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U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

[Redacted]

JAN 08 2003

File: MIA 214F 1366

Office: MIAMI, FLORIDA

Date:

IN RE: Petitioner

[Redacted]

Petition: Petition for Approval of School for Attendance by Nonimmigrant Students under Section 101(a)(15)(F)(i) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(F)(i)

IN BEHALF OF PETITIONER:

[Redacted]

PUBLIC COPY

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 CFR 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 CFR 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

[Signature]

Robert P. Wiemanni, Director
Administrative Appeals Office

DISCUSSION: The Petition for Approval of School for Attendance by Nonimmigrant Students (Form I-17) was denied by the District Director, Miami, Florida. A subsequent appeal was summarily dismissed by the Associate Commissioner for Examinations through the Administrative Appeals Office (AAO). The matter is now before the AAO on motion to reopen and reconsider. The motion will be granted. The previous decision of the AAO will be affirmed.

The Form I-17 reflects that the petitioner in this matter, the Church of Scientology Flag Service Organization, Inc., is a private school licensed by the Church of Scientology to provide religious training to its parishioners. The school offers certificates of completion to its graduates. The school declares an enrollment of 250 to 300 students with 38 instructors. The petitioner seeks approval for attendance by F-1 nonimmigrant academic students. There is no indication in the record that the school has ever been approved for attendance by nonimmigrant students in the past.

The district director denied the petition, finding that the petitioner failed to provide the Service with evidence of national accreditation and that petitioner failed to demonstrate that the school is an established institution of learning or other recognized place of study.

On motion, counsel for the petitioner asserts that the petitioner made a typographical error on the petition when it wrote "none" in response to a question regarding accreditation. Counsel for the petitioner argues that the petitioner is accredited by the Church of Scientology International. Counsel for the petitioner asserts that it previously submitted ample evidence that the petitioner is an established institution of learning and a recognized place of study of the Scientology religion.

8 CFR 214.3(b) specifies required supporting evidence, in pertinent part, as follows:

Any other petitioning school shall submit a certification by the appropriate licensing, approving, or accrediting official who shall certify that he or she is authorized to do so to the effect that it is licensed, approved, or accredited. . . .

The petitioner failed to provide any evidence to establish that the school has national accreditation or state approval.

On motion, counsel for the petitioner provided the Service with a copy of a license agreement between the Church of Scientology International and the petitioner granting the latter the right to offer coursework in the study of Scientology religious scriptures and policies. In a letter submitted on motion, the petitioner indicated that it is accredited and licensed by the Church of Scientology.

This documentation is not sufficient to satisfy the requirement that the school be accredited by an authorized official. 8 CFR 214.3(b) clearly requires that the accreditation shall be by an official who shall certify that he or she is authorized to approve the accreditation. No corroborating evidence has been submitted indicating that the Church of Scientology is authorized to accredit schools in the state of Florida. Because the petition has been unable to satisfactorily comply with this requirement, the petition may not be approved. See *Matter of College of the Scriptures*, 11 I&N Dec. 154 (Reg. Comm. 1965).

8 CFR 214.3(e)(1) provides that the petitioner must establish that:

- (i) It is a bona fide school;
- (ii) It is an established institution of learning or other recognized place of study;
- (iii) It possesses the necessary facilities, personnel, and finances to conduct instruction in recognized courses; and
- (iv) It is, in fact, engaged in instruction in those courses.

The district director determined that the petitioner failed to adequately demonstrate that it was an established institution of learning or other recognized place of study.

On motion, counsel for the petitioner asserts that it previously submitted ample evidence that the petitioner is an established institution of learning and a recognized place of study of the Scientology religion. The record of proceeding contains the I-17 petition and supporting documentation, including a school catalogue, a tax exemption letter from the Internal Revenue Service, a licensing agreement, a basic study manual, drawings of the classrooms' layout, photographs of course rooms and school facilities, a list of instructors indicating which courses they had completed, copies of school certificates and a donation rate schedule.

In assessing whether a school is an established institution of learning, the Service considers the length of time the school has been in operation, whether the school has adequate physical facilities and qualified faculty, whether the school has been approved by a state agency or accredited by the appropriate authority. In the instant case, the petitioner has failed to provide evidence that it has been approved or accredited by an appropriate official. The petitioner has failed to overcome the director's objections.

Beyond the decision of the director, the petitioner failed to provide the Service with additional documentation required by 8 CFR 214.3(b), including salaries of the teachers, and a certified copy of the accountant's last statement of the school's net worth, income, and expenses. As the matter will be dismissed on the grounds discussed, these issues need not be examined further.

Counsel for the petitioner requested oral argument. Oral argument is limited to cases where cause is shown. It must be shown that a case involves unique facts or issues of law that cannot be adequately addressed in writing. In this case, no cause for oral argument is shown. Therefore, the request is denied.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. Here, the petitioner has not sustained that burden.

ORDER: The prior decision of the AAO shall be affirmed.