

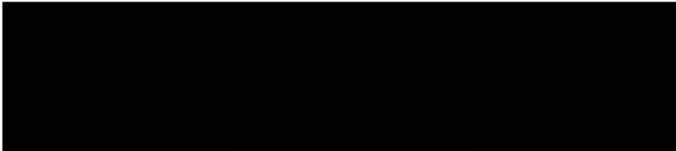
identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529

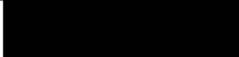


U.S. Citizenship
and Immigration
Services

PUBLIC COPY



FILE:



OFFICE: Vermont Service Center DATE:

MAR 28 2008

[EAC 07 262 271080]

INRE:

Applicant:



APPLICATION:

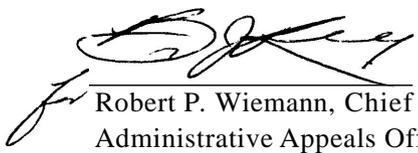
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

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.


for 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 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 August 6, 2007, the director denied the Application for Employment Authorization (Form 1-765) because the 1-821, Application for Temporary Protected Status (TPS) on which it was based was denied. In response to the director's decision, the applicant filed a Form 1-290B, Notice of Appeal or Motion.

The AAO has no jurisdiction over applications for Employment Authorization. The 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 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.