



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

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

In Re: 21983080

Date: FEB. 6, 2023

Appeal of Texas Service Center Decision

Form I-821, Application for Temporary Protected Status

The Applicant seeks to re-register his Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The Director of the Texas Service Center denied the Form I-821, concluding that the Applicant was ineligible for TPS re-registration because his TPS request from the original filing period was denied, and he also did not establish he qualified for late initial TPS filing.¹ The matter is now before us on appeal. 8 C.F.R. § 103.3.

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.

The Applicant is seeking TPS based on an application for re-registration or renewal of TPS benefits. Individuals who were granted TPS must thereafter re-register their status during a re-registration period provided by U.S. Citizenship and Immigration Services (USCIS) and in accordance with USCIS instructions. 8 C.F.R. § 244.17(a).

As stated, the Director determined that the Applicant was not eligible to re-register for TPS, because his initial TPS application was denied in 2001. The Applicant asserts that the Director's decision was in error because an Immigration Judge subsequently granted him TPS in removal proceedings. In support, the Applicant submits the Immigration Judge's order, which reflects that he was granted TPS in May 2014, and his removal proceedings were administratively closed on the same date.

As there is nothing in the record to indicate that the Executive Office for Immigration Review (EOIR) withdrew the Applicant's 2014 TPS grant, we conclude that the Applicant has met his burden of proof to show that he is currently a TPS recipient and is eligible to seek re-registration or renewal of his status and related immigration benefits. Consequently, the Applicant has overcome the basis for the denial of his Form I-821.

¹ As the Applicant does not dispute he is ineligible for late initial TPS filing, we need not address this denial ground further.

In view of the above, we will remand the matter to the Director to determine whether the Applicant continues to meet the substantive requirements for TPS, and to process his TPS re-registration request on the merits.

ORDER: The Director's decision is withdrawn.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