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U.S. Department of Homeland Security

Bureau of Citizenship and Immigrations Services

ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, AAO, 20 Mass, 3/F
Washington, D.C. 20536

[redacted]

File: LOS 214F 01946 Office: LOS ANGELES, CA Date: MAY 19 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)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

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 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 the Bureau of Citizenship and Immigration Services (Bureau) 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 Acting District Director, Los Angeles, California. The matter is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The Form I-17 reflects that the petitioner in this matter is a private institution established in 1994. The school offers training in cosmetology, manicure, and massage therapy. The school declares an enrollment of 30 students with six instructors. The petitioner seeks approval for attendance by M-1 nonimmigrant vocational students. There is no indication in the record that the school has ever been approved for attendance by nonimmigrant vocational students in the past.

The acting director denied the petition, finding that the petitioner failed to provide the Bureau with evidence regarding the nature of its facilities for study and training and the salaries of its teachers as required by 8 C.F.R. § 214.3(b). The acting director further found that the petitioner failed to submit evidence that its courses are accepted as fulfilling the requirements for the attainment of an educational, professional or vocational objective and that its courses are not avocational or recreational in character as required by 8 C.F.R. § 214.3(c). The acting director denied the petition, in part, because the petitioner failed to provide sufficient evidence that the school is an established institution of learning or other recognized place of study, that it possesses the necessary facilities to conduct instruction in recognized courses, and that it is in fact engaged in instruction in those courses as required by 8 C.F.R. § 214.3(e). The acting director further denied the petition, in part, because the petitioner's cosmetology course does not provide sufficient class hours per week for an M-1 student to maintain a full course of study.

The owner of the petitioning school timely filed a Form I-1290B Notice of Appeal indicting that he would send a brief and additional evidence within forty-five days. As of this date, however, no brief has been received and the record will be considered complete as presently constituted.

8 C.F.R. § 103.3(a)(1)(v) states that 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.