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[REDACTED]

FILE: [REDACTED]
MSC-05-349-10764

Office: LOS ANGELES

Date: **MAR 05 2009**

IN RE: Applicant: [REDACTED]

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

ON BEHALF OF APPLICANT:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The application for waiver of inadmissibility within the legalization program was denied by the Director, Los Angeles, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

On her Form I-690, the applicant indicated she is inadmissible under section 212(a)(9)(C)(i)(I), 8 U.S.C. § 1182(a)(9)(C)(i)(I), or section 212(a)(9)(C)(i)(II), U.S.C. § 1182(a)(9)(C)(i)(II), which relate to certain applicants who have been unlawfully present after previous immigration violations. She further indicates that she is submitted a waiver because she obtained visitor visas for her re-entries to the United States in 1987, 1989 and 2000, even though she was living in the United States.

The director denied the Form I-690 application because she found that the Form I-687 application was denied and, as a result, there was no pending application to which the waiver of grounds of excludability could be applied. The director's decision to deny the waiver application because the applicant was otherwise ineligible is supported by *Matter of Martinez-Torres*, 10 I&N Dec. 776 (Reg. Comm. 1964) and *Matter of J-F-D* 10 I&N Dec. 694 (Reg. Com. 1963). Those decisions relate to applications for permission to reapply for admission after deportation, yet the decisions are on point and relevant to the current proceeding. In each case the Regional Commissioner found that no purpose would be served in waiving inadmissibility if the alien was ineligible for the overall benefit of lawful residence.

On appeal of the denial of her Form I-690 application, the applicant states that she has no ties to Colombia except her immediate family and that her personal ties and work is in the United States. While the applicant may have legitimate humanitarian reasons that would support the granting of her Form I-690 waiver, since her Form I-687 applicant has been denied, and she is ineligible for the overall benefit of temporary residency, the waiver was properly denied.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application for waiver of grounds of inadmissibility.

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