



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 29259232

Date: DEC. 11, 2023

Appeal of California Service Center Decision

Form I-821, Application for Temporary Protected Status

The Applicant seeks Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254a, pursuant to the designation of Haiti for such status.<sup>1</sup>

The Director of the California Service Center denied the Form I-821, concluding that the Applicant did not establish, as required, that she was a national of Haiti or a stateless person who last habitually resided Haiti because she provided only a copy of her Haitian birth certificate. The matter is now before us on appeal.

The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will withdraw the Director's decision and remand the matter for entry of a new decision consistent with the following analysis.

On appeal, the Applicant resubmits her birth certificate issued by the National Archives of Haiti with an English translation and a copy of her Haitian passport issued in 2023. She explains that she previously submitted both documents in response to the Director's request for evidence, but because she mailed them separately, she is not sure if the Director received a copy of her passport before denying her TPS request.

The documents the Applicant submits on appeal are acceptable primary evidence of her Haitian nationality for TPS purposes. *See* 8 C.F.R. § 244.9(a) (providing that acceptable evidence of nationality, in descending order of preference, may consist of a passport, a birth certificate accompanied by photo identification, or any national identity document from the applicant's country of origin bearing a photo, fingerprint, or both).

The Applicant therefore has overcome the sole basis for the denial of her TPS request. Accordingly, we will return the matter to the Director to determine whether the Applicant meets the remaining TPS eligibility criteria, and to enter a new decision.

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<sup>1</sup> *See Designation of Haiti for Temporary Protected Status*, 86 Fed. Reg. 41863 (Aug. 3, 2021).

**ORDER:** The Director's decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.