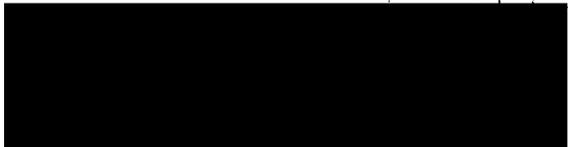




U.S. Department of Justice  
Immigration and Naturalization Service

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



File: MIA 214F 1371

Office: Miami

Date:

SEP 7 2000

IN RE: Petitioner:



Petition: Petition for Approval of School for Attendance by Nonimmigrant Students Pursuant to Section 101(a)(15)(F) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(F)

IN BEHALF OF PETITIONER: Self-represented

**Public Copy** 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 which 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 which 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 which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Terrance M. O'Reilly, Director  
Administrative Appeals Office

**DISCUSSION:** The petition was denied by the District Director, Miami, Florida, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner, [REDACTED] states that it is a privately owned institution engaged in primary and high school education. It seeks approval of its institution for attendance of nonimmigrant students under section 101(a)(15)(F) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1101(a)(15)(F). The director determined that the petitioning institution had not established that it possesses the necessary facilities, personnel, and finances to conduct instruction in recognized courses.

Additional documentation has been submitted with the appeal.

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

If not included in the catalogue, or if a school catalogue is not issued, the school shall furnish a written statement containing information concerning the size of its physical plant, nature of its facilities for study and training, educational, vocational or professional qualifications of the teaching staff, salaries of the teachers, attendance and scholastic grading policy, amount and character of supervisory and consultative services available to students and trainees, and finances (including a certified copy of the accountant's last statement of school's net worth, income and expenses).

The petitioner states in a letter dated December 15, 1999 that "the present location is a three story building which adequately accommodates our present enrollment." Absent the number of students currently enrolled, this Service is unable to determine if the petitioner possesses the necessary personnel and facility to conduct instruction. The petitioning institution must show that it has adequate classroom space for each of its classes, namely, K-1st, 3rd-5th, 6th-8th, and 9th-12th. The diagram of the school facility submitted does not indicate the size of each classroom.

The record does not contain evidence of the qualifications of its teaching staff which include [REDACTED] and their aides, [REDACTED]

The petitioning institution has not submitted a certified copy of its financial statement. A copy of its balance sheet as of September 1999 does not show that the petitioning institution has enough finances to pay each teacher an annual salary of \$18,000. Its available liquid assets only amounts to \$92,854. The

petitioning institution has not shown that it possess the necessary finances to conduct instruction in recognized courses.

In its letter dated December 15, 1999, the petitioner states that the church supplements the academy's account when sufficient funds are not available to pay what is necessary. However, no financial evidence from the church has been submitted nor documentation to show that the church is legally responsible for the academy's debts.

This petition cannot be approved for another reason. The regulation at 8 C.F.R. 214.3(b) states in pertinent part that:

A petitioning private or parochial elementary or secondary school system shall submit a certification signed by the appropriate public official who shall certify that he or she is authorized to do so to the effect that it meets the requirements of the State or local public educational system.

The record as it is presently constituted does not contain a certification from an appropriate public official indicating the petitioning institution meets the requirements of the State or local public educational system in Florida. The program that is being taught by the school is an [REDACTED]

[REDACTED] accreditation program for secondary schools. Absent certification for the school, the petition cannot be approved. Further, the ACSI is not a nationally recognized accrediting agency that can certify that the petitioning institution meets the requirements of the State or local public educational system.

The evidence submitted in support of the petition has been carefully considered. The petitioning institution has not satisfactorily established that it has met the requirements of the statute.

**ORDER:** The appeal is dismissed.