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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
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FILE:

Office: VERMONT SERVICE CENTER

Date: **MAR 05 2010**

[EAC 07 280 74916]

IN RE:

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. 103.5(a)(1)(i).

Perry Rhew  
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 processing.

The applicant claims to be 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 September 12, 2007, the director denied the Application for Employment Authorization "because the I-821 Application for Temporary Protected Status (TPS) on which it was based was denied."

It is noted that in response to the director's decision, the applicant submitted a statement indicating that the decision had been made in error and that some notices pertaining to his TPS application had been sent to his brother who has a similar name and date of birth, but has a separate file, [REDACTED]. The applicant states that two different alien file numbers had been used variously including on applications and on decisions.

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). If the applicant has additional evidence for the record, such documentation should be forwarded on a motion to reopen to the office having jurisdiction over the present application (the office which rendered the initial decision). Since there is no appeal of the decision in the present matter, the case is remanded to the director to treat the applicant's response as a motion.

**ORDER:** The case is remanded to the director for further processing.