

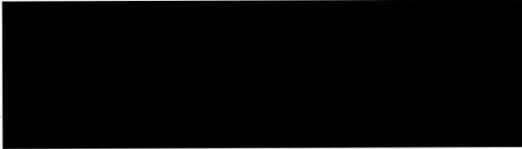
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, D.C. 20529



U.S. Citizenship
and Immigration
Services

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FILE:



Office: OKLAHOMA CITY

Date:

JUL 25 2006

IN RE:

Applicant:



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. Any further inquiry must be made to that office.


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Dallas (Oklahoma City), Texas, and is now before the Administrative Appeals Office on appeal. The case will be remanded for further action and consideration.

The director denied the application because the applicant had failed to establish that he satisfied the "basic citizenship skills" required under section 1104(c)(2)(E) of the LIFE Act.¹

The regulation at 8 C.F.R. § 245a.20(a)(2) provides that when an adverse decision is proposed, the Citizenship and Immigration Services shall notify the applicant of its intent to deny the application and the basis for the proposed denial. The applicant will be granted 30 days from the date of the notice in which to respond to the notice of intent to deny.

The record, however, does not reflect that a Notice of Intent to Deny (NOID) was issued prior to the director's Notice of Decision.

Accordingly, the case is remanded for the issuance of a NOID and for the entry of a new decision in accordance with the foregoing. If the new decision is adverse, it shall be certified to this office.

The NOID should also address whether the applicant has submitted sufficient evidence to establish that he resided in the United States in a continuous unlawful status from before January 1, 1982 through May 4, 1988, as required by section 1104(c)(2)(B) of the LIFE Act, and was continuously physically present in the United States from November 6, 1986 through May 4, 1988, as required by section 1104(c)(2)(C) of the LIFE Act.

The applicant alleges that he first entered the United States in January 1981. In an attempt to establish continuous unlawful residence since before January 1, 1982 through May 4, 1988, the applicant submitted affidavits from several friends and relatives, and an employment letter. However, most of the affidavits are without sufficient detail to be probative of the applicant's residency in the United States during the requisite period.

Additionally, the NOID should address the applicant's criminal history and whether the applicant is admissible to the United States pursuant to section 212(a) of the Immigration and Naturalization Act.

ORDER: This matter is remanded for further action and consideration pursuant to the above.

¹ It is noted that an attorney who is currently on the list of suspended and expelled practitioners represents the applicant. (See <http://usdoj.gov/eoir/profcond/chart.htm>, accessed on July 10, 2006.) Therefore, CIS may not recognize counsel in this proceeding.