



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE:

[Redacted]

OFFICE: Vermont Service Center

DATE:

DEC 31 2007

[EAC 08 012 53392, appeal]

[EAC 07 279 73765]

IN RE:

Applicant:

[Redacted]

APPLICATION:

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

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 California Service Center. Any further inquiry must be made to that office.

Robert P. Wiemann

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for TPS was denied by the Director, California Service Center. A subsequent application for employment authorization was denied by the Director, Vermont Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant is stated to be a citizen of Honduras who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The record reveals that the applicant filed an initial TPS application on May 17, 1999, under CIS receipt number WAC 99 164 50466. The Director, California Service Center, denied that application October 31, 2003. A subsequent appeal is being remanded by the Chief, AAO, in a separate decision issued simultaneously with this decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on July 6, 2007, under CIS receipt number EAC 07 279 73764, and indicated that he was re-registering for TPS. The record does not reflect a decision on that application.

The applicant also submitted an Application for Employment Authorization, Form I-765, under CIS receipt number EAC 07 279 73765, which was denied by the Director, Vermont Service Center, on September 19, 2007. The applicant submitted a Form I-290B, Notice of Appeal or Motion, the denial of his employment authorization application. The director forwarded the matter to the AAO.

Neither the Act nor the pertinent regulations grant the AAO authority to adjudicate employment authorization. The official having jurisdiction over this appeal is the official who made the last decision in the proceeding, in this case the service center director. *See* 8 C.F.R. § 103.5(a)(1)(ii). Therefore, the director must consider the matter as a motion to reopen/reconsider and render a decision accordingly.

ORDER: The appeal is rejected. The matter is returned to the director for consideration as a motion to reopen/reconsider.