



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

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

In Re: 25034056

Date: JUN. 22, 2023

Appeal of California Service Center Decision

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

The Petitioner, a religious organization, seeks to classify the Beneficiary as a nonimmigrant religious worker to perform services as a “Evangelist & CEO.” *See* Immigration and Nationality Act (the Act) section 101(a)(15)(R), 8 U.S.C. § 1101(a)(15)(R). This R-1 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 because the Petitioner did not satisfactorily complete a pre-approval on-site inspection. *See* 8 C.F.R. § 214.2(r)(16) (2019). 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 foreign nationals to work in the United States for up to five years to perform religious work as ministers, in religious vocations, or in religious occupations. The petitioning organization must establish, among other requirements, that the foreign national beneficiary has been a member of a religious denomination for at least the two-year period before the date the petition is filed and will be coming to work at least in a part time position (average of at least 20 hours per week). *See generally* Section 101(a)(15)(R) of the Act; 8 C.F.R. § 214.2(r).

The regulation at 8 C.F.R. § 214.2(r)(16) provides, in pertinent part:

*Inspections, evaluations, verifications, and compliance reviews.* The supporting evidence submitted may be verified by USCIS through any means determined appropriate by USCIS, up to and including an on-site inspection of the petitioning organization. The inspection may include a tour of the organization’s facilities, an interview with the organization’s officials, a review of selected organization records

relating to compliance with immigration laws and regulations, and an interview with any other individuals or review of any other records that the USCIS considers pertinent to the integrity of the organization. An inspection may include the organization headquarters, or satellite locations, or the work locations planned for the applicable employee. If USCIS decides to conduct a pre-approval inspection, satisfactory completion of such inspection will be a condition for approval of any petition.

## II. ANALYSIS

The Petitioner filed its petition to classify the Beneficiary as an evangelist and CEO of a nonprofit organization called '[REDACTED]' on November 30, 2021. The organization's chief operating officer, [REDACTED] signed the petition. The Petitioner submitted evidence that the Beneficiary filed the organization's articles of incorporation with the Texas Secretary of State on [REDACTED] 2020. The record further shows that the Beneficiary is listed as the registered agent for the corporation and his name is among the initial board of directors. The Beneficiary also executed and signed the bylaws as the organization's president on [REDACTED] 2020. The signatory's name is not found in any of the organization's filing documents.

In May 2022, a USCIS officer visited the Petitioner's address at [REDACTED] Texas, and the Beneficiary's work location at [REDACTED].<sup>1</sup> The on-site inspection revealed that there was no religious activity at the Petitioner's address or at the Beneficiary's anticipated employment location. The USCIS officer was unable to reach the signatory after several attempts and the last attempt was made on May 22, 2022.

The Director issued a notice of intent to deny the petition (NOID) in August 2022 for the Petitioner to address the site inspection's adverse findings. In response to NOID, the Petitioner stated that it changed address to [REDACTED] Texas, and requested another site visit at the new location. The Petitioner also explained that the signatory was no longer with the organization and a new signatory's contact information was provided to USCIS via its letter dated June 14, 2022.<sup>2</sup> Upon reviewing the Petitioner's response to the NOID, the Director denied the petition because the pre-approval on-site inspection did not verify the Petitioner's evidence, including the purported religious nature of its operation or the Beneficiary's proposed employment. 8 C.F.R. § 214.2(r)(16).

The main issue here is whether the petitioning organization was operating and performing religious activities as stated on the petition at the old address or at the Beneficiary's anticipated employment location from the time the petition was filed on November 30, 2021, until the Petitioner relocated in June 2022. However, the Petitioner does not address this issue on appeal. Instead, the Petitioner contends that the Director erred in not granting its request for a site visit at the new address, but a new site visit would serve no purpose in verifying religious operation at the old address or existence of the Beneficiary's employment prior to the change of address.

---

<sup>1</sup> The Petitioner listed this address as the Beneficiary's anticipated employment location on page 5 of the I-129 petition.

<sup>2</sup> The Petitioner did not notify USCIS of the new signatory until June 14, 2022, almost six months have passed since the signatory's departure in January 2022.

With the appeal, the Petitioner provides the same documents already submitted in response to the Director's NOID, including a rental agreement for the Petitioner's new address executed on June 1, 2022, a change of address filing signed by the Beneficiary on June 9, 2022, and amended pages of the Form I-129 containing the new signatory's name and new address. Again, these documents do not offer any corroborating evidence regarding religious activities at the Petitioner's old address prior to its move.

The Petitioner also claims that the Director's decision to deny the matter "were unverifiable and therefore undefendable" because the Petitioner does not approve of how the site inspection was conducted. For example, the Petitioner states that the USCIS officer should have contacted the Beneficiary, not just the signatory, and the site inspection was informal or unprofessional because the USCIS officer did not reveal the name of the person who was questioned during the site visit. The Petitioner then attempts to clarify why this unnamed individual would not have known about the Beneficiary or the signatory during the site visit, but these explanations are not dispositive of the issue at hand as they do not explain the lack of religious activities at the Petitioner's old address or at the Beneficiary's work location.

Moreover, the Petitioner has not provided any evidence that USCIS' site visit was improper based on to regulations or precedent case law or show that the site visit must follow the procedures suggested by the Petitioner. The regulation at 8 C.F.R. § 214.2(r)(16) permits USCIS to verify information supporting the petition through any means deemed appropriate, including an on-site inspection. The Petitioner has not established any factual or legal basis showing that a USCIS officer must interview the beneficiary as well as the petitioner, or that USCIS erred in conducting the on-site inspection, in which it sought to verify information and evidence relating to the petitioning organization.

For these reasons, we conclude the Petitioner has not demonstrated that it satisfactorily completed an on-site inspection or that USCIS violated its own procedures by conducting the on-site inspection.

### III. CONCLUSION

The Petitioner has not established, by a preponderance of the evidence, eligibility to classify the Beneficiary as an R-1 nonimmigrant religious worker. Specifically, it has not satisfactorily completed a pre-approval on-site inspection.

The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision. 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.