



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

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

In Re: 29322001

Date: DEC. 19, 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 Buddhist 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 how the Petitioner would 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.

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).

Here, the issue of how the Petitioner will compensate the Beneficiary is the sole issue on appeal. It stated on Form I-129R, R-1 Classification Supplement to Form I-129, that the Beneficiary would be provided lodging at the temple as well as food, clothing, medical costs and other expenses. In their

request for evidence (RFE), the Director specifically asked for further evidence of how this non-salaried compensation would be provided, and included a list of the type of evidence which the Petitioner could submit to meet this requirement. This included IRS documentation such as tax returns, budgets, and documents specifically to show how lodging would be provided, such as photos, lease agreements or deeds or titles.

The Petitioner's response did not include any of the evidence suggested in the Director's RFE. Instead, it submitted a letter describing a Buddhist monk's commitment to the practice of poverty and nonattachment to the material world, and reiterating its statement that food, lodging, and all necessities would be provided. It also resubmitted the evidence previously filed. As this response did not include verifiable evidence of the kind specifically requested in the RFE, the Director denied the petition on that ground.

On appeal, the Petitioner argues that the Director's denial was in error, and repeats its statements from its RFE response regarding the monastic way of life. It asserts that the request for documentary evidence was unreasonable because the evidence "would be mere calculations of projected expenses that Petitioner might occur," and it could not project such costs for the term of the Beneficiary's requested stay in religious worker status. The Petitioner concludes by stating that it would provide such projections if that is what is required, but does not include such evidence with the appeal.

We disagree that the Director's decision was unreasonable. A budget, one of the suggested documents requested in the Director's RFE, is a common way for organizations to plan for future expenses. Also, that was not the only type of evidence that the Petitioner was notified that it could submit to establish how it would provide the Beneficiary with lodging, food, and other expenses. The pertinent regulation requires *verifiable* evidence of how the Beneficiary will be compensated, and the statement from the Petitioner is insufficient to meet this requirement. Accordingly, the Petitioner has not established how it will provide the offered non-salaried compensation to the Beneficiary, and its petition will remain denied for that reason.

ORDER: The appeal is dismissed.