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**U.S. Citizenship
and Immigration
Services**

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[Redacted]

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FILE:

[Redacted]

Office: NEW YORK

Date:

JAN 24 2008

MSC 02 001 62391

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

COURTESY COPY MAILED TO:

[Redacted]

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, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

An applicant for permanent resident status under section 1104 of the LIFE Act has the burden to establish by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States and is otherwise eligible for adjustment of status under this section. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. 8 C.F.R. § 245a.12(e).

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. Specifically, the district director noted that the applicant had failed to demonstrate a minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States during his interviews on January 26, 2004. The record indicates that the applicant signed a declaration dated January 26, 2004 claiming that he did not read, write or speak English. The declaration requested that the interview be rescheduled. On February 18, 2004, the district director issued a Notice of Intent to Deny (NOID) the application, which explained the requirements of section 312(a) of the Act (8 U.S.C. 1423(a)) relating to the minimal understanding of the English language and of the history and government of the United States. The exceptions and alternative methods for satisfying these requirements were also provided.

On September 24, 2004, the applicant appeared for his second interview, but failed both parts of the test. Consequently, the application was denied on March 2, 2005.

On appeal, the applicant¹ submits Form I-290B on which he states:

I was not aware of the procedure at the time I replied [sic] for the Life Act. When I was scheduled to do my first appt of 01/26/2004, at that time I was advised that a [sic] English + History test was required. I personally feel I was not give [sic] sufficient time to actually study this exam. I request another opportunity.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal which is filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. The applicant's general statement on Form I-290B, without specifically identifying any errors on the part of the director, is simply insufficient to overcome the well-founded and logical conclusions the director reached based on the evidence submitted by the applicant. Although the applicant claims that he was not given sufficient time to study, the record demonstrates that the applicant was advised of the requirements under section 312(a), and was afforded nine months between the first and second interviews to prepare for the test and/or submit evidence to demonstrate that he could satisfy

¹ Although the Form I-290B was filed by the applicant, the office notes that according to a previously-filed entry of appearance, [REDACTED] represents the applicant. Since no withdrawal of counsel's appearance on behalf of the applicant is in the record, the office will presume that counsel is still representing the interests of the applicant in this matter, and will therefore forward notice of the decision on appeal to both counsel and the applicant. See 8 C.F.R. § 292.5(a).

the requirements by alternative means. Merely requesting another opportunity on appeal is insufficient to overcome the basis for the director's denial in this matter.

The applicant has failed to address the reasons stated for denial and has not provided any additional evidence on appeal. The appeal must therefore be summarily dismissed.

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