



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

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

In Re: 27527777

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 church, seeks to classify the Beneficiary as a nonimmigrant religious worker to perform services as a missions pastor. 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 how the Petitioner intends 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).

## II. ANALYSIS

The sole issue on appeal is whether the Petitioner has established how it intends to compensate the Beneficiary. On Form I-129, Petition for a Nonimmigrant Worker, the Petitioner stated that it would pay her \$500 per month, as well as “rent, water, power, gas, phone, food per month.” In her decision, the Director noted that as evidence of the Petitioner’s intention to provide room and board, it submitted a letter from an individual stating that she is a member of the church and is offering room and board at her home for the Beneficiary and her spouse. However, the Director concluded that this letter was insufficient because it was not supported by evidence that this individual is a member of the church, or that she had the ability to provide room and board. In addition, regarding the \$500 per month salary offered to the Beneficiary, the Director concluded that the Petitioner’s offer letter which confirmed this salary was not supported by additional supporting evidence such as bank statements or audited financial statements.

On appeal, the Petitioner argues that it considers members to be an extension of its organization, such that the provision of room and board by a member in response to a request from the church is a form of compensation from the church to the Beneficiary. However, the regulation at 8 C.F.R. § 214.2(r)(11) specifically requires evidence of how the *petitioner* intends to compensate a religious worker, and we do not consider salaried or non-salaried support derived from a third party, such as a church member, as a portion of a beneficiary’s required compensation. *See generally* 2 *USCIS Policy Manual* O.3(F)(1), [www.uscis.gov/policy-manual](http://www.uscis.gov/policy-manual). In addition, as noted by the Director, the letters from the church member are not supported by verifiable evidence that room and board will be provided. Therefore, they do not show how the Petitioner intends to compensate the Beneficiary with room and board.

As for the \$500 monthly salary offered to the Beneficiary, the Petitioner refers to a financial statement and payroll report it submitted as evidence of its past compensation for similar positions and its financial ability to compensate the Beneficiary. The “Income and Expense Statement” covers the period from January through August 2022, and includes lines showing the payment of salaries to two pastors and three other support staff, as well as what the Petitioner describes as a “love offering” to support the Beneficiary. The payroll report shows the payment of salaries to those same five employees for the first quarter of 2022. However, in both her request for evidence and notice of intent to deny, the Director clearly informed the Petitioner that per USCIS regulations, IRS documentation must be submitted, if available, to show evidence of compensation. If such documentation was not available, the Petitioner was informed that it must submit an explanation of the unavailability, as well as other verifiable evidence. The Petitioner’s responses included neither IRS documentation nor an explanation of its unavailability. Further, the financial reports submitted are not audited. While the regulation at 8 C.F.R. § 214.2(r)(11) does not require audited financial reports that are prepared in accordance with generally accepted accounting principles, it does require the Petitioner’s evidence to be verifiable. Without corroboration, the Petitioner’s unaudited financial statements do not constitute verifiable documentation explaining how the Petitioner intends to compensate the Beneficiary. As such, we agree with the Director that this evidence is insufficient to establish how the Petitioner intends to pay the Beneficiary’s salary.

For the reasons stated above, we conclude that the Petitioner has not established how it intends to compensate the Beneficiary, either through the provision of room and board or a salary.

**ORDER:** The appeal is dismissed.