



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

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

In Re: 35299272

Date: DEC. 20, 2024

Appeal of California Service Center Decision

Form I-129, Petition for a Nonimmigrant Worker (Religious Worker – R-1)

The Petitioner, a Buddhist temple, seeks to classify the Beneficiary as a nonimmigrant religious worker to perform services as a monk. Immigration and Nationality Act (the Act) section 101(a)(15)(R), 8 U.S.C. § 1101(a)(15)(R). This nonimmigrant classification allows non-profit religious organizations, or their affiliates, to temporarily employ foreign nationals as ministers, in religious vocations, or in other religious occupations in the United States.

The Director of the California Service Center denied the petition, concluding that the record did not establish that the Beneficiary qualifies for classification as a minister. In addition, the Director determined that the Petitioner had not established how it intended to compensate the Beneficiary. The matter is now before us on appeal. 8 C.F.R. § 103.3.

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

Non-profit religious organizations may petition for noncitizens to work in the United States for up to five years solely to perform religious work for an average of at least 20 hours per week as ministers, in religious vocations, or in religious occupations. The petitioning organization must establish, among other requirements, that the noncitizen has been a member of a religious denomination for at least the two-year period before the date the petition is filed. *See generally* section 101(a)(15)(R) of the Act; 8 C.F.R. § 214.2(r).

A petitioner must also show how it intends to compensate the noncitizen, including specific salaried or non-salaried compensation. This may include evidence of past compensation for similar positions, budgets showing money set aside, verifiable documentation that room and board will be provided, or other acceptable evidence. IRS documentation must be submitted, or its unavailability explained and comparable, verifiable documentation submitted. 8 C.F.R. § 214.2(r)(11).

If the religious worker will be employed in a religious vocation, the petitioner must submit evidence to establish that the beneficiary is entering the United States to perform a religious vocation, and that they are qualified for the religious vocation according to the denominations standards. A religious vocation means a formal lifetime commitment to a religious way of life, and belonging to a class of individuals within the denomination whose lives are dedicated to religious practices and functions. 8 C.F.R. § 214.2(r)(1)(iii), (r)(3).

## II. ANALYSIS

The Petitioner seeks to have the Beneficiary classified as a nonimmigrant religious worker to serve as a monk at its Buddhist temple. We note that the Petitioner submitted minimal evidence with its initial filing, and when responding to the Director's request for evidence (RFE) did not respond to several of the Director's requests, including the request for more specific job duties, the number of hours the Beneficiary would spend on these duties, and the Beneficiary's proposed daily and weekly schedule.

On appeal, the Petitioner does not directly challenge the Director's conclusion that it has not shown that the Beneficiary is qualified as a minister. We acknowledge that the Petitioner did not claim in its initial filing or its RFE response that the Beneficiary would serve as a minister, and withdraw the Director's conclusion on that issue. But the Petitioner still must establish how the Beneficiary qualifies to perform as monk in a religious vocation. On appeal, it submits additional evidence (as well as previously submitted evidence) which it asserts pertains to the Beneficiary's "ordination" as a monk. This includes a new foreign language document, accompanied by an English translation titled "Monk Ordination Registration Scrutiny Card." However, any document in a foreign language must be accompanied by a full English language translation. 8 C.F.R. § 103.2(b)(3). The translator must certify that the English language translation is complete and accurate, and that they are competent to translate from the foreign language into English. *Id.* Because the Petitioner did not submit a properly certified English language translation of this new foreign language document as required, we accord it no weight as we cannot determine whether it supports their claim.

In addition, the previously submitted evidence regarding the Beneficiary's qualification as a Buddhist monk, titled as "Scrutiny Card for Member of Religious Order," includes a line for "Pariyatti Qualification," but that line is blank.<sup>1</sup> While this document indicates that he resided at a monastery, it does not establish that the Beneficiary has completed his vows or otherwise been recognized by the denomination as having made a formal lifetime commitment as a monk. We conclude that the Petitioner has not established that the Beneficiary is qualified to serve in a religious vocation.

Turning to the second issue addressed in the Director's decision, we also conclude that the Petitioner has not established how it intends to compensate the Beneficiary. The Petitioner stated on the R-1 Classification Supplement to Form I-129 that the Beneficiary's compensation would comprise room and board and "all living expenses." As with the issue discussed above, the Petitioner submits new evidence without providing any reasoning as to why it believes the Director's decision was incorrect. The filing party has a responsibility to anchor their claim in the record. *Angelex, Ltd. v. United States*, 907 F.3d 612, 620 (D.C. Cir. 2018). It has an obligation to spell out its arguments squarely and

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<sup>1</sup> Despite the Director's request, the Petitioner did not submit evidence regarding the requirements and stages of monkhood in responding to the RFE, nor did it explain the meaning of "Pariyatti Qualification."

distinctly, or else forever hold its peace. *Schneider v. Kissinger*, 412 F.3d 190, 200 n.1. (D.C. Cir. 2005). Here, the Petitioner has not done so, and has therefore forfeited its insufficiently developed arguments on this matter.<sup>2</sup> *See also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (declining to address a “passing reference” to an argument in a brief that did not provide legal support). Accordingly, the Petitioner has not established how it intends to compensate the Beneficiary.

**ORDER:** The appeal is dismissed.

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<sup>2</sup> We note that the record includes documentation that the Petitioner’s monastery, the location where the promised food and board would be provided to the Beneficiary, is owned by an individual. As there is no indication that the Petitioner has any ownership or tenancy rights to this property, this evidence does not show how *the Petitioner* intends to compensate the Beneficiary in accordance with the requirement at 8 C.F.R. § 214.2(r)(11).