



U.S. Citizenship  
and Immigration  
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[REDACTED]

FILE:

[REDACTED]

Office: VERMONT SERVICE CENTER

Date: JUN 06 2008

[EAC 08 058 51413, second motion]

[EAC 07 258 51441]

IN RE:

Applicant:

[REDACTED]

APPLICATION:

Application for Employment Authorization under 8 C.F.R. § 274a.12(c)(19)

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 Vermont Service Center. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center (VSC), denied the application. The application is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for further action.

The applicant is a native and citizen of Honduras who seeks Employment Authorization under 8 C.F.R. § 274a.12(c)(19) as an alien with a pending application for Temporary Protected Status (TPS). On March 9, 2003, the Director, Texas Service Center, denied the underlying TPS application.

On August 15, 2007, the VSC Director denied an application for Employment Authorization because the underlying TPS application had been denied. In response to the director's decision, the applicant filed a motion to reopen. On November 19, 2007, the VSC Director denied the applicant's motion. In response to that determination, the applicant filed this second motion to reopen.

The AAO has no jurisdiction over applications for Employment Authorization. The VSC Director erroneously accepted the applicant's response as an appeal instead of a motion to reopen and forwarded the file to the AAO. Therefore, the case will be remanded and the director shall consider the applicant's response as a second motion to reopen.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

**ORDER:** The case is remanded to the director for further action consistent with the above and entry of a decision.