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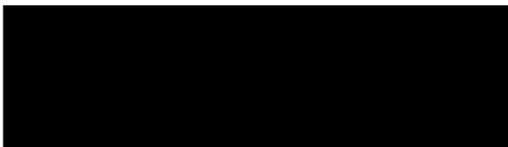
U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

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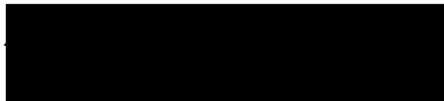
ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, AAO, 20 Mass, 3/F
Washington, D.C. 20536



File: WAC-01-204-54805 Office: CALIFORNIA Service Center

Date: JUL 29 2003

IN RE: Petitioner:
Beneficiary:



Petition: 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: SELF-REPRESENTED

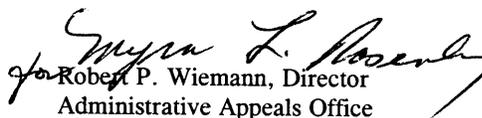
INSTRUCTIONS:

This is the decision 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.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Bureau of Citizenship and Immigration Services (Bureau) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.


for Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The immigrant visa petition was denied by the Director, California Service Center. The matter is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner is a religious organization. It seeks classification of 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). The organization seeks to employ the beneficiary as a congregational assistant.

The director denied the petition finding that the beneficiary's part-time work for the religious organization did not satisfy the requirement of continuously carrying on a qualifying religious occupation.

On appeal, an official of the petitioner asserts that the beneficiary's voluntary part-time work satisfies the statutory requirement.

At issue in this case is whether the beneficiary had had the requisite two years of continuous experience in a religious occupation.

Regulations at 8 C.F.R. § 204.5(m)(1) state, in pertinent part, that:

All three types of religious workers must have been performing the vocation, professional work, or other work continuously (either abroad or in the United States) for at least the two year period immediately preceding the filing of the petition.

The petition was filed on June 6, 2001. Therefore, the petitioner must establish that the beneficiary was continuously carrying on a religious occupation since at least June 7, 1999.

The petitioner has asserted that it has employed the beneficiary in a part-time continuous manner, since "October 1993 to the present. He has about thirty hours since that time and we have been giving him a token of appreciation for his services."

The record also shows that the beneficiary was employed as a computer technician during the qualifying time period as indicated on Form 1040, U.S. Individual tax Return.

The term "continuously" has been used in the past in the context of religious workers. In *Matter of Varguhese*, 17 I&N, Dec, 712 (Reg. Comm. 1963), it was determined that a minister of religion was not "continuously" carrying on the vocation of minister where it was

shown that he was a full time student who was devoting only nine hours a week to religious duties. Although the time frames in the case at hand are different, clearly 30 hours of volunteer work does not constitute continuously carrying on religious work as contemplated by Congress.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. Here, the petitioner has not sustained that burden.

ORDER: The appeal is dismissed.