.e. purchasing a plane ticket), before receiving this written authorization. The Office of the Director of Seminarians may consult with Catholic Migration Services as needed.

- (c) A non-citizen seminarian that travels is required to bring an official "Travel Letter" from the Director of Seminarians [Appendix C]. The seminarian must request this "Travel Letter" in a timely fashion from the Office of the Director of Seminarians. The Office of the Director of Seminarians will forward a copy of the "Travel Letter" to Catholic Migration Services to be added to the seminarian's immigration file.
- (d) A non-citizen seminarian must provide the following items with advance notice to the Office of the Director of Seminarians in order for the "Travel Letter" to be prepared.
 - 1) Date of Departure and Return
 - 2) Destination of Travel
 - 3) Date of return to the Seminary
 - 4) Purpose for Travel

Section 2.05 Employment Issues

- (a) A seminarian with an F-1 visa may be employed only under certain limited conditions. On-campus (institution that applied for the F-1 visa) employment is permitted. The seminarian may only work 20 hours per week at the seminary.
- (b) A seminarian with an F-1 visa is not permitted employment by any parish, school or agency of the diocese while he has an F-1 visa.
- (c) Any unauthorized employment is considered to be a violation of the seminarian's F-1 visa immigration status and may be grounds for removal, or could adversely affect his ability to adjust status in the United States

Section 2.06 Optional Practical Training [F-1 OPT]

- (a) The Norm for the Diocese of Brooklyn is that Non-Citizen Seminarians with F-1 Student Visas will not apply for the Optional Practical Training.**
- (b) A non-citizen seminarian that is assigned to a pastoral year by his seminary, will apply for Optional Practical Training through his seminary.**
- (c) A non-citizen seminarian for the Diocese of Brooklyn, will not apply for OPT with out the “written authorization” from the Director of Seminarians. A seminarian MAY NOT apply without the written permission of the Director of Seminarians.**
- (d) The non-citizen seminarian is responsible for ensuring that he complies with the seminary to ensure that he remains in status during the Optional Practical Training period. Great care must be given regarding the start and completion of OPT.**

Article III. Non-Citizen Newly Ordained Deacon

Section 3.01 Final Immigration Status Assessment

- (a) The Office of the Director of Seminarians shall schedule a non-citizen seminarian for a “final immigration status assessment” during the spring semester of “third theology” with Catholic Migration Services.
- (b) The purpose of the final immigration status assessment of the non-citizen seminarian is to ensure that there are no immigration issues that have developed which may be a concern for the Diocese of Brooklyn.
- (c) A Confidential Memo regarding the immigration status of the non-citizen seminarian shall be sent to the Director of Seminarians and the Vicar for Clergy.
- (d) Thirty days before a non-citizen seminarian is to be ordained a deacon, the Office of the Director of Seminarians shall notify Catholic Migration Services and schedule an appointment, which shall take place immediately after the non-citizen has been ordained a deacon to begin the application for an R-1 Visa.

Section 3.02 Post Diaconate Ordination

- (a) Immediately after a non-citizen seminarian has been ordained a deacon for the Diocese of Brooklyn, the Diocese will petition on his behalf for a Religious Worker Visa.
- (b) The Office of the Director of Seminarians will authorize the processing of the R-1 Visa application by Catholic Migration Services.
- (c) The newly ordained deacon will be scheduled for an appointment at Catholic Migration Services.
- (d) The Office of the Director of Seminarians will forward the following documents to Catholic Migration Services:
 - 1) Certificate of Ordination from the Office of the Chancellor
 - 2) Seminary Transcript from the seminary
- (e) The Office for the Director of Seminarians shall issue a check for the USCIS fees and postage from the seminary account for the R-1 Visa application.

Section 3.03 Religious Worker Visa

(a) “Standard Processing”

- 1) It is now taking on average 8 months or more for United States Citizenship and Immigration Services (USCIS) to approve Religious Visas (R-1) from the date in which they acknowledge reception of the application.
- 2) The total cost of “Standard Processing” for is **\$910.00**. This amount is only for an Incardinated Deacon of the Diocese of Brooklyn⁹. The Office of the Director of Seminarians will pay this fee.

(b) “Premium Processing”

- 1) It is now taking on average 1 month for United States Citizenship and Immigration Services (USCIS) to approve Religious Visas (R-1) from the date in which they acknowledge reception of the application.
- 2) The Total cost of “Premium Processing” is **\$2,135.00**. This amount is only for an Incardinated Deacon of the Diocese of Brooklyn¹⁰. The Office of the Director of Seminarians will pay this fee.

Section 3.04 NQ International Travel

- (a) A non-citizen deacon **WILL NOT** be permitted to travel overseas until his R-1 Visa application has been approved by USCIS.
- (b) In case of an emergency, a non-citizen deacon may request permission from the Director of Seminarians authorization to travel overseas.
- (c) **The Diocese of Brooklyn requires that a seminarian (traditional deacon) must receive written authorization from the Director of Seminarians to travel overseas.** This written authorization must be requested before any travel arrangements have been made and, only after the seminarian (traditional deacon) has received permission from his seminary. After the seminarian (traditional deacon) has received written authorization and only after he has received written authorization from the Director of Seminarians, may he make any travel arrangements. Please be advised that a seminarian (traditional deacon) must not make travel arrangements (i.e. purchasing a plane ticket) before receiving this written authorization.

⁹ Cost as of March 28, 2017

¹⁰ Cost as of March 28, 2017

Appendix A

Waiver of Confidentiality

Candidate for Priestly Formation of the Diocese of Brooklyn

I, _____, am a candidate for priestly formation in the Diocese of Brooklyn, and I have been referred to Catholic Migration Services for an immigration consultation by the Vocation Office of the Diocese of Brooklyn. I understand that the communications of this immigration consultation are protected from disclosure by Catholic Migration Services to third parties.

I further understand that I am **NOT** required to consent to disclosure to third parties, but that I am waiving confidentially of my own free will.

I have read and understand the foregoing information and hereby waive confidentiality and will permit the staff of Catholic Migration Services to speak with the Diocese of Brooklyn regarding my immigration status. I am hereby authorizing Catholic Migration Services to provide the Office of Vocations, the Director of Seminarians, the Vicar for Clergy, and other officials of the Diocese of Brooklyn with confidential information regarding my immigration status because I am a candidate for priestly formation. I further understand, that I have not been accepted as a client of Catholic Migration Services, but that this immigration consultation is part of the admission process for priestly formation in the Diocese of Brooklyn

Client Name (please print clearly) _____

Signature _____ Date _____

STATE OF NEW YORK

Sworn and subscribed to before me this _____ day of _____, 20____.

Notary Public

Appendix B

Waiver of Attorney-Client Confidentiality Seminarian

I, _____, am a seminarian for the Diocese of Brooklyn, and I have been referred to Catholic Migration Services for an immigration consultation. I understand that I have an attorney-client relationship wherein all communications are protected from disclosure by Catholic Migration Services to third parties.

I further understand that I am **NOT** required to consent to disclosure to third parties and that a client should only waive attorney-client confidentially of his own free will.

I have read and understand the foregoing information and hereby waive attorney-client confidentiality and will permit the staff of Catholic Migration Services to speak with the Diocese of Brooklyn regarding my immigration status. I am hereby authorizing Catholic Migration Services to provide the Office of Vocations, the Director of Seminarians, the Vicar for Clergy, and other officials of the Diocese of Brooklyn with confidential information regarding my immigration status.

Client Name (please print clearly) _____

Signature _____ Date _____

STATE OF NEW YORK

Sworn and subscribed to before me this _____ day of _____, 20____.

Notary Public

Appendix C

TRAVEL LETTER

Insert DATE

To Whom It May Concern:

I am, the Reverend John Costello, the Director of Seminarians for the Diocese of Brooklyn, and in this role I am the Episcopal Delegate for Seminarians and for Foreign-Born Students of Theology and Philosophy.

I am writing on behalf of Mr. John Doe, who is a graduate student studying theology at the Seminary of the Immaculate Conception, located at 440 West Neck Road, Huntington New York 11743. Mr. John Doe will be traveling to United Kingdom from December 26, 2016 through January 14, 2017.

Mr. John Doe is the bearer of a valid F-1 Visa, his SEVIS # is _____. He is under my general supervision and is due to report back to the Seminary of the Immaculate Conception on January 17, 2017 to begin his spring semester, which he has already registered for class. May I ask that every courtesy be shown to him.

Sincerely yours,

Reverend John Costello
Director of Seminarians

JC/ss

cc: INSERT NAME OF SEMINARY RECTOR
Very Reverend Patrick J. Keating
Mrs. Susan Santo

SEAL of the DIOCESE

Appendix C

Statement of Acknowledgement

NON-CITIZEN SEMINARIAN POLICY AND PROCEDURE MANUAL

I, _____, am a non-citizen seminarian for the Diocese of Brooklyn. I acknowledge that I have received the Policy and Procedure Manual for Non-Citizen Seminarians. I understand that I am obligated to read and follow all the policies and procedure contained within this manual, in addition to all other policies and procedure of the Diocese of Brooklyn and my Priestly Formation Program.

I further understand that:

- 1) I will be the responsible to keep my immigration status in check and up to date at all times. I will be responsible to comply with all immigration requirements and cooperate with the Diocese regarding my immigration status.

- 2) The Diocese of Brooklyn requires that a seminarian must receive written authorization from the Director of Seminarians to travel overseas. This written authorization must be requested before any travel arrangements have been made and, only after the seminarian has received permission from his seminary. After the seminarian has received written authorization and only after he has received written authorization from the Director of Seminarians, may he make any travel arrangements. Please be advised that a seminarian **must not** make travel arrangements (i.e. purchasing a plane ticket) before receiving this written authorization.

- 3) It is the policy of the diocese that a seminarian who travels overseas is required to bring an official "Travel Letter" from the Director of Seminarians. The seminarian must request this "Travel Letter" from the Office of the Director of Seminarians in a timely fashion and, only after the seminarian has received the previous written authorization to travel overseas may he make his travel arrangements.

I am hereby authorizing the Director of Seminarians, the Vicar for Clergy, and other officials of the Diocese of Brooklyn to discuss confidential information regarding my immigration status with Catholic Migration Services.

Client Name (please print clearly) _____

Signature _____ Date _____