



51

U.S. Department of Justice
Immigration and Naturalization Service

Identifies data deleted to
prevent...
invasion of personal privacy

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

[Redacted]

[Redacted]

File: LOS 214F 1879 Office: LOS ANGELES, CALIFORNIA Date:

JAN 09 2003

IN RE: Petitioners:

[Redacted]

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

IN BEHALF OF PETITIONER:

PUBLIC COPY

SELF-REPRESENTED

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 C.F.R. 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 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Petitions for Approval of School for Attendance by Nonimmigrant Students (Form I-17) were denied by the District Director, Los Angeles, California. The matter is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The file contains two Form I-17 petitions from two schools that share the same campus. Global Leaders University and Seminary [Global Professional College], is a private technical and vocational school established in 1998. The school offers training in language, vocational and technical training and professional studies. The school declares an enrollment of forty students with fifteen instructors. The petitioner seeks approval for attendance by M-1 nonimmigrant vocational students and F-1 nonimmigrant academic students. The second petitioner, Global Leaders University [GLU], is a private institution established on December 23, 1999. GLU offers postsecondary education in the areas of religion and professional studies. GLU declares an enrollment of 10 students and five teachers. GLU seeks approval for attendance by F-1 nonimmigrant academic students. As the schools share the same file number, the appeals will be adjudicated together. It is noted that the district director should issue a separate file number for one of the schools.

The director denied the petitions, finding that the petitioners failed to provide the Service with evidence that their courses are accepted as fulfilling the requirements for attainment of an educational, vocational or professional objective and are not avocational or recreational in character. The director determined that the petitioners failed to submit additional required documentation, including the teachers' salaries, the attendance policy, the amount and character of their supervisory and consultative services, and evidence to establish that the schools are established institutions.

On appeal, the schools' owner submitted additional documentation.

8 C.F.R. 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. . . . A charter shall not be considered a license, approval, or accreditation. A school catalogue, if one is issued, shall also be submitted with each petition. If not included in the catalogue, or if a catalogue is not issued, the school shall furnish a written statement containing information concerning the size of its physical plant, nature of its facilities for study and training, educational, vocational or professional qualifications of the teaching staff, salaries of the teachers, attendance and scholastic grading policy, amount and character of supervisory and consultative services available to students and trainees, and finances (including a certified copy of accountant's last statement of

school's net worth, income, and expenses).

8 C.F.R. 214.3(c) provides additional evidence that must be submitted:

If the petitioner is a vocational, business, or language school, or American institution of research recognized as such by the Attorney General, it must submit evidence that its courses of study are accepted as fulfilling the requirements for the attainment of an educational, professional, or vocational objective, and are not avocational or recreational in character.

8 C.F.R. 214.3(e)(1) provides that the evidence 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.

Global Professional College submitted its articles of incorporation, several bank statements, a letter from the Internal Revenue Service according 501(c)(3) tax-exempt status, a description of its physical plant facilities, and a school catalog that describes its attendance policy, faculty qualifications and the amount and character of consultative services available to students.

Global Professional College failed to submit evidence of its teachers' salaries, and a certified copy of the accountant's last statement of the school's net worth, income, and expenses. Global Professional College failed to submit any evidence that its courses of study are accepted as fulfilling the requirements for the attainment of an educational, professional, or vocational objective, and are not avocational or recreational in character.

Global Leaders University [GLU] submitted bank statements, a description of its campus, and its catalog that describes its attendance policy and consultative services (work scholarship program and career services). GLU also provided the Service with a copy of a letter dated February 18, 2000 from the California Bureau for Private Postsecondary and Vocational Education stating that the petitioner qualifies for exclusion from accreditation requirements as a religious organization.

GLU failed to submit evidence of its teachers' salaries, and a certified copy of the accountant's last statement of the school's net worth, income, and expenses.

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

ORDER: The appeal is dismissed.