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



U.S. Citizenship  
and Immigration  
Services

L2



FILE:



MSC 02-215-60787

Office: NEW YORK

Date: **JUL 28 2008**

IN RE:

Applicant:



APPLICATION:

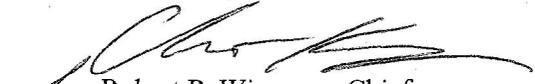
Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by LIFE Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. 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 permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, New York. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The director denied the application because the applicant had failed to establish that he satisfied the "basic citizenship skills" requirement under section 1104(c)(2)(E) of the LIFE Act. He was provided two opportunities to pass the English literacy and/or the United States history and government tests, but failed to pass the tests or submit relevant evidence as described in the regulations at 8 C.F.R. § 245a.17.

On appeal, counsel asserts that the applicant has demonstrated a minimal understanding of the English language in that he was able to communicate with the immigration officer during his interview, and that he understood all instructions given to him at that time. The applicant did not allege any legal or factual error in the director's decision and did not submit additional documents. The AAO notes that although the applicant alleges that he was able to communicate with the immigration officer at the time of his interviews, the record of proceeding contains the applicant's test results which show that he failed both the United States history and government test on May 25, 2004, and the English ability and/or the United States history and government test on October 1, 2004.

Any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. 8 C.F.R. § 103.3(a)(3)(iv). A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence and has not addressed the basis for denial.

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