



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

(b)(6)



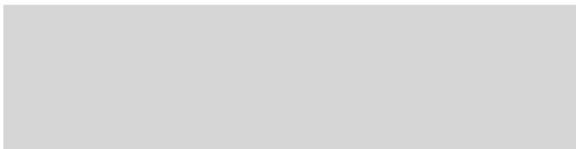
DATE: JUL 16 2015

PETITION RECEIPT #: 

IN RE: Petitioner:   
Beneficiary: 

PETITION: Nonimmigrant Petition for Religious Worker Pursuant to Section 101(a)(15)(R) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(R)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

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

Thank you,

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the employment-based immigrant visa petition on March 25, 2014. The Administrative Appeals Office (AAO) dismissed the petitioner's appeal of that decision on December 15, 2014. The matter is now before the AAO on a motion to reopen and reconsider. The motion to reopen will be granted; our previous decision on the appeal will be withdrawn, and the petition will be approved.

Our decision dismissing the petitioner's appeal concluded that although the petitioner had demonstrated that it was a bona fide nonprofit religious organization pursuant to the regulation at 8 C.F.R. § 214.2(r)(1), it had not submitted sufficient evidence to demonstrate how it intends to compensate the beneficiary. The regulation at 8 C.F.R. § 214.2(r)(11) provides:

*Evidence relating to compensation.* Initial evidence must state how the petitioner intends to compensate the alien, including specific monetary or in-kind compensation, or whether the alien intends to be self-supporting. In either case, the petitioner must submit verifiable evidence explaining how the petitioner will compensate the alien or how the alien will be self-supporting. Compensation may include:

(i) *Salaried or non-salaried compensation.* Evidence of compensation may include past evidence of compensation for similar positions; budgets showing monies set aside for salaries, leases, etc.; verifiable documentation that room and board will be provided; or other evidence acceptable to USCIS [U.S. Citizenship and Immigration Services]. IRS [Internal Revenue Service] documentation, such as IRS Form W-2 [Wage and Tax Statement] or certified tax returns, must be submitted, if available. If IRS documentation is unavailable, the petitioner must submit an explanation for the absence of IRS documentation, along with comparable, verifiable documentation.

(ii) *Self support.*

(A) If the alien will be self-supporting, the petitioner must submit documentation establishing that the position the alien will hold is part of an established program for temporary, uncompensated missionary work, which is part of a broader international program of missionary work sponsored by the denomination.

(B) An established program for temporary, uncompensated work is defined to be a missionary program in which:

- (1) Foreign workers, whether compensated or uncompensated, have previously participated in R-1 status;
- (2) Missionary workers are traditionally uncompensated;
- (3) The organization provides formal training for missionaries; and

(4) Participation in such missionary work is an established element of religious development in that denomination.

(C) The petitioner must submit evidence demonstrating:

- (1) That the organization has an established program for temporary, uncompensated missionary work;
- (2) That the denomination maintains missionary programs both in the United States and abroad;
- (3) The religious worker's acceptance into the missionary program;
- (4) The religious duties and responsibilities associated with the traditionally uncompensated missionary work; and
- (5) Copies of the alien's bank records, budgets documenting the sources of self-support (including personal or family savings, room and board with host families in the United States, donations from the denomination's churches), or other verifiable evidence acceptable to USCIS.

Accompanying the appeal, the petitioner provided its bank statements and an annual budget. We determined that this evidence was not sufficient to demonstrate how the petitioner intends to compensate the beneficiary. According to 8 C.F.R. § 103.5(a)(2), a motion to reopen must state the new facts to be provided and be supported by affidavits or other documentary evidence. On motion, the petitioner indicates that it was not previously advised that it should submit bank statements covering an expansive timeframe. Consequently, the petitioner submits additional evidence in the form of additional bank statements covering several consecutive months prior to the time it filed the petition. These statements show an availability of sufficient funds to cover the beneficiary's wages over a sustained period of time. This new evidence, when considered with the previously submitted evidence, is sufficient to demonstrate the petitioner's intent to compensate the beneficiary in accordance with 8 C.F.R. § 214.2(r)(11).

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:** Our decision on the appeal dated December 15, 2014 is withdrawn. The motion is granted and the petition is approved.