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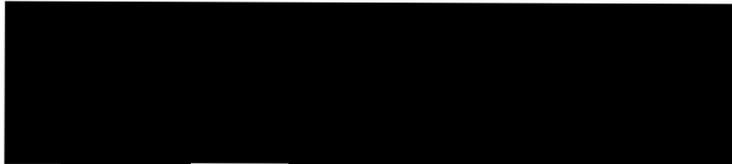
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FILE: [REDACTED] OFFICE: VERMONT SERVICE CENTER DATE: JUL 26 2006
[EAC 05 203 78769]

IN RE: Applicant: [REDACTED]

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

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.

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

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 remanded for further action.

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 August 29, 2005, the director denied the Form I-765, Application for Employment Authorization, filed on under CIS receipt number EAC 05 203 87869 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. 8 C.F.R. § 274a.13(c). On September 27, 2005, counsel for the applicant filed a motion to reopen the matter with the Vermont Service Center. The AAO has no jurisdiction in this matter. Therefore, the case will be remanded, and the director shall adjudicate the applicant's 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.