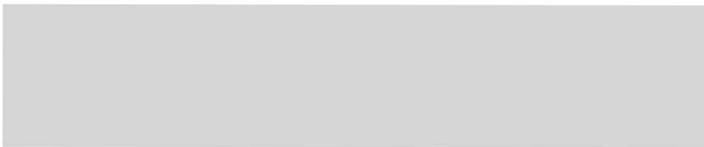


(b)(6)

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



U.S. Citizenship  
and Immigration  
Services



DATE: **MAY 13 2015**

FILE #: [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:



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

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Acting Director, California Service Center (“director”), denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office on appeal. The appeal will be sustained.

Section 101(a)(27)(C)(iii) of the Act requires that a special immigrant religious worker have at least two years of continuous, qualifying religious work experience immediately preceding the filing date of the Petition for Special Immigrant (Form I-360). In this case, the director denied the Form I-360, finding that the petitioner had not established the beneficiary had the required two years of religious work experience in lawful immigration status.

The record shows that the petitioner previously filed a Petition for a Nonimmigrant Worker (Form I-129), which was approved, granting the same beneficiary status as an R-1 temporary, nonimmigrant religious worker from November 2, 2009, until June 28, 2011. A petition to extend the beneficiary’s nonimmigrant status was also approved, granting him continued R-1 status through June 28, 2013. The petitioner filed the instant Form I-360 on June 4, 2012. Therefore, the petitioner must establish that the beneficiary performed qualifying religious work from June 4, 2010, through June 4, 2012.<sup>1</sup>

Upon review of the record, we find that the petitioner has established by a preponderance of the evidence that the beneficiary had the required two years of religious work experience. Documentation in the record includes, but is not limited to, tax records, pay stubs, employment contracts, letters from co-workers, lesson plans, and photographs, all showing that the beneficiary worked for, and was paid by, the petitioner pursuant to the terms of his R-1 visa. We accordingly conclude that the petitioner has established eligibility to classify the beneficiary as a special immigrant religious worker pursuant to section 101(a)(27)(C) of the Act.

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 been met.

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

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<sup>1</sup> The petitioner has since filed another petition to extend the beneficiary’s R-1 status, which has been approved, extending the beneficiary’s status until June 28, 2015.