

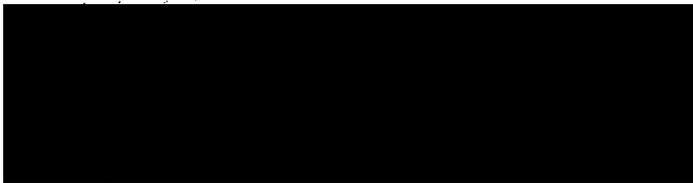


U.S. Citizenship  
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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **DEC 13 2005**  
WAC 03 252 54304

IN RE: Petitioner: [REDACTED]  
Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

*Marif Johnson*

*S* Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office on appeal. The appeal will be sustained and the petition will be approved.

The petitioner is the mother church of the [REDACTED]. It seeks to classify the beneficiary as a special immigrant religious worker pursuant to section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), to perform services as a member of the Sea Organization (Sea Org), a religious order of the Church of Scientology. The director determined that the petitioner had not established that the beneficiary's position qualifies as either a religious occupation or a religious vocation, and that questions of credibility prevented acceptance of documentation of the beneficiary's membership in the [REDACTED].

First, we shall discuss the issue of whether the beneficiary seeks to work in a religious occupation or a religious vocation. The regulation at 8 C.F.R. § 204.5(m)(2) offers the following pertinent definitions:

*Religious occupation* means an activity which relates to a traditional religious function. Examples of individuals in religious occupations include, but are not limited to, liturgical workers, religious instructors, religious counselors, cantors, catechists, workers in religious hospitals or religious health care facilities, missionaries, religious translators, or religious broadcasters. This group does not include janitors, maintenance workers, clerks, fund raisers, or persons solely involved in the solicitation of donations.

*Religious vocation* means a calling to religious life evidenced by the demonstration of commitment practiced in the religious denomination, such as the taking of vows. Examples of individuals with a religious vocation include, but are not limited to, nuns, monks, and religious brothers and sisters.

The regulation reflects that positions whose duties are primarily administrative or secular in nature do not qualify as religious occupations. Citizenship and Immigration Services therefore interprets the term "traditional religious function" to require a demonstration that the duties of the position are directly related to the religious creed of the denomination, that the position is defined and recognized by the governing body of the denomination, and that the position is traditionally a permanent, full-time, salaried occupation within the denomination.

In a letter dated September 4, 2003, [REDACTED] the petitioner's legal officer, describes the beneficiary's work:

In May 1982, [the beneficiary] joined the [REDACTED] and began her religious vocation at the Church's continental office in Denmark. [The beneficiary] was made responsible for the ensuring that all of the religious scriptures and directives in regard to handling of donations made by parishioners were adhered to and included keeping of all financial matters and records of the Church and included ensuring that properly maintained files were kept for each parishioner that provide information to Church executives so that each parishioner would be able to be provided with the service needed by that parishioner. Due to the success of her religious project in Europe, [the beneficiary] was promoted to [the petitioning church]

in December 1999 and entered the United States. She then expanded the religious project she began in Europe, to all Churches internationally. . . .

[The petitioner] has staff qualifications requiring [REDACTED] membership. . . .

[REDACTED] members devote their lives to their religion; they live in community with other [REDACTED] members and wear specific uniforms. Their meals, housing, clothes, medical and dental care are provided by the Church. Each member additionally receives a small weekly allowance, currently \$50.00 per week and occasional small bonuses.

The director concluded that the petitioner did not adequately describe the beneficiary's duties, and that the petitioner had failed "to show that the [REDACTED] has a governing structure, a formal legal organizing instrument, set theological education standards, or operates with its own budget and assets." The director did not explain the source of these requirements. The director acknowledged the members' "life-long commitment to their faith," but determined that there is insufficient evidence to conclude that the [REDACTED] is a religious order, whose members qualify as workers in a religious vocation.

[REDACTED] has provided various documents and affidavits discussing the [REDACTED]. Upon careful consideration of these materials, the AAO is satisfied that the [REDACTED] qualifies as a religious order, and that its members practice a religious vocation. Because a discussion of specific duties is germane to religious occupations, but not religious vocations, we need not analyze the beneficiary's exact duties in any detail.

Having concluded that the [REDACTED] is a religious order, we must now determine whether or not the beneficiary has been a full member of that order since at least two years prior to the petition's September 8, 2003 filing date, as required by section 101(a)(27)(C)(iii) of the Act, 8 U.S.C. § 1101(a)(27)(C)(iii), and 8 C.F.R. §§ 204.5(m)(1) and (3)(ii)(A).

The record contains copies of several certificates, including a [REDACTED] which reads, in part, "I [name] DO HEREBY AGREE to the religious commitment of membership in the [REDACTED] . . . I COMMIT MYSELF TO THE [REDACTED] FOR THE NEXT BILLION YEARS" (capitalization in original), signed by the beneficiary and dated September 5, 1982. The handwritten notation "Duplicate of Original" appears in the lower left corner of the document. Several of the other certificates show 2001 copyright dates, although one document was purportedly issued in 1996 and another in 1997. All of the certificates show the phrase "Duplicate of Original Document" printed in the lower left corner.

On September 23, 2003, the director instructed the petitioner to submit further evidence of the beneficiary's work history during the qualifying period, including the original "Religious Commitment" document.

In response, the petitioner has submitted the original "Religious Commitment" document (which the director copied and returned to the petitioner) and copies of other documents. With regard to the "Religious

Commitment” document. [REDACTED] asserts that “the original certificate was lost in Denmark and a duplicate certificate was prepared with the same information contained on the original form.”

The director, in denying the petition, observed that the document claiming a billion-year commitment to the Sea Org is not a decisive instrument of membership in the [REDACTED] and that “[t]he petitioner submitted no documentary evidence to show that the beneficiary is in fact a full member” of the [REDACTED]. The director also noted that some of the beneficiary’s certificates lack credibility because their purported issuance dates predate their copyright dates.

On appeal, the petitioner submits materials concerning the various steps required to join the [REDACTED] such as completion of the Estates Project Force (EPF) and review by a Fitness Board. From materials made available to us, we have concluded that an individual who has successfully passed review by the Fitness Board can be considered a member of the [REDACTED] (as opposed to a recruit, who is not a full member). Therefore, the petitioner can establish that the beneficiary possesses the relevant experience by submitting church records showing that the beneficiary passed the Fitness Board at least two years before September 8, 2003 and continuously engaged in the vocation during that time.

In a supplement to the appeal, the petitioner submits copies of church documents, indicating that the beneficiary joined the [REDACTED] in May 1983. The beneficiary has subsequently received several promotions, for which only full [REDACTED] members are eligible. The record therefore shows that the beneficiary became a full [REDACTED] member prior to the two-year qualifying period.

With regard to the anachronistic dates on the certificates, the director appears not to have noticed that the documents were plainly marked as “duplicates”; the petitioner has made no attempt to represent them as original certificates executed in 1996 and 1997. The director cites no contradictory evidence that would cast doubt on the information shown on these certificates. 8 C.F.R. § 103(b)(5) gives the director the discretion to request original documents when copies are disputed. The director did, in fact, invoke this prerogative by requesting the original of another document, but the director’s request for evidence did not even mention the suspected documents, let alone request copies of the originals.

Pursuant to the above discussion, the petitioner has overcome the stated grounds for denial. Upon review of the record, we see no readily apparent obstacle to the approval of the petition. The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has sustained that burden. Accordingly, the decision of the director denying the petition will be withdrawn and the petition will be approved.

**ORDER:** The appeal is sustained and the petition is approved.