



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

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

In Re: 23981362

Date: Jan. 17, 2023

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 nun. 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 noncitizens as ministers, in religious vocations, or in other religious occupations in the United States.

The Director of the California Service Center revoked the approval of the petition, concluding that the Petitioner had violated the terms and conditions of the approved petition. 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).

II. ANALYSIS

The Director initially approved the petition for the Beneficiary to continue to work as a nun at its temple in [] California. Several months later, an administrative onsite inspection of the Petitioner's premises was conducted to verify the Petitioner's compliance with the terms of the petition. During the inspection, a USCIS officer discovered that the Beneficiary had made several trips to an unaffiliated Buddhist temple in Florida, including at least one after the filing of the petition

seeking extension of her nonimmigrant status. In addition, the Beneficiary was spending a significant amount of time at the Florida temple and was working and staying there. As a result of this inspection, the Director issued a notice of intent to revoke (NOIR) and ultimately revoked the approval of the petition, as she concluded that the Petitioner had violated its terms by having the Beneficiary work part-time for a different temple.

On appeal, the Petitioner asserts that the Director's finding of unresolved inconsistencies between the observations during the inspection and the response to the NOIR was not supported by analysis. The decision notes that the Beneficiary's driver's license, which lists the Petitioner's address as her place of residence, does not address all of the credibility issues stemming from the inspection, and elsewhere references the lack of personal possessions found in the Beneficiary's bedroom. As the Petitioner's explanation concerning the Beneficiary's vow of poverty adequately addressed this finding, and it does not dispute the Beneficiary's many lengthy absences from its temple, we conclude that there is inadequate indication of material factual inconsistencies in the record.

However, the Petitioner does not address the primary reason for the revocation on appeal: that it was not complying with the terms of the petition. Notably, the regulation at 8 C.F.R. § 214.2(r)(8) lists the attestations made by a petitioner when signing an I-129 petition for a religious worker, and one of those attestations regards the specific location of the proposed employment. Here, as stated in the Director's decision, the specific location listed in the petition was the Petitioner's temple, with no alternate location provided.

Also, another attestation to which the Director alluded in her decision states that the religious worker will be employed for an average of at least 20 hours per week by the Petitioner. 8 C.F.R. § 214.2(r)(8)(ix). Given the significant amount of time the Beneficiary spent working and living at the Florida temple, we agree that the Petitioner has not shown that it complied with this term of its petition as well, as it stated that the Beneficiary would work full-time at its temple.

Further, the regulation at 8 C.F.R. § 214.2(r)(2) states that while a religious worker may work for more than one qualifying employer, each employer must file a separate petition. There is no indication in the record that the Florida temple filed a petition on the Beneficiary's behalf or that she was otherwise authorized to work there.

The regulation at 8 C.F.R. § 214.2(r)(18)(iii)(A) lists the grounds for revocation on notice, which include that the petitioner has violated terms and conditions of the approved petition. As the Petitioner here has not sufficiently refuted the Director's conclusions regarding at least two of those terms and conditions as explained above, we conclude that the approval of the petition was properly revoked.

ORDER: The appeal is dismissed.