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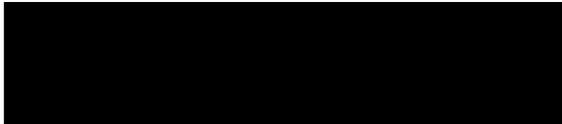
IN RE:

Applicant:



APPLICATION: Application for Adjustment from Temporary to Permanent Resident Status under Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:



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 your case 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, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for adjustment from temporary to permanent resident status was denied by the District Director, Dallas, Texas, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The district director denied the application for adjustment of status from temporary to permanent resident because the applicant failed to demonstrate a minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States.

On appeal, the applicant requests another opportunity to take the citizenship skills test. He submits copies of evidence previously submitted in response to the notice of intent to deny his application.

Any alien who has been lawfully admitted for temporary resident status under section 245a of the Act may apply for adjustment of status to that of an alien lawfully admitted for permanent residence if the alien can demonstrate that he or she meets the requirements of section 312 of the Immigration and Nationality Act (the Act), as amended, relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States, or can demonstrate that he or she 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. 8 C.F.R. § 245a.3(b)(4)(i).

To satisfy the English language and basic citizenship skills requirements under the “satisfactorily pursuing” standard defined at 8 C.F.R. § 245a.1(s), the applicant must submit evidence of such satisfactory pursuit in the form of a “Certificate of Satisfactory Pursuit” (Form I-699) issued by the designated school or program official attesting to the applicant’s satisfactory pursuit of the course of study or a high school diploma or general educational development diploma (GED), or certification on letterhead stationery from a state recognized, accredited institution or evidence of having passed the IRCA Test for Permanent Residency under 8 C.F.R. § 2545a.1(s)(5). Evidence of “Satisfactory Pursuit” may be submitted at the time of filing Form I-698, subsequent to the interview or at the time of the interview. 8 C.F.R. § 245a.3(b)(4)(iv).

The record reveals that the applicant appeared for his first adjustment interview on February 20, 1998. The interviewing officer noted that the applicant was unable to speak, read, or write English. The applicant appeared for his second adjustment interview on June 27, 2006. The applicant once again failed the test to demonstrate knowledge and understanding of English and of the history and government of the United States.

On July 6, 2006, the applicant was notified of the district director’s intent to deny his application unless he could provide evidence to demonstrate knowledge and understanding of English and of the history and government of the United States or to establish that he was satisfactorily pursuing a course of study recognized by the Attorney General to achieve such an understanding. The applicant, in response, stated that he was nervous and unprepared to take the English and civics tests when he appeared for his second interview on June 27, 2006. He stated that he would be studying English as a second language. The applicant submitted a letter dated July 23, 2006, from Faith Lutheran Church English Ministry, Plano, Texas, indicating that the applicant had enrolled in English classes at Faith Lutheran Church and an enrollment form from an unknown school

indicating that the applicant was enrolled in a class entitled "Introduction to Communication Improvement" on Mondays and Wednesdays from September 6, 2006 to December 20, 2006.

The director denied the application for adjustment of status from temporary to permanent residence on September 11, 2006, because the applicant failed to demonstrate minimal understanding of English and knowledge and understanding of the history and government of the United States.

On appeal, the applicant states that he has been studying English and the history and government of the United States for the last 90 days with a private teacher. He requests another opportunity to take the citizenship skills test. He submits copies of the documents previously submitted in response to the Notice of Intent to Deny.

The applicant failed the citizenship skills tests on two occasions. The enrollment letter from Faith Lutheran Church and the communication improvement class enrollment from an unidentified school do not meet the "satisfactory pursuit" standard set forth at 8 C.F.R. § 245a.3(b)(4)(iv). The applicant has not submitted a certificate of satisfactory pursuit, a high school diploma, a GED diploma, a certification on letterhead stationery from a state recognized, accredited institution, or evidence of having passed the IRCA Test for Permanent Residency.

The applicant is ineligible for adjustment of status from temporary to permanent resident because he failed to demonstrate minimal understanding of ordinary English and knowledge and understanding of the history and government of the United States. Nor has he established that he was satisfactorily pursuing an approved course of study to achieve such an understanding, as set forth at 8 C.F.R. 245a.3(b)(4)(i). Therefore, the appeal must be dismissed.

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