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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
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U.S. Citizenship
and Immigration
Services

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MAR 07 2005

FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER Date:
WAC 02 186 53114

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:
[Redacted]

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.

Maui Johnson

Es Robert P. Wiemann, Director
Administrative Appeals Office

congregation. The director determined that the beneficiary's duties are secular duties, typically delegated to volunteers from the congregation rather than paid employees.

On appeal, the petitioner submits documentation regarding church music. The standard is whether the position relates to a traditional religious function within the petitioner's religious denomination. Much of the evidence submitted on appeal relates to other denominations (such as the Roman Catholic Church and the Associate Reformed Presbyterian Church) and is therefore not directly relevant to the issue at hand, which is whether *the petitioner's* denomination considers church music to be a traditional religious function typically undertaken by paid employees rather than by volunteers from the congregation.

More persuasively, the petitioner has submitted first-hand documentation to demonstrate that the Southern Baptist Convention considers "church music" to be an advanced liturgical activity, rather than merely a peripheral function to be performed by a parishioner who happens to be able to sing or to play musical instruments. The petitioning church is a member of the Southern Baptist Convention, and therefore this evidence is directly relevant to the case at hand. (This is, of course, not to say that every pianist, organist, or choir member in a Southern Baptist church qualifies for immigration benefits as a religious worker. The individual facts of each proceeding must be taken into consideration.)

Taking the above into consideration, we conclude that the position offered to the beneficiary relates to a traditional Southern Baptist religious function, and qualifies as a religious occupation. We hereby withdraw the director's finding to the contrary.

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. Accordingly, the appeal will be sustained.

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