



U.S. Citizenship  
and Immigration  
Services

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[Redacted]

FILE: [Redacted] Office: Dallas Date: **AUG 10 2004**

IN RE: Applicant: [Redacted]

APPLICATION: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), *amended by* LIFE Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT: 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. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

  
Robert P. Wiemann, Director  
Administrative Appeals Office

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prevent identity unwarranted  
invasion of personal privacy**

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Dallas. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The district director concluded that the applicant failed to establish that he satisfied the “basic citizenship skills” required under section 1104(c)(2)(E) of the LIFE Act.

On appeal, the applicant states that he has been enrolled in an adult education class since July 19, 2003. He indicates that he is making every effort to comply with the requirements.

Under section 1104(c)(2)(E)(i) of the LIFE Act (“Basic Citizenship Skills”), an applicant for permanent resident status must demonstrate that he or she:

- (I) meets the requirements of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States); or
- (II) is satisfactorily pursuing a course of study (recognized by the Attorney General) to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States.

Under section 1104(c)(2)(E)(ii) of the LIFE Act, the Attorney General may waive all or part of the above requirements for aliens who are at least 65 years of age or developmentally disabled.

The applicant, who is neither 65 years old nor developmentally disabled, does not qualify for either of the exceptions in section 1104(c)(2)(E)(ii) of the LIFE Act.

The applicant does not meet the requirements of section 312(a). Pursuant to 8 C.F.R. § 245a.17(b), the applicant was interviewed twice – on May 23, 2002 and on November 13, 2002 – and both times was unable to demonstrate both the ability to read, write and speak English, and a knowledge of the history and government of the United States. Furthermore, the applicant has not provided evidence of having passed a standardized citizenship test, as permitted by 8 C.F.R. § 312.3(a)(1).

The remaining question, therefore, is whether the applicant meets the alternative requirement of satisfactorily pursuing a course of study recognized by the Attorney General. As specified in 8 C.F.R. § 245a.17(2) and (3), an applicant attempting to qualify under that provision must establish that:

He or she has a high school diploma or general education development diploma (GED) from a school in the United States . . . ; or

He or she has attended, or is attending, a state recognized, accredited learning institution in the United States, and that institution certifies such attendance. The course of study at such learning institution must be for a period of one academic year (or the equivalent thereof according to the standards of the learning institution) and the curriculum must include at least 40 hours of instruction in English and United States history and government . . . .

The applicant in this case does not have a high school diploma or a GED from a U.S. school, and therefore does not satisfy the regulatory requirement of 8 C.F.R. § 245a.17(2). On appeal he furnishes a July 26, 2003 letter from [REDACTED] ESL Coordinator at [REDACTED], who states that the applicant "is currently assisting classes of English (ESL) and Citizenship at San Miguel Lutheran church, since 7-19-03 to the present date." The letter provides no confirmation, however, that Iglesia Luterana San Miguel is "a state recognized, accredited learning institution," as required by 8 C.F.R. § 245a.17(3). Moreover, there is no evidence in the letter that the applicant's course of study is for a one-year period, as required by the regulation.

Earlier in the proceeding, the applicant provided a May 21, 2002 letter from instructors at the Haltom City [REDACTED]. They indicated that he enrolled at that center on April 30, 2002 to study English for speakers of other languages. They also explained that he passed a Basic English Skills Test [BEST Test] as a part of his registration, and that he was working on an individualized curriculum. However, there is no evidence that this learning center is a state recognized, accredited learning institution, or that the course of study is for one year.

For these reasons, the applicant has failed to establish that he is satisfactorily pursuing a qualifying course of study. As previously discussed, the applicant failed to meet the "basic citizenship skills" requirement of section 312(a) of the Act because, at his two interviews in 2002, he did not demonstrate a minimal understanding of English and a knowledge of U.S. history and government.

Therefore, the applicant does not satisfy either alternative of the "basic citizenship skills" requirement set forth in section 1104(c)(2)(E)(i) of the LIFE Act. Accordingly, the applicant is ineligible for adjustment to permanent resident status under section 1104 of the LIFE Act.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility.