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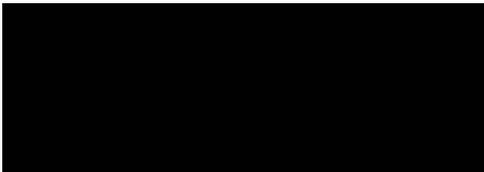
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



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

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FILE:

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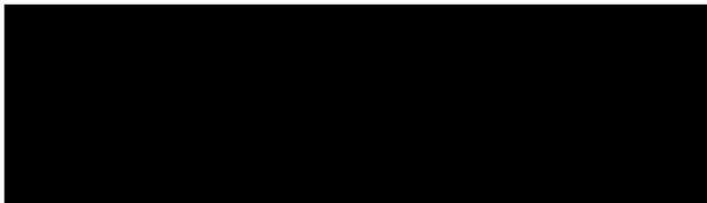
Office: HOUSTON

Date:

NOV 03 2006

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 office that originally decided your case. 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. The appeal will be dismissed.

The director denied the application because the applicant had failed to establish that he had satisfied the basic citizenship skills requirement described at section 1104(c)(2)(E) of the LIFE Act.

On appeal, counsel asserts that the applicant intends to enroll in an educational program and that the case should be remanded because CIS failed to issue a Notice of Intent to Deny (NOID) and submits additional evidence in support of the appeal.

According to the record, the applicant was interviewed on September 23, 2003, and October 13, 2004. At both interviews the applicant failed to establish that he met the citizenship skills requirements.

On October 14, 2004, the director denied the application based on the failure of the applicant to establish basic citizenship skills.

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.

A review of both the electronic and administrative record reveals that a notice of intent to deny was never issued to the applicant, his former representative, or current counsel. Accordingly, the decision of the district director is withdrawn.

On appeal the applicant has submitted a certificate of attendance for Thursday, December 19, 2002, in an unspecified type of class. The document states that it was awarded by "The Learning Center" and is signed by a [REDACTED] as "Pastor/teacher." The certificate of completion for the class does not indicate that the applicant was attending such class at the time of his interview, nor does it establish that the program consists of one academic year with 40 hours of instruction in English, U.S. government and history. 8 C.F.R. § 245a.17(b). The applicant must provide documentation of such prior to or during the LIFE interview. See 8 C.F.R. § 245a.17(a)(3). Thus the evidence submitted by the applicant does not establish that he was attending a state recognized, accredited learning institution for one academic year in a curriculum including 40 hours of instruction in English, United States government and history. Therefore, the applicant does not satisfy either alternative of the "basic citizenship skills" requirement set forth in section 1104(c)(2)(E)(i) of the LIFE Act.

The case will be remanded for the purpose of the issuance of a notice of intent to deny, which addresses the evidence and the basis for the proposed denial, as well as a new decision to both counsel and the applicant. If the director finds that the applicant has not established eligibility under section 1104 of the LIFE Act, the director shall consider whether the applicant has established eligibility for adjustment to temporary resident status under section 245A of the Act. 8 C.F.R. § 245a.6. The new decision, if adverse, shall be certified to this office for review.

ORDER: This matter is remanded for further action and consideration pursuant to the above.