

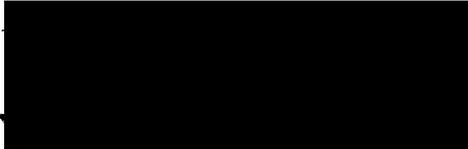
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U.S. Department of Homeland Security
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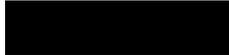
U.S. Citizenship
and Immigration
Services

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FILE:



Office: Kansas City

Date:

MAR 09 2005

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, Kansas City, Kansas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The district director concluded that the applicant failed to establish that he satisfied the "basic citizenship skills" required under section 1104(c)(2)(E) of the LIFE Act.

In response to the Notice of Decision, counsel for the applicant submits a Form I-290B Notice of Appeal to the Administrative Appeals Office (AAO). At *item 2*, counsel checks *box 3*, indicating that he was sending a brief and/or evidence to the AAO within 30 days. As of this date, however, no *new* documentation or statement from the applicant has been submitted into the record of proceedings. At *item 3* on the form, in which an individual is requested to specify the *reasons* for filing the appeal, counsel requests that the applicant be provided with another opportunity to demonstrate his mastery of the English language along with his knowledge and understanding of the history and government of the United States. However, the applicant has already failed to pass the English proficiency as well as the U.S. history test, despite having been provided with two opportunities to do so, as required by 8 C.F.R. § 245a.17.

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. The applicant has failed to address the reasons stated for denial and has not provided any additional evidence on appeal. The appeal must therefore be summarily dismissed.

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