

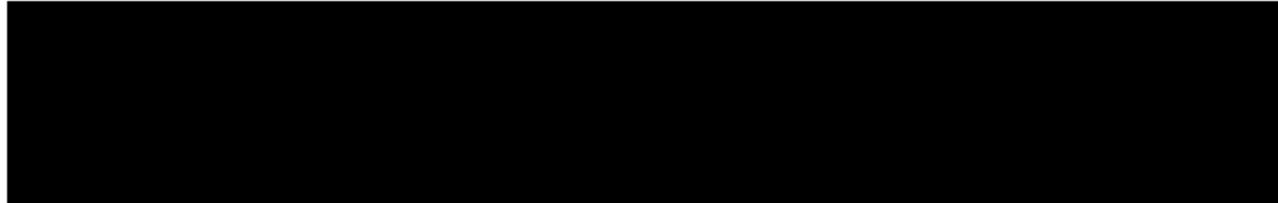
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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



**U.S. Citizenship  
and Immigration  
Services**



C1

DATE: JUN 07 2012 OFFICE: CALIFORNIA SERVICE CENTER



IN RE:



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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen with the field office or service center that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

  
Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, (“the director”) denied the employment-based immigrant visa petition. The petitioner timely filed an appeal to the denied petition. The matter is now before the Administrative Appeals Office (“AAO”) on appeal. The AAO will dismiss the appeal.

The petitioner is self-described as a corporation that oversees the Jehovah’s Witnesses in the United States. 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 world wide order” serving at a branch office or a “Bethel.” On October 1, 2010, the petitioner filed the Form I-360 petition. On March 1, 2011, the director denied the petition. The director found that the petitioner has not established that the beneficiary’s prospective position was a qualifying religious occupation.

On appeal, the petitioner, through counsel submits a brief requesting that the AAO use a different standard found in 8 C.F.R. § 204.5(m)(2). Instead of treating this case as “a religious occupation” found in 8 C.F.R. § 204.5(m)(2)(iii), counsel requests that the AAO consider this case under the “religious vocation” standard found in 8 C.F.R. § 204.5(m)(2)(ii). To support its position, the petitioner also submitted the “vows of obedience and poverty” signed by the beneficiary and dated July 1, 2002. Counsel also stated in her brief that “like monastic orders of old, members of the Worldwide Order serving at Bethel live and work together in various functions to assist the worldwide ministry of Jehovah’s Witnesses.” Counsel then argues that, “this vocation based petition is predicated on the taking of vows, not the nature of work performed by [REDACTED]” and therefore it should not matter that, “his present assignment involves computer work that seems, on the surface, to be ‘secular’ in nature.”

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 September 30, 2012, 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 September 30, 2012, 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 regulation at 8 C.F.R. § 204.5(m)(5) defines religious occupation as:

*Religious occupation* means an occupation that meets all of the following requirements:

- (A) The duties must primarily relate to a traditional religious function and be recognized as a religious occupation within the denomination.
- (B) The duties must be primarily related to, and must clearly involve, inculcating or carrying out the religious creed and beliefs of the denomination.
- (C) The duties do not include positions that are primarily administrative or support such as janitors, maintenance workers, clerical employees, fund raisers, persons solely involved in the solicitation of donations, or similar positions, although limited administrative duties that are only incidental to religious functions are permissible.
- (D) Religious study or training for religious work does not constitute a religious occupation, but a religious worker may pursue study or training incident to status.

The regulation at 8 C.F.R. § 204.5(m)(5) defines religious vocation as:

*Religious vocation* means a **formal lifetime commitment**, through vows, investitures, ceremonies, or similar indicia, to a religious way of life. The religious denomination must have a class of individuals whose lives are dedicated to religious practices and functions, as distinguished from the secular members of the religion. Examples of individuals practicing religious vocations include nuns, monks, and religious brothers and sisters.

(Emphasis added)

With the filing of the Form I-360 petition, the petitioner submitted a detailed description of the beneficiary's proposed daily duties. The petitioner stated:

██████████, as a member of the Computer Department, is responsible for developing and maintaining computer systems that are used to support the global preaching work of Jehovah's Witnesses. He is directly involved with implementation of systems that provide secure access from remote locations (such as remote individuals or teams). On a daily basis, ██████████ is involved in the following duties:

- a. Writing Documentation – Preparing documentation on security policy implementation for all 118 branch offices of Jehovah's Witnesses;
- b. Implementation support – Assisting other branch offices to determine how to set up their security infrastructure; including strict policies to ensure that sensitive data (personal information, literature releases) is protected;
- c. Designing the network infrastructure – In addition to the 118 branch offices, there are several remote locations where translation take place. These translation teams also need to have access to the full system and require different layers of security than a full functioning branch office would require;
- d. Performing tests on network infrastructure design to verify integrity and compliance with security policies;
- e. Training – As the systems are developed, ██████████ assists in training members of the Worldwide Order who will be using the systems. The training includes use of various software and hardware. The sessions are provided one-on-one and in group training sessions;
- f. Technical Support – ██████████ is also responsible for providing technical phone call support for users in a variety of departments; resolve problem reports; receive phone calls daily from various members of the world wide order; and
- g. Advise others on the use of ISA, Web Filtering, IAG, Exchange, Terminal Services and other innovative projects. Keep up to date on new and emerging technology that will enhance the Watch Tower's ability to communicate with other branch offices of Jehovah's Witnesses.

In sum, ██████████ daily responsibilities include support and implementation of systems that allow secure access from all 118 branch offices to the U.S. branch office. Thus, ██████████ works with the Governing Body and its committees to ensure that they receive the information they require to coordinate the worldwide activities of Jehovah's Witnesses.

As a member of the Worldwide Order serving at the U.S. branch office, ██████████ also has the following responsibilities and duties:

- (1) Bethelite ██████████ is wholly devoted to his religious vocation and serves as a Bethelite, or member of the Bethel Family. Members of the U.S. branch office

staff are required to attend all spiritual programs at Bethel. His work assignment in the Computer Department is described above.

- (2) Minister—According to our religious practices, [REDACTED] is an ordained minister. He holds traditional sacerdotal privileges. He currently supports the Elmhurst Spanish Congregation of Jehovah's Witnesses, Corona, New York, where he serves as an elder and participates in teaching at the five weekly public meetings. Meeting attendance requires approximately four hours each week. Preparation for meetings and demonstrations from the platform requires additional time. In addition, [REDACTED] is expected to participate in all aspects of preaching the good news of God's established Kingdom, including the well-known door-to-door ministry.

The director denied the petitioner's Form I-360 petition, finding that the beneficiary's duties do not relate to a traditional religious function. In her decision, the director stated:

The evidence has not established that the performance of the particular duties of the position is a form of practicing the religion. The record does not demonstrate that the proposed duties of the position are sufficiently specialized in a theological doctrine so as to constitute a religious occupation. Accordingly, the petitioner has not demonstrated that the position offered constitutes a qualifying religious occupation.

The director did not discuss the beneficiary's membership in the "Worldwide Order," or whether his vows were tantamount to lifetime vows such that the beneficiary is considered to be in a vocation.

The AAO has reviewed all of the documents submitted by the petitioner, both with the filing of the Form I-360 petition and on appeal. In counsel's appeal brief, counsel never argues that becoming a "bethelite" represents a formal lifetime commitment. Further, there was no language in the text of the beneficiary's "vows of obedience and poverty" to indicate that the beneficiary's taking of these vows represented a formal lifetime commitment. The mere fact that the beneficiary took a vow by itself does not imply a lifetime commitment. Finally, none of the texts submitted by the petitioner with the submission of the Form I-360 petition demonstrate a formal lifetime commitment to the organization. A review of the text entitled "*Jehovah's Witnesses: Proclaimers of Gods Kingdom*," on pages 295 to 298, suggests that while there are members who have devoted their lives to the Jehovah's Witnesses, there is no formal lifetime commitment to do so. Similarly, page four of the text entitled "*Bethel Service – More Volunteers Needed*," asks, "If called to Bethel, would you remain faithfully in that service for at least one year, working at any job given you?" Therefore, the AAO finds that these vows do not show that the beneficiary's vows reach the standard of a religious vocation as required by the regulations above.

The evidence submitted does not establish that the duties of the beneficiary's prospective position represent a qualifying religious occupation or a qualifying religious vocation. For this reason, the appeal must be dismissed.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

**ORDER:** The appeal is dismissed