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

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[Redacted]

FILE: [Redacted] MSC-02-129-61673

Office: CHICAGO

Date: DEC 20 2007

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:

[Redacted]

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 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, Chicago. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to demonstrate basic citizenship skills as required under 8 U.S.C. 1423(a). Specifically, the applicant did not succeed in passing his second and final test of his English ability and/or knowledge of U.S. history and government, and there is no evidence that the applicant met the basic citizenship skills requirement in an alternate way.

On appeal, counsel for the applicant stated that the applicant rescheduled his interview with the immigration officer because of drowsiness due to flu medication. Counsel stated that the interview was rescheduled for the following week, although the applicant requested that his interview be rescheduled to a later date because he would still be taking the medication for several additional weeks. Counsel stated that the applicant indicated that he was not asked if he could satisfy the citizenship test requirement by enrolling and attending a state recognized institution. Counsel stated that the decision is arbitrary and in contrast with procedure and regulations. He also stated that the harm to the notions of fundamental justice and fairness would result if the applicant were deprived of permanent resident status based on a slight and technical infraction. Counsel also stated that the applicant was deprived of the opportunity to satisfy the basic citizenship skills requirement by pursuing the available alternative routes. It is noted that, without documentary evidence to support the claim, the assertions of counsel will not satisfy the applicant's burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980). The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application. Specifically, the applicant failed to provide documentation indicating he actually demonstrated that he met the English language and U.S. history and government requirements for LIFE Act legalization as of the date of his final interview with an immigration officer. The applicant was provided with three opportunities to demonstrate that he meets the English language and U.S. history and government requirements for permanent resident status under the LIFE Act, and the applicant failed to meet this burden.

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.

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. Nor has he addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

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