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U.S. Citizenship
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Services

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[REDACTED]

FILE: [REDACTED] Office: VERMONT SERVICE CENTER
[EAC 08 016 70240]

Date: OCT 07 2008

IN RE: Applicant: [REDACTED]

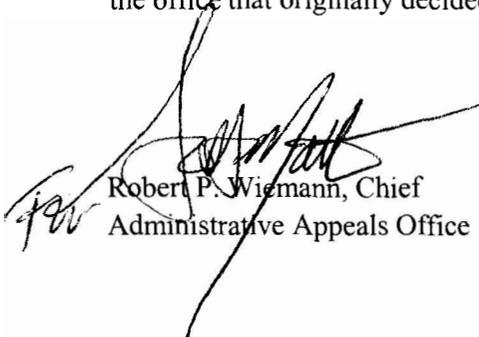
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration
and Nationality Act, 8 U.S.C. § 1254

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 office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wismann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The case 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. On March 18, 2008, the director denied the Application for Employment Authorization because the applicant's Temporary Protected Status (TPS) on which it was based was withdrawn. In response to the director's decision, the applicant filed a Form I-290B, Notice of Appeal or Motion.

The AAO has no jurisdiction over applications for Employment Authorization. The director erroneously accepted the applicant's response 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.