



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

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

In Re: 23457012

Date: JAN. 3, 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.

The Director of the California Service Center denied the TPS request, concluding that the Applicant did not establish eligibility for such status because the Form I-821 he submitted was incomplete. 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.

All TPS applicants must complete Form I-821 in accordance with the form instructions and submit all documentation as required in the form instructions or requested by U.S. Citizenship and Immigration Services. 8 C.F.R. § 244.17(a). Form I-821 instructions specify that some questions on the form cannot be left blank and must have a response. *See* Instructions for Form I-821, <https://www.uscis.gov/i-821>. The instructions provide that all questions in Part 7, Eligibility Standards, must be answered. *Id.* Because the Applicant did not answer question 38.a. in Part 7 of her Form I-821 ("Have you EVER committed or conspired to commit human trafficking offenses, as defined in the section 103 of the Victims of Trafficking and Violence Protection Act of 2000, in the United States or outside of the United States?") the Director issued an request for evidence (RFE) asking the Applicant to submit a completed Form I-821 with his original signature to certify that he answered all of the questions himself. Because the Applicant did not include a completed Form I-821 with his RFE response, the Director denied the TPS request.

On appeal, the Applicant submits a completed and signed Form I-821, which all required questions answered in accordance with the form instructions. This satisfies the Director's request for a properly completed and signed Form I-821 and overcomes the deficiency in the original TPS filing.

We will therefore return the matter to the Director for adjudication of the Applicant's TPS request on the merits. The Director may request any additional evidence necessary to determine the Applicant's eligibility for TPS and to process the application.

**ORDER:** The Director's decision is withdrawn.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