

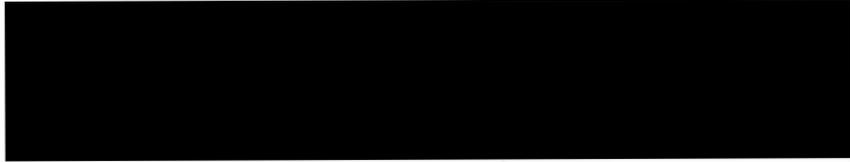
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U.S. Citizenship  
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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: MAR 30 2006  
WAC 03 133 54972

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.

*Mari Johnson*

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the employment-based immigrant visa petition, reopened the proceeding on the petitioner's motion, and again denied the petition. The director certified the decision to the Administrative Appeals Office (AAO) for review. The AAO withdrew the decision in part but affirmed the denial of the petition. The matter is now before the AAO on a motion to reopen. The motion will be granted. The AAO's decision will be withdrawn, and the petition will be approved.

The petitioner is a regional headquarters 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 [REDACTED]. The director determined that the petitioner had not established that the beneficiary's position qualifies as either a religious occupation or a religious vocation, or that the beneficiary had the requisite two years of continuous work experience immediately preceding the filing date of the petition. The AAO found that full membership in the Sea Org qualifies as a religious vocation, but that the petitioner had not shown that the beneficiary was a full Sea Org member throughout the two-year qualifying period.

Section 203(b)(4) of the Act provides classification to qualified special immigrant religious workers as described in section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C), which pertains to an immigrant who:

(i) for at least 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States;

(ii) seeks to enter the United States--

(I) solely for the purpose of carrying on the vocation of a minister of that religious denomination,

(II) before October 1, 2008, in order to work for the organization at the request of the organization in a professional capacity in a religious vocation or occupation, or

(III) before October 1, 2008, in order to work for the organization (or for a bona fide organization which is affiliated with the religious denomination and is exempt from taxation as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986) at the request of the organization in a religious vocation or occupation; and

(iii) has been carrying on such vocation, professional work, or other work continuously for at least the 2-year period described in clause (i).

Because the AAO has already found, in its previous decision, that full Sea Org membership is a qualifying religious vocation, the only issue that remains is whether or not the beneficiary has been a full member of that order since at least two years prior to the petition's March 24, 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).

As the AAO noted previously, the beneficiary signed a "Sea Organization Contract of Employment" when he was six years old. After ambiguous statements as to whether or not this contract was a binding instrument of membership, the petitioner has submitted further materials to confirm that one does not become a full Sea Org member simply by signing the contract.

On motion, the petitioner submits materials concerning the various steps required to join the Sea Org, 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 Sea Org (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 March 24, 2003 and continuously engaged in the vocation during that time.

In a supplement to the appeal, the petitioner submits copies of various church documents. One document, dated February 23, 1994, indicates that the beneficiary passed the Fitness Board. Another document, dated August 2, 1998, reaffirms this finding of fitness. This indicates that the beneficiary was a full member of the Sea Org for more than nine years prior to the petition's March 2003 filing date.

The beneficiary was ten years old when he became a full Sea Org member. The AAO had previously expressed concern that the Sea Org would accept members at so young an age. At the same time, we must acknowledge that it would be patently unfair to grant benefits to Sea Org members who joined as adults, while permanently foreclosing that option to individuals such as the beneficiary who joined as children. The beneficiary was above the age of 18 when the petition was filed on his behalf, and therefore, at the time of filing, there was no cause for concern that the beneficiary was still too young to make responsible decisions or to grasp the nature of his commitment to the Sea Org. The AAO does, of course, reserve the right to subject to careful scrutiny any case in which the beneficiary was still a minor at the time of filing, should any such cases exist. It would be difficult to find that an alien has made a meaningful commitment as of the date of filing if, on that date, the alien would not be considered legally competent to sign a contract, let alone make a billion-year commitment to the rather rigidly defined life of a Sea Org member.

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 previous decision of the AAO will be withdrawn, and the petition will be approved.

**ORDER:** The AAO's decision of August 16, 2004 is withdrawn, and the petition is approved.