

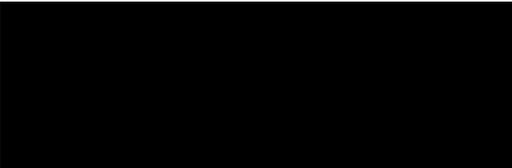
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FILE:



Office: VERMONT SERVICE CENTER

Date: JUN 29 2004

IN RE:

Applicant:



APPLICATION:

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

ON BEHALF OF APPLICANT:



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

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The applicant is a native and citizen of Honduras who was granted Employment Authorization under 8 C.F.R. § 274a.12(c)(19) as an alien with a pending application for Temporary Protected Status. On October 23, 2001, the director denied the Application for Employment Authorization "because the I-821 Application for Temporary Protected Status (TPS) on which it was based was denied." As stated in the Notice of Decision to Deny, there is no appeal of the director's decision in the present matter. Since there is no appeal of the decision in the present matter, the appeal will be rejected.

The record reflects that the director denied the underlying TPS application on May 20, 2000, after determining that the applicant had abandoned his application by failing to respond to a request for evidence. If all requested initial evidence and requested additional evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. 8 C.F.R. § 103.2(b)(13). A denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen. 8 C.F.R. § 103.2(b)(15).

The applicant filed a Form I-290B, Notice of Appeal, on April 10, 2002. The applicant did not state any new facts or address the grounds of denial of the TPS application. As stated in the Notice of Decision to Deny, there is no appeal of the director's decision in the present matter. If the applicant has additional evidence for the record, such documentation should be forwarded on a motion to reopen to the office having jurisdiction over the present application (the office which rendered the initial decision). Since there is no appeal of the decision in the present matter, the appeal will be rejected.

ORDER: The appeal is rejected.