



U.S. Citizenship  
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Services

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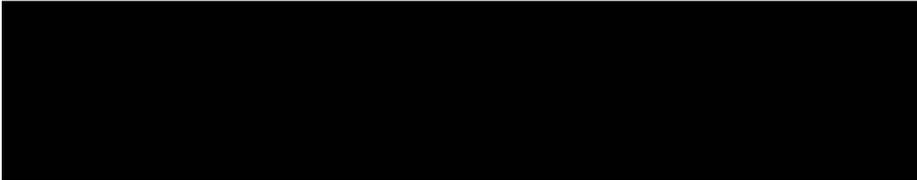


FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: **MAR 25** 2008  
[EAC 07 13052009, *appealj*  
[EAC 06 360 85335]

INRE: Applicant: [REDACTED]

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

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

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

The applicant is stated to be a native and citizen of EI Salvador who is seeking employment authorization as an applicant who has a pending or approved application for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The record contains a **facsimile** of a Form 1-821, Application for Temporary Protected Status, filed by the applicant generated on June 19, 2006, under receipt number EAC 05 800 19379. The VSC Director administratively closed that application on October 18, 2006. The record also contains a copy of a receipt notice showing the applicant filed another Form 1-821 on August 31, 2006, under receipt number EAC 06 360 85335 and an appointment notice requiring the applicant to appear for fingerprinting on November 3, 2006, concerning this Form 1-821. However, the record does not contain a copy of the Form 1-821 received on August 31, 2006 or any decision relating to that application.

On March 9, 2007, the director denied the applicant's request for employment authorization because his initial application had been denied. In his notice, the director stated "There are no provisions in Service regulations that provide for an appeal from this decision." The applicant appealed that decision. The record of proceeding does not contain the Form 1-821 or the denial order that the VSC Director's decision to deny refers to. Therefore, the case will be remanded for inclusion of those critical documents in the record. If necessary, the case shall then be returned to AAO for finalization.

ORDER: The case is remanded to the director for further action consistent and action.