



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

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

In Re: 28785863

Date: DEC. 05, 2023

Appeal of California Service Center Decision

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

The Petitioner, an Islamic religious organization, mosque, and school, seeks to classify the Beneficiary as a nonimmigrant religious worker to perform services as a Quran and Islamic studies instructor. 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 Petitioner had provided sufficient detail regarding the Beneficiary's compensation, as required. In addition, the Director determined that the evidence of the Beneficiary's proposed work hours was insufficient to establish that he would be employed for at least 20 hours per week. 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 sustain the appeal.<sup>1</sup>

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

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<sup>1</sup> We note that a subsequent petition [redacted] seeking classification of the Beneficiary as a nonimmigrant religious worker was filed by the Petitioner and approved on October 7, 2023.

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).

Regarding the Beneficiary's compensation, the Petitioner indicated on Form I-129, Petition for a Nonimmigrant Worker, that he would be paid \$45,000 per year, with other compensation described as "usual company benefits." As the Petitioner did not elaborate on the nature of this additional compensation elsewhere in the petition, the Director issued a request for evidence (RFE) seeking further evidence and explanation. Although a letter from the Petitioner indicated that the Beneficiary would have a vacation during the summer break for two months, it did not explain whether this was paid or unpaid vacation and did not provide additional details regarding the nature of the "usual company benefits."

On appeal, the Petitioner submits a statement explaining that it did not understand the level of specificity required, and now explains that "usual company benefits" consists of the two-month vacation previously mentioned, which it now describes as a paid vacation, as well as a 50% reduction in tuition for the children of employees and three sick days. Because these are benefits which do not increase the amount of compensation offered to the Beneficiary, and the Petitioner has otherwise submitted sufficient evidence to establish how it intends to compensate him, we conclude that the Petitioner meets the requirement at 8 C.F.R. § 214.2(r)(11).

As to whether the Beneficiary would be employed at least 20 hours per week, the Petitioner initially indicated that the Beneficiary would be employed full-time. In response to the Director's RFE, it explained that he would be teaching six 45-minute periods per day (two periods each teaching Arabic, Quran studies and Islamic Studies) and spend an additional period on administrative duties (including grading papers and creating lesson plans) for 40 hours per week. The Director concluded that since the Petitioner had not provided a more detailed description of the Beneficiary's proposed duties and his daily and weekly schedules as requested in the RFE, the evidence did not sufficiently establish that he would be working at least 20 hours per week.

With its appeal, the Petitioner now submits a weekly schedule which conforms with the description given in its RFE response, adding only two brief prayer periods in the morning and afternoon of each day. It also submits a more detailed description of the seven job duties previously submitted, and a description of the goals of each of the classes to be taught by the Beneficiary. We conclude that the Petitioner has established that the Beneficiary will be employed for at least 20 hours per week, satisfying the requirement at 8 C.F.R. § 214.2(r)(1)(ii).

The Petitioner has established that it meets the requirements of both grounds for denial identified in the Director's decision. As we have not identified any further grounds for denial, the Petitioner has established eligibility for the requested non-immigrant classification.

**ORDER:** The appeal is sustained.