



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

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

In Re: 24979703

Date: MARCH 20, 2023

Appeal of Texas Service Center Decision

Form I-821, Application for Temporary Protected Status

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

The Director of the Texas Service Center denied the Form I-821, concluding that the Applicant was not eligible for the extension of TPS-related benefits, because he did not establish he was previously granted such status. The matter is now before us on appeal.

The Applicant submits copies of filing receipts for his Form I-821 and Form I-765, Application for Employment Authorization, and requests a favorable decision.

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 dismiss the appeal.

On January 5, 1999, the Secretary of Homeland Security designated Nicaragua for TPS.<sup>1</sup> Although the designation was terminated effective on January 5, 2019,<sup>2</sup> beneficiaries under the TPS designation for Nicaragua will retain their TPS for as long as preliminary injunctions ordered by the U.S. District Court for the Northern District of California in *Ramos, et al v. Nielsen, et al.*, No. 18-cv-01554 (N.D. Cal. Sept. 14, 2020) and *Bhattarai v. Nielsen*, No. 19-cv-00731 (N.D. Cal. Oct. 3, 2018) remain in effect, provided that they remain individually eligible for TPS. See *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal*, 87 Fed. Reg. 68717 (Nov. 16, 2022). However, only *current beneficiaries* who properly registered their status during either the most recent registration period for their country, or any applicable previous re-registration period (which for Nicaragua was in 2016, 2018, or 2019) are eligible for the extension of TPS benefits. *Id.* at 68719-20.

The record reflects that the Applicant initially entered the United States without inspection and admission or parole in 2018, and was placed in removal proceedings. The Applicant has not provided

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<sup>1</sup> *Designation of Nicaragua Under Temporary Protected Status*, 64 Fed. Reg. 526 (Jan. 5, 1999).

<sup>2</sup> *Termination of the Designation of Nicaragua for Temporary Protected Status*, 82 Fed. Reg. 59636 (Dec. 15, 2017).

evidence that he was previously granted TPS under the Nicaraguan designation and that he subsequently re-registered such status during one of the periods specified in the Federal Register notice.

Consequently, the Applicant has not established that he is a current TPS beneficiary eligible for continuation of TPS benefits under the Nicaraguan TPS designation. His Form I-821 therefore remains denied.

**ORDER:** The appeal is dismissed.