



U.S. Citizenship
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Services

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FILE: [REDACTED]
[EAC 04 018 53557]

OFFICE: VERMONT SERVICE CENTER

DATE: **JUL 25 2006**

IN RE: Applicant: [REDACTED]

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

ON BEHALF OF APPLICANT:
[REDACTED]

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, Chief
Administrative Appeals Office

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

The applicant is a native and citizen of El Salvador 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. The director subsequently denied the underlying application for Temporary Protected Status on July 11, 2003. On March 29, 2004, the director denied the Application for Employment Authorization because “[y]our eligibility for employment authorization extension is contingent on the approval/pendency of your Application for Temporary Protected Status (Form I-821) under Section 244 of the Immigration and Nationality Act.”

As stated in the Notice of Decision to Deny, there is no appeal of the director's decision in the present matter. 8 C.F.R. § 274a.13(c). 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.

Beyond the decision of the director, it is noted that the applicant pled guilty on July 7, 1996, in the New Jersey Superior Court, State of New Jersey, to the charge of “possession of a weapon for unlawful purpose” in violation of section 2C:39-4(a) Code of Criminal Justice, a felony in the third degree. Therefore, he is ineligible for TPS due his record of a felony conviction. Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a).

ORDER: The appeal is rejected.