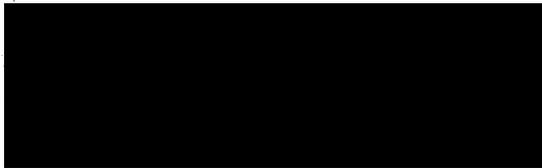


identifying [redacted] related to
**prevent clearly unwarranted
invasion of personal privacy**



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

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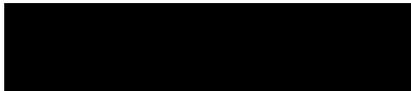


Office: Nebraska Service Center

Date: **AUG 26 2005**

IN RE:

Applicant:



APPLICATION:

Application for Waiver of Inadmissibility pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

Self-represented

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 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, Director
Administrative Appeals Office

DISCUSSION: The application for waiver of inadmissibility was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application upon determining that the applicant was attempting to file it in conjunction with a lawsuit commonly referred to as *Proyecto San Pablo*, which relates to legalization applications filed under section 245A of the Immigration and Nationality Act (the Act). The applicant had instead applied for special agricultural worker status under section 210 of the Act, and therefore was not eligible for consideration under section 245A of the Act or the *Proyecto* lawsuit.

On appeal, the applicant indicates his desire to obtain employment authorization. He seemingly indicates he believes he qualifies under the *Proyecto* lawsuit. He also requests oral argument.

With regard to the applicant's request for oral argument, such a request must set forth specific facts explaining why such argument is necessary to supplement the appeal. 8 C.F.R. § 103.3(b). Oral argument will be denied in any case where the appeal is found to be frivolous, where oral argument will serve no useful purpose, or where written material or representations will appropriately serve the interests of the applicant. The applicant's request does not set forth an explanation of why oral argument is necessary. Nor does it establish that the material submitted will not appropriately serve the interests of the applicant. Accordingly, the request for oral argument is denied.

The director's analysis of this situation was correct. The applicant is a former special agricultural worker applicant whose application for that status was denied. He did not appeal that decision. He has no standing to file a waiver application under the *Proyecto* lawsuit, which relates to a certain class of amnesty, not special agricultural worker, applicants.

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