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U.S. Department of Homeland Security
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Washington, DC 20536



U.S. Citizenship
and Immigration
Services

[Redacted]

FILE: [Redacted]

Office: California Service Center

Date: APR 09 2004

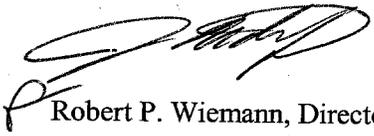
IN RE: Applicant: [Redacted]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The case is before the Administrative Appeals Office on appeal from a decision by the Director, California Service Center. This case will be remanded.

The applicant is a native and citizen of El Salvador who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

On January 28, 2003, the director denied the Form I-765, Application for Employment Authorization, after determining that the applicant's Form I-821, Application for Temporary Protected Status, had been denied on November 25, 2002. However, this November 25, 2002, Notice of Decision is not contained in the record of proceedings.

The applicant subsequently filed an appeal from the director's decision denying the Form I-765 and stated that he was not aware of the director's decision to deny his Form I-821, TPS application.

8 C.F.R. § 103.3(a)(1)(i) states in pertinent part:

- (i) Denial of application or petition. When a Service officer denies an application or petition filed under Sec. 103.2 of this part, the officer shall explain in writing the specific reasons for denial. If Form I-292 (a denial form including notification of the right of appeal) is used to notify the applicant or petitioner, the duplicate of Form I-292 constitutes the denial order.

While Citizenship and Immigration Services (CIS) regulations do not allow for an appeal from the denial of a Form I-765 application, in this instance, since it does not appear that the director issued a Notice of Denial of the Form I-821, the case will be remanded for a review of the record and for the issuance of a written, formal decision specifying the reasons for the denial of the Form I-821, Application for Temporary Protected Status.

ORDERED: The case is remanded to the director for further action consistent with the above and entry of decision into the record.