



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

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

In Re: 29137734

Date: DEC. 11, 2023

Appeal of California Service Center Decision

Form I-821, Application for Temporary Protected Status

The Applicant, a national of Haiti, seeks Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254a.

The Director of the California Service Center denied the Form I-821, concluding that the Applicant did not establish he was not barred from TPS on the grounds described in sections 244(c)(1)(A) and 244(c)(2)(B) of the Act, because he did not provide the requested information regarding his police service and firearms training in Haiti.

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.

All TPS applicants must complete Form I-821 in accordance with the form instructions and submit all documentation listed therein or requested by USCIS. 8 C.F.R. § 244.17(a). In addition, TPS applicants must demonstrate, in relevant part, that they are not subject to the mandatory asylum-related bars set forth in section 208(b)(2)(A) of the Act, 8 U.S.C. § 1158(b)(2)(A), and not inadmissible on the grounds that may not be waived. Sections 244(c)(2)(B) and 244(c)(1)(A) of the Act.

The Applicant answered questions 31-34 in Part 7 of the Form I-821, Eligibility Standards, in the negative indicating that he has never been a member of or participated in military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerrilla group, militia, or insurgent organization; that he never worked in a prison, jail, prison camp, detention facility, labor camp, or any other situation that involved detaining persons; and that he has never received any type of military, paramilitary, or weapons training.

The Director, noted, however, that on his prior nonimmigrant visa applications the Applicant claimed that he was employed as a police officer in Haiti and had received weapons training. The Director therefore issued a request for evidence asking the Applicant to explain this discrepancy, and to provide

specific information about his police service, including his duties, the types of weapons he was trained to use, the names and locations of the facilities where he served, and the duration of his service.

In response, the Applicant provided a copy of his 2020 [redacted] identification and explained that he misunderstood the questions on the Form I-821. As stated, the Director denied the Form I-821, concluding that the Applicant's response was inadequate to establish eligibility because he did not provide the specifically requested information about his police service and weapons training.

To overcome this deficiency, the Applicant now submits a personal statement, as well as additional documents concerning his employment as a police officer in Haiti. In his statement, the Applicant reiterates that he incorrectly answered the questions on the Form I-821 by mistake, and provides additional information about his education, the dates of his police service, his job duties, the weapons training he had received, his 2020 promotion to the rank of division inspector, and the place he was last employed in this capacity before arriving in the United States.

As the record does not indicate that the Director has reviewed this supplemental documentation before forwarding the appeal to our office, we will return the matter for the Director to consider it in the first instance, to determine whether the Applicant meets all relevant eligibility criteria for TPS, and to enter a new decision, accordingly.

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