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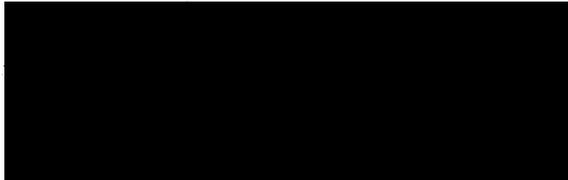
U.S. Department of Homeland Security  
20 Massachusetts Ave. NW, Rm. A3042  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: Los Angeles, California

JAN 21 2005  
Date:

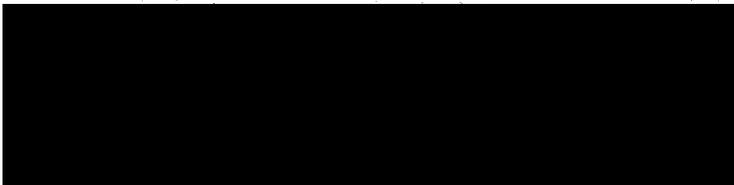
IN RE:

Applicant:



PETITION: 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 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, Director  
Administrative Appeals Office

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Los Angeles, California, and is now before the Administrative Appeals Office on appeal. The matter will be remanded for further action and consideration.

The director concluded the applicant had not been inspected by a Civil Surgeon and had failed to demonstrate basic citizenship skills or prove that he was using various aliases. The director further concluded that the documents submitted by the applicant did not establish that he entered the United States before January 1, 1982 and resided in a continual unlawful status through May 4, 1988.

On appeal, counsel submits Form I-693 verifying that the applicant was inspected by a Civil Surgeon. Counsel asserts that, contrary to the claim made by CIS, the applicant was not interviewed by a Service officer on April 17, 2002. Counsel further asserts that the applicant was not given the opportunity to provide his eligibility documents on September 5, 2002 due to the hostile nature of the interviewing officer. Counsel concludes by stating that while CIS claims the applicant never established the use of aliases, he was never given the opportunity to present such evidence through a document request, a Notice of Intent to Deny or at his interview.

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 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 does not indicate that a notification of the director's intent to deny the application was sent to the applicant. There is no evidence in the record of the English/civics test nor an explanation as to why the certificate the applicant submitted is not sufficient. Further, the record does not contain any interviewer notes related to the LIFE application. Accordingly, the decision of the director is withdrawn. The case will be remanded for the purpose of the issuance of an intent to deny, should the director decide that is still warranted, and a new decision. The new decision, if adverse to the applicant, shall be certified to this office for review.

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