



U.S. Citizenship  
and Immigration  
Services

(b)(6)

[Redacted]

DATE: **APR 18 2013**

Office: VERMONT SERVICE CENTER

FILE: [Redacted]

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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the Vermont Service Center. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for further consideration and action.

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

The director withdrew the applicant's TPS because he had failed to submit sufficient evidence from the court to determine the final outcome of his arrest on March 30, 1999 for solicitation, and the failure to submit a certified judgment and conviction document for the charge of aggravated assault bodily injury.

Counsel indicates on the Form I-290B, Notice of Appeal or Motion, that he is appealing the decisions of the "I-821/I-76" and lists the receipt numbers for Forms I-821 and I-765.

Each application must be adjudicated on its own merits under the statutory provisions and regulations that apply. An applicant must submit a separate Form I-290B with fee for each adverse decision he wants reviewed. Because the Form I-821 is the underlying application and there are no appeal rights for the Form I-765,<sup>1</sup> the AAO will treat the filing of the Form I-290B as an appeal from the decision of the Form I-821.

The record reflects that on July 6, 2012, the director issued a decision withdrawing the applicant's TPS and a decision that denied the application for employment authorization. However, the decision for the Form I-821 was addressed to the applicant's former address and it was returned by the U.S. Postal Service as undeliverable. As the notice was sent to the applicant's previous address, he was not aware of the basis of the withdrawal of his TPS.

The case will be remanded for issuance of a new decision addressed to the applicant's current address. As the applicant is currently represented by counsel, a copy of the decision shall also be sent to him. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS.

**ORDER:** The case is remanded to the director for further action consistent with the above and entry of a new decision.

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<sup>1</sup> The director advised the applicant that, while the decision from the denial of the Form I-765 could not be appealed, the applicant could file a motion to reopen.