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

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FILE: [Redacted]
MSC 02 011 63165

Office: HOUSTON Date:

SEP 11 2006

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. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

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 on appeal. The case will be remanded for further action and consideration.

The director denied the application because the applicant had failed to establish that she satisfied the “basic citizenship skills” required under section 1104(c)(2)(E) of the LIFE Act.

In his Notice of Decision, the director noted that the applicant appeared for an interview on October 10, 2002 and that the interview was terminated because the applicant was unable to understand sufficient English to be placed under oath.¹

The record, however, does not support the director’s finding. The record contains a letter dated October 23, 2002, from counsel requesting that the applicant’s October 15, 2002 interview be rescheduled as she was unable to sufficiently understand the English language.² In addition, the applicant, in response to the Notice of Intent to Deny, asserted that she was not present for her first interview in October 2002, and the interviewing officer’s notes corroborate counsel’s request for the interview to be rescheduled.

As such, the applicant has appeared for only one interview on July 13, 2004, which at the time the applicant was unable to understand sufficient English to be placed under oath and the interview was terminated. The regulation at 8 C.F.R. § 245a.17(b) provides *one* opportunity after the failure of the first test. The applicant shall be afforded this opportunity.

Accordingly, the decision of the district director is withdrawn. The case will be remanded for the purpose of scheduling an interview in order for the applicant to demonstrate her compliance with the basic citizenship skills requirement. Subsequent to the interview, if the district director concludes that the evidence is not sufficient to fulfill this requirement, the deficiencies in the evidence must be specifically set forth in a Notice of Intent to Deny prior to the issuing of a new decision. 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.

¹ The director indicated that the applicant’s first interview occurred on October 10, 2002. The record, however, reflects that the applicant was scheduled for an interview on October 24, 2002.

² Counsel requested that the applicant’s October 15, 2002 interview be rescheduled. The record, however, reflects that the applicant was scheduled for an interview on October 24, 2002.