



U.S. Citizenship  
and Immigration  
Services

(b)(6)



DATE: **JUL 31 2015**

FILE #: [REDACTED]

PETITION RECEIPT #: [REDACTED]

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:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page ([www.uscis.gov/i-290b](http://www.uscis.gov/i-290b)) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant. The matter is now before the Administrative Appeals Office (AAO) on appeal. We will dismiss the appeal. We will also enter a separate administrative finding of willful misrepresentation of a material fact.

The self-petitioner seeks classification 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 "Sister/Teacher." The director determined that the petitioner had not established that she had the required two years of continuous, qualifying work experience immediately preceding the filing date of the petition.

On appeal, the petitioner submits a brief and additional evidence.

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, 2015, 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, 2015, 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).

## I. QUALIFYING EXPERIENCE

### A. Law

The regulation at 8 C.F.R. § 204.5(m)(4) requires the petitioner to show that she has been working as a minister or in a qualifying religious occupation or vocation, either abroad or in lawful immigration status in the United States, continuously for at least the two-year period immediately preceding the filing of the petition. The Form I-360 was filed on December 27, 2013. Therefore, the petitioner must establish that she was continuously performing qualifying religious work throughout the two-year period immediately preceding that date.

The regulation at 8 C.F.R. § 204.5(m)(11) provides:

*Evidence relating to the alien's prior employment.* Qualifying prior experience during the two years immediately preceding the petition or preceding any acceptable break in the continuity of the religious work, must have occurred after the age of 14, and if acquired in the United States, must have been authorized under United States immigration law. If the alien was employed in the United States during the two years immediately preceding the filing of the application and:

- (i) Received salaried compensation, the petitioner must submit IRS [Internal Revenue Service] documentation that the alien received a salary, such as an IRS Form W-2 [Wage and Tax Statement] or certified copies of income tax returns.
- (ii) Received non-salaried compensation, the petitioner must submit IRS documentation of the non-salaried compensation if available.
- (iii) Received no salary but provided for his or her own support, and provided support for any dependents, the petitioner must show how support was maintained by submitting with the petition additional documents such as audited financial statements, financial institution records, brokerage account statements, trust documents signed by an attorney, or other verifiable evidence acceptable to USCIS [U.S. Citizenship and Immigration Services].

If the alien was employed outside the United States during such two years, the petitioner must submit comparable evidence of the religious work.

### B. Facts and Analysis

On the Form I-360, the petitioner indicated that she will be working at [REDACTED] New York. Accompanying the petition, the petitioner submitted evidence indicating that she was previously granted R-1 nonimmigrant status authorizing her

employment with [REDACTED] from July 1, 2009 to December 31, 2011, and from January 1, 2012 to January 1, 2014. The petitioner also submitted a December 7, 2013 letter, purportedly signed by Sister [REDACTED] Superior Provincial of [REDACTED] stating:

I just want to acknowledge that

[The petitioner] has been a member of the Congregation of the [REDACTED] [REDACTED] and, for some years of training, has provided pastoral and catechetical ministry at certain parishes.

While in training here at the main house of the [REDACTED] [the petitioner] performed various services without any payment for the [REDACTED]

Wishing her the best of luck in her endeavors I remain,  
Sincerely

Sister [REDACTED] .....

The director issued a Notice of Intent to Deny the petition (NOID) on March 3, 2014, in part finding that the petitioner submitted insufficient evidence to establish her employment during the two-year qualifying period immediately preceding the filing of the petition. The director stated that, according to a search of USCIS records, the petitioner's previous R-1 approval was revoked on April 5, 2013, based on notification from [REDACTED] that it no longer employed the petitioner.

In a March 24, 2014 letter, responding to the NOID, the petitioner stated that she has been a member of [REDACTED] from July 2009 to January 1, 2014, and taught religious education for [REDACTED] "since 2013." In addition, she stated, "I am also a Religious Worker providing Religious teaching and preparing children for first communion at [REDACTED] since 2013 until this date of March 22, 2014." The petitioner indicated that she received non-salaried compensation since July 2009. In a separate letter, the petitioner stated that she worked for [REDACTED] from July 1, 2009 to December 31, 2013, and "was also serving the Religious Denomination of [REDACTED] from January 10, 2013, to March 20, 2014.

The petitioner submitted a March 14, 2014, letter, purportedly signed by Sister [REDACTED] of [REDACTED], stating that the petitioner has been a member of the [REDACTED] congregation since September 2009, and "for some years of training, has provided pastoral and catechetical ministry at certain parishes." The letter also stated that the petitioner "is on non-salaried compensation," including "free housing, medical expenses, food and other expenses." In response to the NOID, the petitioner also submitted two new versions of the "Employer Attestation," Part 8, of the Form I-360 petition, one of which was purportedly signed by Sister [REDACTED] of [REDACTED] and one by [REDACTED] of [REDACTED] Illinois. Each of the attestations stated that the petitioner had been given non-salaried compensation including "free housing, medical expenses, food and other expenses." The attestation from [REDACTED]

stated that the petitioner had worked there “as [a] sister also teaching [redacted] education” from January 10, 2013 until March 20, 2014.

The director denied the petition on April 4, 2014, because the petitioner did not establish that she had the requisite two years of qualifying experience. The director again noted that USCIS was previously informed by [redacted] that it no longer employed the petitioner. Further, the director found that the petitioner had not submitted documentary evidence to support the assertion that she received non-salaried compensation, or evidence of self-support.

The petitioner stated on appeal that she served [redacted] throughout the qualifying period, and that “USCIS has no evidence” that [redacted] previously stated that it no longer employed the petitioner or that the petitioner’s R-1 approval was revoked. The petitioner also stated that she submitted “verifiable evidence” establishing that she was a religious worker “on non-salaried compensation” for [redacted] and [redacted] during the qualifying period.

In support of her appeal, the petitioner submitted an April 28, 2014, letter from Sister [redacted] of [redacted] stating that she lived with the petitioner at [redacted] from July 2009 to December 2012, and that they both received non-salaried compensation. The petitioner also submitted an April 28, 2014, letter from Mrs. [redacted] stating that the petitioner stayed with her in an apartment in [redacted] New York, from “December 26, 2012 to August \_\_, 2013” (blank in original), during which time she did not pay for “rent and boarding” and Mrs. [redacted] paid her cell phone charges. The petitioner further submitted evidence of her marriage to [redacted] on October 12, 2013, and indicated that her husband has supported her since their marriage. In addition, the petitioner submitted a letter from [redacted] stating that the petitioner is a member in good standing since January 16, 2013, and that she currently holds a savings account and previously held a credit card.

On May 8, 2015, the AAO issued a Notice of Intent to Dismiss and Derogatory Information (NOID), in part providing the petitioner an opportunity to address inconsistencies in the record regarding the petitioner’s work history during the qualifying period. We noted that the petitioner had not submitted objective evidence to support her assertions that she was employed by [redacted] throughout the two years immediately preceding her filing of the petition on December 27, 2013. We also notified the petitioner that Sister [redacted] stated in a February 23, 2013, letter to U.S. Citizenship and Immigration Services (USCIS) that the petitioner ceased to be a member of [redacted] as of February 21, 2013, and that she reaffirmed that statement in subsequent communications with USCIS on February 28, 2014, and February 12, 2015, and also stated on February 12, 2015, that a letter from her submitted in support of the petitioner’s I-360 “seems to have been altered.”

In our NOID, we also noted that the petitioner’s stated timeline of when she received room and board as non-salaried compensation for employment with [redacted] and [redacted] included overlapping periods, and further overlapped with the period in which she purportedly received room and board from Mrs. [redacted].

In a letter responding to our NOID, the petitioner submits a revised timeline of her employment during the qualifying period. Regarding her employment with [REDACTED], the petitioner states that, from September 3, 2009, to December 26, 2012, she “Worked for [REDACTED],” and that from “December 27, 2011 [sic],” to December 27, 2013, she “Remotely worked for [REDACTED].” Later in the letter, she states that she lived with Mrs. [REDACTED] from December 27, 2012, to August 4, 2013, during which time she “continued serving the communities as a religious worker in New York at [REDACTED] N.Y., and the same Church in [REDACTED] N.Y.” The petitioner does not provide evidence to document her asserted work in [REDACTED] or [REDACTED] or to support the assertion that it constituted remote work on behalf of [REDACTED]. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm’r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg’l Comm’r 1972)).

With regard to her employment with [REDACTED], the petitioner states in her response letter that her “in person” employment with that church began on the date she filed the Form I-360, December 27, 2013. She apologizes for the “error,” but provides no further explanation regarding her previous statement, and the statement by Pastor [REDACTED] that she had worked for [REDACTED] for a portion of the qualifying period, beginning on January 10, 2013. A separate letter from Pastor [REDACTED] lists the amended start date as December 20, 2013.

Regarding Sister [REDACTED] statements to USCIS that the petitioner ceased to be a member of [REDACTED] as of February 21, 2013, and that one of her letters appeared to have been altered, the petitioner states that Sister [REDACTED] has not provided “any documentary evidence supporting her claims.” The petitioner points to the previously submitted documents purportedly signed by Sister [REDACTED] stating that “[t]here is absolutely no evidence to support that this is not her signature or that the document was altered in any way.” The petitioner urges USCIS to request the records of [REDACTED] and interview other employees of the congregation, but submitted no letters of other documentary evidence from [REDACTED] or its members to support her assertion that she continued to work for [REDACTED] after February 2013.

As noted in our NOID, it is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Doubt cast on any aspect of the petitioner's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Id.*, at 591. In this instance, the petitioner has not explained the conflicting accounts she submitted regarding her employment history, nor has she provided objective documentary evidence to support her assertions regarding the actual timeline of events.

Although the petitioner has asserted that she received non-salaried compensation throughout the qualifying period, the petitioner has not submitted sufficient documentary evidence to support that

claim. *Matter of Soffici*, 22 I&N Dec. at 165. In addition, to the extent that the petitioner asserts that she provided her own support during the qualifying period, she has not provided the evidence required to show self-support under 8 C.F.R. § 204.5(m)(11)(iii). The letter from [REDACTED], submitted on appeal, does not provide information regarding the petitioner's account balances during the qualifying period to establish how she was able to maintain her own support.

## II. QUALIFYING POSITION

As an additional matter, the petitioner has not established that she will be employed in a qualifying position. We conduct appellate review on a *de novo* basis. See *Siddiqui v. Holder*, 670 F.3d 736, 741 (7th Cir. 2012); *Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004); *Dor v. INS*, 891 F.2d 997, 1002 n. 9 (2d Cir. 1989).

### A. Law

The regulation at 8 C.F.R. § 204.5(m)(2) provides that in order to be eligible for classification as a special immigrant religious worker, an alien must:

(2) Be coming to the United States to work in a full time (average of at least 35 hours per week) compensated position in one of the following occupations as they are defined in paragraph (m)(5) of this section:

- (i) Solely in the vocation of a minister of that religious denomination;
- (ii) A religious vocation either in a professional or nonprofessional capacity;  
or
- (iii) A religious occupation either in a professional or nonprofessional capacity.

The regulation at 8 C.F.R. § 204.5(m)(5) includes the following definitions:

*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.

*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.

The regulation at 8 C.F.R. § 204.5(m)(7) requires an authorized official of the prospective employer to complete, sign and date an attestation providing specific information about the employer, the alien, and the terms of proposed employment.

#### B. Facts and Analysis

As stated above, the petitioner indicated on the Form I-360 that she would be employed as a “Sister/Teacher” at [REDACTED] New York. Part 8 of the Form I-360, the “Employer Attestation,” was unsigned. It stated that the petitioner “will be given” non-salaried compensation equivalent to \$25,000 per year. It further stated that the petitioner “qualifies as both in a religious vocation and occupation,” and that the petitioner “is a vowed religious” and a catechist. The proposed duties were described as: “religious worker, catechist, Catholic church school for religious teaching.” An accompanying December 7, 2013 letter, purportedly signed by Sister [REDACTED] of [REDACTED], discussed the petitioner’s past experience but did not indicate [REDACTED] intent to employ her in the future.

At the time of filing, the petitioner submitted a foreign language document entitled “Congregatio Pro Ecclesiis Orientalibus.” The submitted translation was not certified as required under 8 C.F.R. § 103.2(b)(3), but it indicated that the [REDACTED] granted the petitioner “relief from lifelong vows and other-related duties” on January 5, 2013. The petitioner also submitted an uncertified translation of a February 16, 2013, letter on [REDACTED] letterhead, signed by the petitioner and two other individuals, acknowledging “receipt of the translated document Dismissal perpetual vows.”

In the March 3, 2014, NOID, the director found that the petitioner had not submitted a signed and dated attestation from her prospective employer as required under 8 C.F.R. § 204.5(m)(7). In response, the petitioner submitted a new version of the “Employer Attestation” portion of the Form I-360 petition, purportedly signed by Sister [REDACTED] of [REDACTED]. The attestation listed [REDACTED] and [REDACTED] Illinois as the locations

“where the alien will be working.” The new attestation did not provide a description of proposed compensation, instead stating only that the petitioner “was given” non-salaried compensation. As noted above, the initial, unsigned attestation stated that she “will be given” non-salaried compensation. The petitioner also submitted a second “Employer Attestation” signed by Pastor [REDACTED] attesting that the petitioner will work as a “Sister/Teacher” at [REDACTED] Illinois. This second attestation also described the petitioner’s past compensation rather than providing the required description of prospective compensation. It described the petitioner as a “vowed religious” and a catechist.

On appeal, the petitioner submitted a copy of her marriage certificate, dated October 12, 2013, and stated, “Since my marriage on December 4, 2013 although I am still a Religious worker on non-salaried compensation, my husband is supporting me with the free housing, food, medical and other expenses.”

In our May 8, 2015 NOID, we stated that the petitioner had not established that she would be employed in a qualifying position. We noted that, although the petitioner indicated at filing that she would be working as a “Sister/Teacher” at [REDACTED], the evidence did not establish [REDACTED] intent to employ the petitioner, or her qualifications as a member of a vocation as claimed.

In her letter responding to our NOID, the petitioner states that she has worked for [REDACTED] since filing the Form I-360, and that she will continue her work there. Pastor [REDACTED] states in his letter that the petitioner “will continue” serving the communities at [REDACTED].

The record does not establish that the employer identified on the petition, [REDACTED] intends to employ the petitioner in a full-time, compensated position, as required under 8 C.F.R. § 204.5(m)(2). Subsequent to filing the petition, the petitioner submitted a new employer attestation which identifies a different prospective employer, [REDACTED]. However, this constitutes an impermissible, material change to the petition. A petitioner must establish eligibility at the time of filing; a petition cannot be approved at a future date after the petitioner or beneficiary becomes eligible under a new set of facts. 8 C.F.R. § 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm’r 1971). Furthermore, even if such a substitution of employers were permissible, the petitioner did not submit evidence to establish how [REDACTED] intends to compensate her, as required under 8 C.F.R. § 204.5(m)(10), or evidence that [REDACTED] qualifies as a bona fide non-profit religious organization under 8 C.F.R. § 204.5(m)(8).

Finally, the petitioner has not established that the described position meets the definition of a religious vocation or a religious occupation under 8 C.F.R. § 204.5(m)(5). The documentation discussing the petitioner’s “relief from lifelong vows,” as well as the documentation regarding her subsequent marriage, calls into question the petitioner’s assertion on the petition that she is “a vowed religious” in the Catholic denomination. Doubt cast on any aspect of the petitioner’s proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Matter of Ho*, 19 I&N Dec. at 591. Further, the petitioner has not

submitted sufficient information regarding her proposed duties to establish that they meet the definition of a religious occupation.

### III. WILLFUL MISREPRESENTATION OF A MATERIAL FACT

#### A. Law

Section 212(a)(6)(C) of the Act provides:

Misrepresentation. – (i) In general. – Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible.

As outlined by the Board of Immigration Appeals (BIA), a material misrepresentation requires that the alien willfully make a material misstatement to a government official for the purpose of obtaining an immigration benefit to which one is not entitled. *Matter of Kai Hing Hui*, 15 I&N Dec. 288, 289-90 (BIA 1975). The term “willfully” means knowingly and intentionally, as distinguished from accidentally, inadvertently, or in an honest belief that the facts are otherwise. *See Matter of Tijam*, 22 I&N Dec. 408, 425 (BIA 1998); *Matter of Healy and Goodchild*, 17 I&N Dec. 22, 28 (BIA 1979). To be considered material, the misrepresentation must be one which “tends to shut off a line of inquiry which is relevant to the alien’s eligibility, and which might well have resulted in a proper determination that he be excluded.” *Matter of Ng*, 17 I&N Dec. 536, 537 (BIA 1980).

#### B. Facts and Analysis

As discussed above, in accordance with the regulation at 8 C.F.R. § 103.2(b)(16)(i), on May 8, 2015, we issued a notice advising the petitioner of derogatory information indicating that she made false claims regarding her eligibility. We specifically observed that the petitioner stated on the petition that she would be employed in a full-time, compensated position as a “Sister/Teacher” by [REDACTED] and that she repeatedly indicated in supporting evidence that she was continuously employed by [REDACTED] throughout the two year qualifying period. We noted that these assertions were directly contradicted by communications from Sister [REDACTED] who indicated that the petitioner ceased to be a member of the congregation as of February 21, 2013. We also noted that the record included documents indicating that the petitioner had been relieved of her vows and had subsequently gotten married prior to filing the Form I-360, thus calling into question the petitioner’s assertions regarding her qualifications as a member of a religious vocation and “a vowed religious” within the Catholic denomination.

Pursuant to the regulation at 8 C.F.R. § 103.2(b)(16)(i), the petitioner was afforded 30 days (plus 3 days for mailing) in which to submit evidence to overcome the derogatory information cited above. We stated that the findings could only be overcome by submitting independent objective evidence to resolve the noted inconsistencies. *Matter of Ho*, 19 I&N Dec. at 591-92. The petitioner’s response to our

NOID did not include such evidence establishing that she had in fact been employed by [REDACTED] continuously during the qualifying period, or that [REDACTED] intended to offer her a full-time compensated position at the time of filing. Further, the petitioner's response did not address our observations that she was not a member of a religious vocation at the time of filing the Form I-360 as she had claimed. As the petitioner has not satisfactorily responded to the derogatory information discussed above, we will enter a finding of willful misrepresentation of a material fact.

A misrepresentation can be made to a government official in an oral interview, on the face of a written application or petition, or by submitting evidence containing false information. INS Genco Op. No. 91-39, 1991 WL 1185150 (April 30, 1991). In this instance, the petitioner submitted an employer attestation with the Form I-360 indicating that [REDACTED] was offering her a full-time, compensated position as a "Teacher/Sister," and stating that she "is a vowed religious" and "in a religious vocation." In addition, in letters submitted in response to the director's NOID, on appeal, and in response to our NOID, the petitioner made statements that she continuously served as an employee receiving non-salaried compensation from [REDACTED] throughout the two-year qualifying period.

We find that the petitioner willfully made the misrepresentations. The petitioner signed the Form I-360, certifying under penalty of perjury that the petition and the submitted evidence are all true and correct. See section 287(b) of the Act, 8 U.S.C. § 1357(b); see also 8 C.F.R. § 103.2(a)(2). More specifically, the signature block of the Form I-360, at part 10, requires the petitioner to make the following affirmation: "I certify . . . under penalty of perjury under the laws of the United States of America, that this petition and the evidence submitted with it is all true and correct." On the basis of this affirmation, made under penalty of perjury, we find that the petitioner willfully and knowingly made the misrepresentations.

Finally, the evidence is material to the beneficiary's eligibility for the benefit sought. To be considered material, a false statement must be shown to have been predictably capable of affecting the decision of the decision-making body. *Kungys v. U.S.*, 485 U.S. 759 (1988). In the context of a visa petition, a misrepresented fact is material if the misrepresentation cut off a line of inquiry which is relevant to the eligibility criteria and that inquiry might well have resulted in the denial of the visa petition. See *Matter of Ng*, 17 I&N Dec. at 537. The statements that [REDACTED] continuously employed and provided non-salaried compensation to the petitioner throughout the two years before filing relate to the petitioner's qualifying experience under 8 C.F.R. § 204.5(m)(4) and (11). Accordingly, they are material to this proceeding. Further, as the submission of an employer attestation indicating that [REDACTED] intended to employ the petitioner in a full-time, compensated position is relevant to the petitioner's eligibility under 8 C.F.R. § 204.5(m)(2), that representation is also material to the proceeding. In addition, the petitioner's statements indicating that she qualifies as "a vowed religious" and a member of a vocation within the Catholic denomination is material to the proceeding as it relates to whether she will be employed in a qualifying position under 8 C.F.R. § 204.5(m)(2) and (5).

#### IV. CONCLUSION

For the reasons discussed above, the petitioner has not established that she has the required two years of continuous, qualifying experience, or that she will be employed as a religious worker in a qualifying position. In addition, we find that the petitioner knowingly made false representations, and submitted documents containing false statements, in an effort to mislead USCIS and the AAO on an element material to the beneficiary's eligibility for a benefit sought under the immigration laws of the United States. See 18 U.S.C. §§ 1001, 1546. We will therefore enter a finding of willful misrepresentation of a material fact.

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, that burden has not been met.

**ORDER:** The appeal is dismissed.

**FURTHER ORDER:** The AAO finds that the petitioner, [REDACTED] knowingly misrepresented material information in an effort to mislead USCIS on elements material to eligibility for a benefit sought under the immigration laws of the United States.