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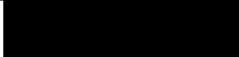
U.S. Citizenship
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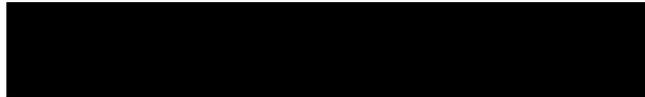
Office: HOUSTON

Date:

OCT 31 2007

MSC 01 335 60437

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. 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, 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, Houston, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. This matter will be remanded for further action and consideration.

The district director denied the application because the applicant failed to demonstrate knowledge of English and of the government and history of the United States.

On appeal, counsel contends that the applicant submitted sufficient evidence to conform to the requirements under the provisions of the LIFE Act. Counsel provided copies of previously submitted evidence.

Pursuant to 8 C.F.R. § 245a.17(b), the applicant was interviewed twice in connection with his LIFE Act application, on July 12, 2004, and again on February 2, 2005. On both occasions, the applicant failed to demonstrate a minimal understanding of ordinary English.

In a February 9, 2005, Notice of Decision, the director stated that the applicant was unable to demonstrate his understanding of English and his knowledge of the history and government of the United States at both interviews. On appeal, counsel asserts that the applicant submitted sufficient evidence to meet the requirements under the provisions of the LIFE Act. Counsel provided copies of previously submitted evidence. The record reflects that the above evidence was submitted prior to the second interview or at the time of the second interview on February 2, 2005.

The record contains the following relevant evidence:

- 1) An original October 10, 2003, certificate of completion from Houston Community College, which indicated that the applicant completed ESL I, English as a Second Language for 4.8 continuing education units.
- 2) A copy of an April 24, 2004, certificate of completion from Houston Community College, which indicated that the applicant completed Citizenship Preparation for 18 hours of instruction.
- 3) A copy of a November 15, 2004, certificate of completion from Houston Community College, which indicated that the applicant completed Citizenship Preparation for 18 hours of instruction.
- 4) A copy of a November 24, 2004, certificate of completion from Houston Community College, which indicated that the applicant completed ESL I for 4.8 continuing education units.

The regulations at 8 C.F.R. § 245a.20(a)(2) state, in pertinent part:

Denials. The alien shall be notified in writing of the decision of denial and of the reason(s) therefore. When an adverse decision is proposed, CIS shall notify the applicant of its intent to deny the application and the basis for the proposed denial. The applicant will be granted a period of 30 days from the date of the notice in which to respond to the notice of intent to deny. All relevant material will be considered in making a final decision.

The record does not reflect that the applicant was issued a notice of intent to deny. Accordingly, the case will be remanded for the purpose of the issuance of a notice of intent to deny, if appropriate, as well as a new final decision to the applicant. The new decision, if adverse to the applicant, shall be certified to this office for review.

ORDER: The director's decision is withdrawn. This matter is remanded for further action and consideration pursuant to the above.