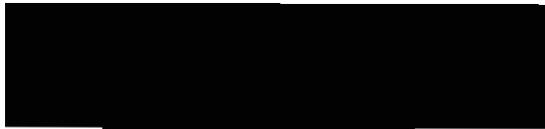


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invasion of personal privacy**



**U.S. Citizenship
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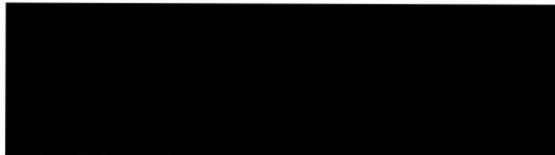
Office: NEW YORK

Date: **SEP 03 2008**

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.


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. This matter 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.

On appeal, counsel asserts that both the Notice of Intent to Deny (NOID) and the Notice of Decision were dated on the same day and, therefore, the applicant was not given an opportunity to rebut the NOID. Counsel requests that the case be remanded back to the district director so that the applicant can present evidence to demonstrate his knowledge of U.S. history and government.

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 reflects that the NOID and the Notice of Decision are both dated on September 13, 2007. The applicant was not given a period of 30 days in which to respond to the NOID. Accordingly, the case will be remanded for the purpose of issuing a new NOID to provide the applicant with 30 days to submit additional evidence or to rebut the NOID, 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.