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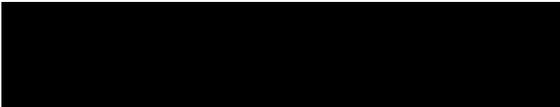


**U.S. Citizenship
and Immigration
Services**



J

FILE: SND 214F 0381 Office: SAN DIEGO, CALIFORNIA Date: **MAY 05 2004**

IN RE: Petitioner: 

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

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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.

Robert P. Wiemann

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Petition for Approval of School for Attendance by Nonimmigrant Student (Form I-17) was denied by the District Director, San Diego, California. The matter is now before the Office of Administrative Appeals (AAO) on appeal. The appeal will be dismissed.

The Form I-17 reflects that the petitioner in this matter, [REDACTED] is a private school established in 1994. The school declares an enrollment of approximately 6 students per year with 3 instructors. The school offers flight training and seeks initial approval for attendance by M-1 nonimmigrant vocational students.

The district director denied the petition, finding that the petitioner failed to provide Citizenship and Immigration Services (CIS) with certification by the appropriate licensing, approving, or accrediting official. Specifically, the district director noted that the petitioner failed to submit evidence of approval by the Federal Aviation Administration (FAA).

The petitioner filed a timely notice of appeal. On appeal, the petitioning school submits 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.

On appeal, the petitioner provided CIS with documentation indicating that the petitioner received FAA approval on July 30, 2003. The petition was filed on January 24, 2003. The petitioner must establish eligibility as of the filing date. Here, the petitioner provided CIS with documentation of FAA approval as of July 2003, more than six months after the initial filing date. According to regulation, a petition shall be denied where the evidence submitted in response to a request for evidence does not establish filing eligibility at the time the petition was filed. 8 C.F.R. § 103.2(b)(12).

In this case, the record is insufficient to establish that the petitioner had the required approval as of the date of filing the petition. For this reason, the petition may not be approved.

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.