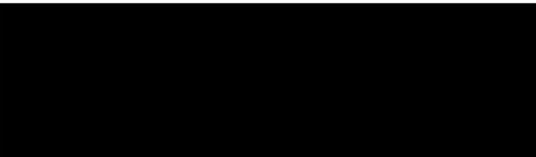


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U.S. Department of Justice
Immigration and Naturalization Service

PUBLIC COPY

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



File: SFR 214F 1824 Office: SAN FRANCISCO, CALIFORNIA Date: JAN 10 2003

IN RE: Petitioner: [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:
SELF-REPRESENTED

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

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


Robert P. Wiernann, 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, San Francisco, California. The matter is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner filed Form I-17 on June 21, 2000, seeking approval for attendance by nonimmigrant alien students under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1101(a)(15)(F)(i). The petitioner is a non-profit, independent day school, grades K-12. The petitioning school was incorporated in California in 1978, and inaugurated in 1979, and claims a current enrollment of 350 students.

The petition was denied on the grounds that the petitioner did not submit information concerning the size of the school's physical plant, the specific nature of the school's facilities and equipment, the education, vocational, or professional qualifications of the teaching staff, the salaries of the teachers, attendance and scholastic grading policy, amount and character of supervisory and consultative services available to the students and trainees, or a certified copy of an accountant's last statement of the school's net worth, income and expenses, or a certification signed by the appropriate public official that the school meets the requirements of the State or local public educational system as required by 8 CFR 214.3(b).

On appeal, an official of the school stated that the school has attempted to contact State officials in order to determine the required documentation. The official repeated that the school is accredited by the American Association of Christian Schools (AACS).

8 CFR 214.3(b) sets forth supporting documents required to be submitted with the Form I-17, in pertinent part, as:

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.

8 CFR 214.3(c) requires other evidence, in pertinent part, as applicable:

If the petitioner is an elementary or secondary school and is not within the category described in paragraph (b)(1) or (3) of this section, it must submit evidence that attendance at the petitioning institution satisfies the compulsory attendance requirements of the State in which it is located and that the petitioning school qualifies graduates for acceptance by schools of higher educational level within the category described in paragraph (b)(1), (2), or (3) of this section. (Paragraph (c) revised 10/29/93; 58 FR 58098)

In this case, the petitioner has submitted proof of accreditation by the AACCS. A review of Service policy reflects that, in the case of private or parochial secondary schools, accreditation by the AACCS satisfies the accreditation requirement of 8 CFR 214.3(b).

The petitioner has submitted sufficient information concerning the size of the school's physical plant.

As noted by the director, the petitioner has not satisfied the certification requirement of 8 CFR 214.3(c). For private or parochial secondary schools, this certification verifies, in pertinent part, that attendance at the private school meets the State requirements for compulsory attendance and that its graduates are qualified for acceptance by schools of higher education. The appropriate body authorized to provide such certification varies according to the particular State.

While the petitioner has made good faith efforts to satisfy this effort, it has not yet obtained and submitted the required certification. Therefore, the grounds for denial of the petition have not been overcome.

The petitioner may file a new petition when the required supporting documentation is prepared.

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 appeal is dismissed.