U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: (b) (6) Date: JAN 3 1 2008

In re: (b) (6)

IN EXCLUSION PROCEEDINGS

MOTION

ON BEHALF OF APPLICANT: Murray D. Hilts, Esquire

APPLICATION: Reopening

ORDER:

PER CURIAM. In a decision dated March 10, 2005, we denied the applicant's motion to reopen to apply for a waiver of inadmissibility on the ground that we did not have jurisdiction to consider the motion because the applicant had been excluded from the United States on May 4, 2004. On (b) (6), the United States Court of Appeals for the (b) (6) entered a judgment holding that we had jurisdiction to consider the motion. (b) (6) *v. Gonzales*, (b) (6) (b) (6) The court remanded the record to this Board for further consideration of the applicant's motion to reopen. The motion is denied.

Our decision of March 10, 2005, is vacated. The applicant did not obtain lawful temporary residence until 1988. Therefore, she did not have the requisite 7 years of lawful unrelinquished domicile to qualify for a waiver of her inadmissibility at the time of our decision dismissing her appeal of the Immigration Judge's order of exclusion in 1994. *See Foroughi v. INS*, 60 F.3d 570 (9th Cir. 1995); *Wall v. INS*, 722 F.2d 1442 (9th Cir. 1984). Therefore, she is ineligible for a waiver of her inadmissibility. Accordingly, the motion is denied.

FOR THE BOARD

DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW
JUN 0 4 2008
IMMIGRATION COURT
SAN DIEGO, CA