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**U.S. Citizenship
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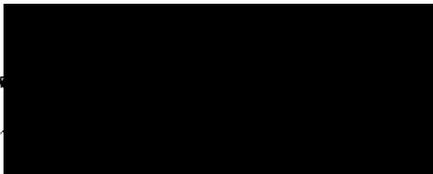
FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER

Date: **MAY 25 2004**

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Adjustment from Temporary to Permanent Resident Status under Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the service center that processed 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for adjustment from temporary to permanent resident status 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 because the applicant had never applied for and been granted temporary resident status, and was therefore ineligible for adjustment to permanent resident status.

On appeal the applicant stated that he would like to be considered under an unrelated section of law, section 1504 of the Life Act.

An alien who was not previously granted temporary resident status under section 245A(a) of the Act is ineligible for adjustment to permanent resident status. 8 CFR § 245a.3(c)(4).

The applicant applied for temporary residence as a special agricultural worker under section 210 of the Immigration and Nationality Act (INA). That application was denied on January 23, 1991, and the applicant did not appeal. On November 4, 2002, he improperly filed this application for adjustment from temporary to permanent residence under section 245A of the INA, a different section of law relating to amnesty. He was not eligible to file this application because he had never been granted temporary residence under section 245A.

Because the applicant has not been granted lawful temporary resident status under section 245A, this appeal must be dismissed. Furthermore, there is no provision allowing the applicant to request consideration under an entirely different law, the LIFE Act, in this proceeding.

ORDER: The appeal is dismissed.