



U.S. Citizenship  
and Immigration  
Services

(b)(6)

DATE: NOV 21 2013 OFFICE: CALIFORNIA SERVICE CENTER

IN RE: Petitioner:  
Beneficiary:

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 (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

  
Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the employment-based immigrant visa petition. The Administrative Appeals Office (AAO) dismissed the petitioner's subsequent appeal from that decision. The AAO subsequently moved to reopen the proceeding, and again dismissed the appeal. The matter is now before the AAO on a motion to reopen and reconsider. The AAO will grant the motions and approve the petition.

The petitioner is a member church of the [REDACTED]. The petitioner filed Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant, on August 27, 2009, seeking 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 an associate pastor. The director denied the petition on May 3, 2010. The AAO dismissed the petitioner's appeal on October 10, 2013, finding that the petitioner had not established the beneficiary's qualifications as a minister within the petitioner's denomination as required by the U.S. Citizenship and Immigration Services regulations at 8 C.F.R. § 204.5(m)(9).

On motion, the petitioner has submitted a new affidavit from its senior pastor, [REDACTED], as well as supporting documentation. These materials provide relevant new facts and clarify information submitted previously regarding the procedure by which the [REDACTED] denomination issues credentials to commissioned ministers.

The petitioner has met its burden of proof by a preponderance of evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010).

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, the petitioner has met that burden.

**ORDER:** The petition is approved.