



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

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 35757877

Date: JAN. 17, 2025

Appeal of California Service Center Decision

Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (Religious Worker)

The Petitioner, who is also the Beneficiary, seeks to be classified as a special immigrant religious worker to perform services as a “director of the religious social support ministry” for [REDACTED] Florida.¹ See Immigration and Nationality Act (the Act) section 203(b)(4), 8 U.S.C. § 1153(b)(4). This immigrant classification allows non-profit religious organizations, or their affiliates, to employ foreign nationals as ministers, in religious vocations, or in other religious occupations, in the United States. See section 101(a)(27)(C)(ii) of the Act, 8 U.S.C. § 1101(a)(27)(C)(ii).

The Director of the California Service Center denied the petition on the following grounds, concluding that the Petitioner did not sufficiently show: (1) she will be compensated to work as a religious worker in the United States; (2) her proposed position – director of the religious social support ministry – qualifies as a religious occupation; (3) she will work at least 35 hours per week as a religious worker in the United States; and (4) she possesses the requisite two-year qualifying religious work experience immediately before the filing of the petition. See 8 C.F.R. § 204.5(m)(1)-(4), (10)-(11). The Petitioner appeals, submitting additional materials and maintaining that she has demonstrated eligibility to be classified as a special immigrant religious worker.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo’s, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

A foreign national self-petitioner may petition to immigrate to the United States to perform full-time, compensated religious work as a minister, in a religious vocation, or in a religious occupation. The foreign national self-petitioner must establish that they meet certain eligibility criteria, including membership in a religious denomination and continuous religious work experience for at least the two-year period before the petition filing date. See *generally* section 203(b)(4) of the Act (providing

¹ The Petitioner indicates on page 10 of the petition that she “will be working . . . [i]n a religious occupation” in the United States.

classification to qualified special immigrant religious workers as described in section 101(a)(27)(C)(ii) of the Act).

The regulation at 8 C.F.R. § 204.5(m)(4) requires the self-petitioner to demonstrate that they have worked “in one of the positions described in [8 C.F.R. § 204.5(m)(2)] . . . for at least the two-year period immediately preceding the filing of the petition.” The regulation at 8 C.F.R. § 204.5(m)(2) requires that the qualifying religious work experience described in 8 C.F.R. § 204.5(m)(4) must be in a full-time (average of at least 35 hours per week) compensated position in one of the following occupations:

- (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.

In addition, the regulation at 8 C.F.R. § 204.5(m)(11) addresses the evidentiary requirements to establish prior religious work experience, providing that: If the foreign national self-petitioner was employed in the United States during the two years immediately preceding the filing of the petition 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 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].

Subsection (iii) of 8 C.F.R. § 204.5(m)(11) allows for the submission of evidence of self-support, but in elaborating on this issue in the final rule, USCIS determined that the sole instances where religious workers may be uncompensated and self-supported are those who are “participating in an established, traditionally non-compensated, missionary program.” *See* Special Immigrant and Nonimmigrant Religious Workers Final Rule and Notice, 73 Fed. Reg. 72276, 72278 (Nov. 26, 2008); *see also* 6 USCIS Policy Manual H.2(C)(2) n.62, <https://www.uscis.gov/policy-manual/volume-6-part-h-chapter-2>.

II. ANALYSIS

As noted, the Director denied the petition on multiple grounds, including concluding that the evidence in the record was insufficient to demonstrate that the Petitioner had worked full-time as a religious

worker and received compensation during the two years immediately before she filed the petition on November 13, 2023. As discussed on pages 5 and 6 of the Director’s decision, the Petitioner must demonstrate that she had the requisite two-year qualifying religious work experience from November 2021 through November 2023. The regulation governing this issue is in both subsections (2) and (4) of 8 C.F.R. § 204.5(m) and must be read together to ensure that the experience and the position during the relevant two-year period meet all elements of the eligibility requirements.

On appeal, the Petitioner references “an Employer Attestation Letter,” “2 Attestations of Work Experience,” “a W-2 Explanation of Absence Letter,” and “a Sponsor Letter” as evidence to support her position that she had the requisite two-year qualifying religious work experience. *See* 8 C.F.R. § 204.5(m)(2), (4), (11). The record, however, does not support the Petitioner’s contention. Specifically, the record is insufficient to establish that the Petitioner received compensation for purportedly working as a religious worker from November 2021 through November 2023, the relevant two-year period immediately before the filing of the petition.

The record includes a September 29, 2024 “Employer Attestation” from the senior pastor, director and president of [REDACTED]. This document, however, does not state that between November 2021 and November 2023, the Petitioner received compensation from the organization for purportedly working as a religious worker. Instead, the 2024 “Employer Attestation” states that the organization is “now honored to be in the position to offer her payments (with no sponsorship in place).” The Petitioner submits copies of checks that the organization had issued to her from May 2024 through September 2024. These materials, however, do not establish that from November 2021 through November 2023, the Petitioner had received compensation for her purported religious work.

Similarly, the two “Attestation[s] of Work Experience” also do not indicate or establish that from November 2021 through November 2023, the Petitioner received compensation for her purported religious work. The two attestations, both dated September 29, 2024, are from two individuals associated with [REDACTED]. They discuss the Petitioner’s responsibilities and dedication as the organization’s “religious social support ministry director,” but not about her compensation during the relevant two-year period.

The record includes an “Affidavit/Attestation, Explanation of W-2 Absence,” dated April 2024, from the senior pastor and president of [REDACTED] claiming that the Petitioner “was never the recipient of a W-2” because she “has been sponsored by [an individual]” who “provided payments for her housing/boarding and living expenses during her tenure as a religious worker for [the] church.” According to a September 2024 “Affidavit of Sponsorship” from the referenced individual, he was the Petitioner’s “sponsor/compensator and provided for her rent for room/board, as well as other expenses.”² The “Affidavit of Sponsorship” alleges that the individual “personally support[ed the Petitioner] until she received her work permit and the church has taken

² As discussed on page 3 of the Director’s decision, the Petitioner has not shown that the individual is affiliated with [REDACTED] the church for which she has claimed to have worked during the relevant two-year period from November 2021 through November 2023. Additionally, while the record includes the individual’s tax filings, it lacks “audited financial statements, financial institution records, brokerage account statements, trust documents signed by an attorney, or other verifiable evidence acceptable to USCIS” confirming the alleged financial support referenced under 8 C.F.R. § 204.5(m)(11)(iii).

over her payment.” The document further claims that the alleged support qualifies as self-support under 8 C.F.R. § 204.5(m)(11)(iii).

The record does not establish that the Petitioner had received any salaried or non-salaried compensation during the relevant two-year period, from November 2021 through November 2023. *See* 8 C.F.R. § 204.5(m)(11)(i), (ii). Instead, the Petitioner claims that she provided for her own support through the individual referenced in the April 2024 “Affidavit/Attestation, Explanation of W-2 Absence” and September 2024 “Affidavit of Sponsorship.” *See* 8 C.F.R. § 204.5(m)(11)(iii). The evidence in the record is insufficient to demonstrate that the Petitioner has satisfied the self-support requirements. Specifically, as noted, while 8 C.F.R. § 204.5(m)(11)(iii) permits the Petitioner to offer evidence of self-support, the sole instances in which religious workers may be uncompensated and self-supported are those who are “participating in an established, traditionally non-compensated, missionary program.” *See* Special Immigrant and Nonimmigrant Religious Workers Final Rule and Notice, 73 Fed. Reg. 72276, 72278 (Nov. 26, 2008); *see also* 6 *USCIS Policy Manual, supra*, at H.2(C)(2) n.62. The Petitioner has neither claimed nor established that she was participating in such a program during the relevant two-year period, from November 2021 through November 2023.

III. CONCLUSION

Based on these reasons, we conclude that the Petitioner has not demonstrated that she had the requisite two-year qualifying religious work experience required under 8 C.F.R. § 204.5(m)(2) and (4). Specifically, the Petitioner has not shown that from November 2021 through November 2023, she received compensation for her purported religious work or that she could be uncompensated and self-supported. As the identified reasons for dismissal are dispositive of the Petitioner’s appeal, we decline to reach and hereby reserve any remaining issues concerning the Petitioner’s eligibility to be classified as a special immigrant religious worker.³ *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that “courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach”); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

The Petitioner has not established, by a preponderance of the evidence, her eligibility to be classified as a special immigrant religious worker. It is the Petitioner’s burden to establish eligibility for the immigration benefit sought. Here, that burden has not been met.

ORDER: The appeal is dismissed.

³ As noted, the Director also denied the petition on other grounds. We will reserve any other eligibility related issues not discussed in this decision for future consideration if the need arises.