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U.S. Department of Homeland Security

Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE  
CIS, AAO, 20 MASS, 3/F  
425 I Street N.W.  
Washington, D.C. 20536



File: LOS 214F 1369

Office: LOS ANGELES, CALIFORNIA

Date: DEC 15 2003

IN RE: Petitioner



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

ON BEHALF OF PETITIONER:

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 Citizenship and Immigration Services (CIS) 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.

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 District Director, Los Angeles, California. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The record reflects that the petitioner in this matter, Computer Training and English Language Center, was previously approved for attendance by nonimmigrant students. The Form I-17 at issue in this proceeding is the Student and Exchange Visitor Information System (SEVIS) petition filed for continuation of approval, in accordance with 8 C.F.R. § 214.3(a)(1)(i). The Form I-17 indicates that the petitioner is a private school established in 1982. The school offers a vocational program in computer programming and English language training. The school declares an enrollment of approximately 60 students per year, with six teachers.

After an on-site inspection by a CIS contractor, the district director denied the petition, finding that as the petitioner was not accredited, it failed to meet the requirement of 8 C.F.R. § 214.3(c). There were no other stated reasons for denial.

The petitioner submits a timely appeal with supporting evidence.

The regulatory section at issue in this case is 8 C.F.R. § 214.3(c) which states, in pertinent part:

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. If the petitioner is an *institution of higher education* and is not [a public school or a school accredited by a nationally recognized accrediting body], it must submit evidence that it confers upon its graduates recognized bachelor, master, doctor, professional, or divinity degrees, or if it does not confer such degrees, that its credits *have been and are* accepted unconditionally by at least three such institutions of higher learning.

[Emphasis added.]

The record reflects that the petitioner is not an institution of higher education, but is a school that offers both vocational and language training. The interim district director's decision erroneously stated that the petitioner was required to "submit evidence of accreditation by a U.S. Department of Education recognized (nationally or regionally) accreditation agency," a requirement not applicable to a vocational or language school under 8 C.F.R. § 214.3(c). We further note that the district director's request for evidence erroneously required the petitioner to submit "letters from at least three accredited institutions attesting that graduates from the petitioning institution *have been and are accepted unconditionally*" [emphasis in the original]. While the evidence indicated as a requirement by the district director does satisfy 8 C.F.R. § 214.3(c), such evidence is neither required, nor the only way for the petitioner to establish eligibility. According to regulation, the sole evidence that the petitioner is required to show under this section is that its courses of study fulfill the attainment of an educational, professional, or vocational objective, and are not

avocational or recreational in nature.

We note that prior to the denial of the petition, the record contained letters indicating that the petitioner's students had been accepted into other institutions' educational programs. On appeal, the petitioner submits additional letters from accredited schools of higher learning that document their acceptance of the petitioner's students and credits. We find that such evidence sufficiently establishes that the petitioner's students are adequately prepared by the petitioner in the fields sought for approval, and that the petitioner's courses are, therefore, not avocational or recreational in nature. Thus, the petitioner has sufficiently satisfied the requirements of 8 C.F.R. § 214.3(c).

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 sustained that burden.

**ORDER:** The appeal is sustained.