**U.S. Department of Homeland Security**
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Washington, DC 20536

U.S. Citizenship and Immigration Services

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[redacted]

FILE: [redacted] Office: ST. LOUIS, MISSOURI Date: FEB 11 2004

IN RE: Petitioner: [redacted]

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

Mari Johnson
for 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 Interim Director, St. Louis, Missouri, on August 19, 2003 and is now before the Administrative Appeals Office (AAO) on appeal. The interim director's decision shall be withdrawn and the case remanded for the entry of a new decision.

The petitioner, Urshan Graduate School of Theology, filed the Form I-17, seeking initial approval for attendance by nonimmigrant alien students under sections 101(a)(15)(F)(i) and 101(a)(15)(M)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1101(a)(15)(F)(i) and (M)(i). The petitioner is a privately operated post-secondary school offering two degree programs: a Master of Theological Studies and a Master of Divinity. The petitioner also asserts that it is a vocational school. The petition reflects that the school was established on or about July 11, 2000 in the state of Missouri. It claims an enrollment of 28 students with seven faculty members.

The interim director denied the petition, finding that the petitioner is not approved, licensed or accredited by any nationally recognized accrediting association or any federal, state or local agency.

The first issue to be addressed in this proceeding is whether the petitioner established that it satisfies the criteria set forth at 8 C.F.R. § 214.3(b).

The regulation at 8 C.F.R. § 214.3(b) states, in pertinent part, that:

> 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.

The petitioner submitted a letter from the Missouri Department of Higher Education addressed to the president of the petitioning school stating that the petitioner was granted an exemption from the requirements of the state's regulation of private postsecondary education in Missouri.

In review, to the extent that the petitioner has shown that it has complied with the state of Missouri's regulatory requirements by obtaining an exemption as a nonprofit affiliate of a religious organization, the petitioner has satisfied 8 C.F.R. § 214.3(b).

The petitioner has overcome the interim director's objection to approving the instant petition. However, the case will be remanded to allow the interim director to request additional evidence and render a decision after consideration of all the evidence.

The interim director's decision failed to address the issue of whether the petitioner has shown that it awards recognized degrees or that its credits are unconditionally accepted by other institutions of higher learning.

The regulation at 8 C.F.R. § 214.3(a)(2)(i) provides, in part, that school approval for F-1 visas may be authorized for:

(A) A college or university, i.e., an institution of higher learning which awards recognized bachelor's, master's, doctor's or professional degrees.

* * *

(G) An institution which provides . . . instruction in the professions . . . .

The regulation at 8 C.F.R. § 214.3(c) provides further, in pertinent part, that:

> If the petitioner is an institution of higher education and is not within the category described in paragraph (b)(1) or (2) of this section, 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.

In the instant case, the petitioner indicated on the Form I-17 that it does not offer recognized degrees. The petitioner did assert that its credits have been and are accepted by three accredited institutions of higher education. As evidence, the petitioner submitted three letters written by representatives of three seminaries stating that they would accept the petitioner's credits.

In review, it is not enough to show that other schools will accept the petitioner's credits in the future. The regulation requires that the petitioner establish that its credits have been and are accepted unconditionally.

The regulation at 8 C.F.R. § 214.3(a)(2)(ii)(C) provides that school approval for M-1 visas may be authorized for: "A school which provides vocational or nonacademic training other than language training."

The regulation at 8 C.F.R. § 214.3(c) provides further, in pertinent part, that:

> If the petitioner is a vocational . . . school, 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.

The petitioner submitted three letters from institutions of higher education stating that they would accept credits from the petitioning school in the future. The petitioner failed to submit evidence that its courses of study are accepted as fulfilling the requirements for the attainment of an educational, professional or vocational objective. This evidence does not satisfy the requirements for vocational schools.

The petitioner also submitted a letter written by the Superintendent of Education of the United Pentecostal Church International certifying that the petitioning school:

> fully prepares men and women for service as full-time ministers of the Gospel and also church workers. By taking the course of study offered at [the petitioning school], students will meet the educational requirements for ordination by the United Pentecostal Church International.
>
> [T]he Masters of Divinity curriculum offered by [the petitioning school] meets the educational requirements of the United States military chaplaincy program and all other institutional chaplaincy programs . . . .

> [The petitioner's] courses of study will fulfill the requirements for the attainment of professional and vocational objectives in the field of Christian ministry and specifically in the field of Christian chaplaincy.

The letter quoted above, without more, is insufficient to establish that the petitioner's courses of study are accepted as fulfilling the requirements for the attainment of an educational, professional, or vocational objective, such as military chaplaincy or ordination. The petitioner failed to submit evidence that its courses of study have led to ordination or military chaplaincy.

Given that the interim director failed to address all the pertinent issues outlined above, the case will be remanded to permit the petitioner to submit additional evidence and to allow the interim director the opportunity to render a new decision based upon review of all the evidence.

**ORDER**: The interim director's decision dated August 19, 2003, shall be withdrawn and the case is remanded for further action.