



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 6596284

Date: AUG. 4, 2020

Appeal of California Service Center Decision

Form I-129, Petition for Nonimmigrant Worker (Religious Worker – R-1)

The Petitioner, a church, seeks to classify the Beneficiary as a nonimmigrant religious worker to perform services as a “Church Intensive Coordinator.” *See* Immigration and Nationality Act (the Act) Section 101(a)(15)(R), 8 U.S.C. § 1101(a)(15)(R). This nonimmigrant R-1 classification allows non-profit religious organizations, or their affiliates, to temporarily employ foreign nationals as ministers, in religious vocations, or in religious occupations in the United States.

The Director of the California Service Center denied the petition, concluding that the Petitioner did not demonstrate that the proposed position qualifies as a religious occupation. *See* 8 C.F.R. § 214.2(r)(3) (2017) (defining “religious occupation”). The Petitioner appeals, claiming that as a “Church Intensive Coordinator,” the Beneficiary will “engage[] in and, according to the denomination’s standards, qualif[y] for a religious occupation . . . .” *See id.* (defining “religious worker”).

In these proceedings, it is the Petitioner’s burden to establish, by a preponderance of the evidence, its eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Skirball Cultural Ctr.*, 25 I&N Dec. 799, 806 (AAO 2012); *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010).<sup>1</sup> Upon *de novo* review, we will dismiss the appeal.

## I. LAW

Non-profit religious organizations may petition for foreign nationals to work in the United States for up to five years to perform religious work as ministers, in religious vocations, or in religious occupations. The petitioning organization must establish, among other requirements, that the foreign national beneficiary has been a member of a religious denomination for at least the two-year period before the date the petition is filed. *See generally* Section 101(a)(15)(R) of the Act; 8 C.F.R. § 214.2(r).

Moreover, the regulation at 8 C.F.R. § 214.2(r)(3) provides the following relevant definitions:

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<sup>1</sup> If a petitioner submits relevant, probative, and credible evidence that leads us to believe that the claim is “more likely than not” or “probably” true, it has satisfied the preponderance of the evidence standard. *Chawathe*, 25 I&N Dec. at 375-76.

Religious occupation means an occupation that meets all of the following requirements:

- (A) The duties must primarily relate to a traditional religious function and be recognized as a religious occupation within the denomination;
- (B) The duties must be primarily related to, and must clearly involve, inculcating or carrying out the religious creed and beliefs of the denomination;
- (C) The duties do not include positions which are primarily administrative or support such as janitors, maintenance workers, clerical employees, fund raisers, persons solely involved in the solicitation of donations, or similar positions, although limited administrative duties that are only incidental to religious functions are permissible; and
- (D) Religious study or training for religious work does not constitute a religious occupation, but a religious worker may pursue study or training incident to status.

....

Religious worker means an individual engaged in and, according to the denomination's standards, qualified for a religious occupation or vocation, whether or not in a professional capacity, or as a minister.

8 C.F.R. § 214.2(r)(3).

## II. ANALYSIS

The record is insufficient to demonstrate that the proposed employment qualifies as a job in a religious occupation. *See* 8 C.F.R. § 214.2(r)(3). According to page 31 of the R-1 Classification Supplement, as a “Church Intensive Coordinator,” the Beneficiary will be the “primary point of contact for Christians visiting [the petitioning organization] to undergo Church Intensive Training”;<sup>2</sup> “will teach classes to pastors [and] church leaders”; and “process their applications [and] coordinate logistics [and] networking.” The record includes a document entitled “Title: Church Intensive Coordinator,” which states that the Beneficiary’s anticipated duties include: “[h]elping former Church Intensive pastors network together”; “[e]nsuring that meaningful schedules are developed and executed for the one month students”; be the “[p]rimary point of contact for Church Immersion<sup>3</sup> students while they are [at the petitioning organization]”; and “[o]verseeing the classes for the Church Immersion and being present for those classes . . . .”

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<sup>2</sup> In an April 2018 letter, the Petitioner’s “Founding Elder” explains that the organization “has a training program for pastors from all around the world called the Church Intensive.”

<sup>3</sup> According to a document entitled “Job title: Church Intensive Coordinator (Church-planting Trainers),” “Church Immersion . . . has [been] merged and is now branded as part of the 4-day Church Intensive” and that “Church Immersion will be cumulatively referred to as ‘Church Intensive’ or ‘4-day Intensive.’”

In another document entitled “Job title: Church Intensive Coordinator (Church-planting Trainer),” the Petitioner states that the Beneficiary’s responsibilities will include: “[r]eviewing Church Intensive applications and making decisions on the acceptance or denial of applications” and attending “[w]eekly staff meetings.” The document explains that the proposed position is “developed in response to a growing need to expand the Church Intensive team to accommodate the greater level of interest in the Church Intensive program” after the publication of its founder’s book; and that the new position will “allow[] Church Intensive to provide a more comprehensive service to its participants” as well as “to engage in more follow-up and individualized coaching with selected alumni.”

While some of the Beneficiary’s anticipated duties might be religious in nature, the Petitioner has not demonstrated that his other responsibilities, which are administrative in nature, are “limited” or “incidental to religious functions,” as required under 8 C.F.R. § 214.2(r)(3). Specifically, the anticipated duties – specifically those involving being the primary point of contact for students, reviewing and processing applications, coordinating logistics and networking, as well as overseeing class scheduling – are primarily administrative or support in nature.

On appeal, the Petitioner claims that to be qualified for the proposed employment, the Beneficiary has to be “a licensed pastor for [the organization]” and indicates that he has been one since August 2017. While the Beneficiary’s qualifications for the proposed position is relevant, so are his anticipated duties. As discussed, under the regulatory definition of a “religious occupation,” his administrative duties must be limited and incidental to religious functions. The Petitioner alleges that the Beneficiary’s religious functions will include “teaching and leading discussions.” The record, however, does not show that duties relating to coordinating logistics, networking, or reviewing applications are limited or incidental to his “teaching and leading discussions” obligations. Moreover, the document “Title: Church Intensive Coordinator” does not confirm that the Beneficiary will primarily be teaching classes. Instead, it provides that he will “assist[] with teaching and discussion . . . when not busy with [other] responsibilities” and that he will “sometimes teach[] (though often [teaching] will be [by] an elder).” This document does not support the Petitioner’s assertions concerning the Beneficiary’s primary responsibilities.

In a November 2018 letter, the Petitioner offered the Beneficiary’s anticipated schedule. It shows that he will engage in “house church service,” “prayer gathering,” “evangelism,” and “debrief and pray with the group.” These are not, however, the Beneficiary’s proposed daily duties that the Petitioner listed on page 31 of the R-1 Classification Supplement. The schedule thus is insufficient to show that the proposed employment is in a religious occupation. *See Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988) (noting that “it is incumbent upon the petitioner to resolve the inconsistencies by independent objective evidence” and that “[a]ttempts to explain or reconcile the conflicting accounts, absent competent objective evidence pointing to where the truth, in fact, lies, will not suffice”).

Furthermore, the Petitioner has not submitted documents showing that the proposed employment – Church Intensive Coordinator – is “recognized as a religious occupation within the denomination.” 8 C.F.R. § 214.2(r)(3). The record includes the petitioning organization’s handbook, which discusses positions within the entity. It makes no reference to the position of “Church Intensive Coordinator” or duties associated with the job. Indeed, as discussed, the document “Job title: Church Intensive Coordinator (Church-planting Trainer),” reveals that the Petitioner created the position “to accommodate the greater level of interest in the Church Intensive program” after the publication of a

book. The Petitioner's handbook and circumstances surrounding the creation of this position do not support a finding that it is recognized as a religious occupation within the denomination. Based on these reasons, the Petitioner has not established that the proposed position qualifies as a religious occupation. *See* 8 C.F.R. § 214.2(r)(3) (defining "religious occupation").

### III. CONCLUSION

The Petitioner has not established, by a preponderance of the evidence, its eligibility to classify the Beneficiary as a nonimmigrant religious worker. Specifically, it has not demonstrated the Beneficiary's proposed employment as a "Church Intensive Coordinator" qualifies as a position in a religious occupation. *See* 8 C.F.R. § 214.2(r)(3).

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act; *Skirball Cultural Ctr.*, 25 I&N Dec. at 806. Here, the Petitioner has not met this burden.

**ORDER:** The appeal is dismissed.