U.S. Department of Justice

Immigration and Naturalization Service

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

[redacted]

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

File: LOS 214F 1845 Office: LOS ANGELES, CA Date: JAN 24 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:

[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

Robert P. Wiemann, Director
Administrative Appeals Office

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

The Form I-17 reflects that the petitioner in this matter, Benjamin University, is a private institution that provides instruction in professional studies, language, vocational training and religious instruction. The school declares an enrollment of eighty students with twenty-five instructors. The petitioner seeks initial approval for attendance by F-1 and M-1 nonimmigrant students.

The acting district director denied the petition, in part, finding that the petitioner failed to submit evidence that their institution has state approval for a language training program and that the petitioner failed to maintain the school's state approval for their vocational programs. The acting district director determined that the petitioner failed to provide the Service with evidence that its courses of study are accepted as fulfilling the requirements for the attainment of an educational, professional, or vocational objective. The acting district director denied the petition, in part, finding that the petitioner failed to establish that it confers recognized postsecondary degrees upon its graduates or that its credits have been and are accepted unconditionally by at least three accredited institutions of higher learning. Finally, the acting district director found that the petitioner failed to establish that it is an established institution of learning and that it possesses the necessary finances to conduct instruction in recognized courses.

On appeal, counsel for the petitioner requested sixty days to submit a brief and or evidence in support of its appeal. As of this date, no brief has been received.

8 C.F.R. 103.3(a)(1)(v) states, in pertinent part:

> An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Inasmuch as the petitioner has failed to identify specifically any erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.