



U.S. Citizenship
and Immigration
Services

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Department of Homeland Security

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FILE:



Office: Nebraska Service Center

Date:

AUG 17 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. 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 within the legalization program 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.

It is not clear that the applicant is inadmissible, and that he necessarily filed this waiver application under the guidelines of the *Proyecto* lawsuit. However, his previous application for special agricultural worker status was denied, and his appeal was dismissed long before the applicant filed this waiver application. An application for waiver of inadmissibility in the legalization program can only be considered if it is filed with a legalization (amnesty) application or a special agricultural worker application. The filing period for those applications expired in 1988.

On appeal, the applicant essentially asks that he be granted permanent residence. He points out that he has lived in the United States for a long time.

The applicant's special agricultural worker appeal was dismissed over three years ago, and he is not eligible for a waiver of inadmissibility or any other benefits in that program.

ORDER: The appeal is dismissed.