

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

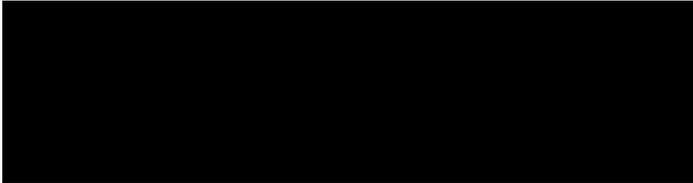
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

C1

PUBLIC COPY



FILE: LIN 04 238 50076 Office: NEBRASKA SERVICE CENTER Date: JUN 07 2006

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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:



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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Acting Director, Nebraska Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained and the petition will be approved.

The petitioner was established “for the purpose of providing religious instruction and music via radio.” 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 “Chinese Web Announcer.” The director determined that the petitioner had not established that the position qualifies as that of a religious worker.

On appeal, counsel submits a brief and copies of previously submitted documentation.

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).

The issue presented on appeal is whether the proffered position qualifies as that of a religious worker.

According to the regulation at 8 C.F.R. § 204.5(m)(1), the alien must be coming to the United States at the request of the religious organization to work as a religious worker. To establish eligibility for special immigrant classification, the petitioner must establish that the specific position that it is offering qualifies as a religious occupation as defined in these proceedings.

The proffered position is that of web announcer. The petitioner stated that it was established “for the purpose of providing religious instruction and music via the radio,” and that in December 2000, it extended its operations and began “web casting on the Internet.” The petitioner stated that, in the proffered, the beneficiary would be responsible for “weav[ing] together teaching programs and music, interspersing challenges,

instruction and encouragement from Scripture.” Further, the beneficiary would be “responsible to coordinate a follow-up program for those who correspond with the network for spiritual help and also develop a pool of local churches . . . who will attempt to help spiritually those who contact us.” The petitioner indicated that the beneficiary would be paid \$31,480 per year for a permanent full-time position.

The petitioner stated that it is a non-denominational, Evangelical Christian organization, and that it requires each of its broadcasters to be “in accord with our doctrinal statement” and “have a history of membership and participat[ion] in Churches of like mind.”

In response to the director’s request for evidence (RFE) dated April 18, 2005, the petitioner stated that it uses “broadcast and computer technology to teach the Bible and encourage our listeners with Christian music. Consequently, [the beneficiary’s] duties require him to be able to communicate biblical truths, as well as be adept in broadcast and computer skills.” The petitioner further stated:

His duties include serving as a broadcast host for the Chinese programming that is produced by our ministry. As a host he is involved in sharing his faith in Jesus Christ as well as explaining what it means to live a Biblically centered Christian life. [The beneficiary] does this by preparing pre-recorded comments that are based upon his personal biblical studies. These comments are then interspersed with Christian music and Bible teaching programs throughout a six hour air shift.

In addition [the beneficiary] works as a producer for [the petitioner]. He is responsible for creating, listening to and editing, writing, and recording a number of the Bible teaching and musical programs that are aired by the [petitioner’s] Chinese ministry. Since our ministry utilizes computer technology, [the beneficiary] has also developed computer skills which are needed to accomplish his tasks. He uses computer programs to write what he will share as a broadcast host or program teacher. He also uses the computer to edit and record programming and then to broadcast that programming over the internet.

He also serves as a biblical counselor for the Chinese ministry which receives over 100 emails a week from listeners who have questions about Christian beliefs. [He] assists in answering their questions biblically by corresponding with them.

The regulation at 8 C.F.R. § 204.5(m)(2) states, in pertinent part:

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.

We find that the duties of the position, as described by the petitioner, are consistent with those of a religious broadcaster. We find that the evidence sufficiently establishes that the position qualifies as that of a religious worker within the meaning of the statute and regulation, and that the beneficiary is otherwise qualified for the visa preference classification.

LIN 04 238 50076

Page 4

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 met that burden.

ORDER: The appeal is sustained. The petition is approved.