



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

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

In Re: 25551543

Date: MARCH 30, 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 he did not answer one of the questions on the Form I-821. The matter is now before us on appeal.

On appeal, the Applicant submits additional evidence to establish eligibility.

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 all questions in Part 7 of the form, Eligibility Standards, must be answered, and cannot be left blank.¹ Because the Applicant did not answer question 24 in Part 7 of his Form I-821 ("Have you EVER entered the United States as a stowaway?") the Director issued a request for evidence (RFE) asking the Applicant to answer that question (Have you EVER entered the United States as a stowaway?) by placing a checkmark next to either "yes" or "no" within the space provided on the RFE form. The Director further instructed the Applicant that if his answer was "yes," he had to describe the circumstances and include a full explanation on a separate sheet of paper. Lastly, the Director instructed the Applicant that he was required to acknowledge his answer by signing the RFE notice in the spaces provided directly below the question.

The record reflects that the Applicant timely responded to the RFE and that he complied with the Director's instructions. Specifically, the Applicant placed a checkmark next to "no" below the

¹ See Instructions for Form I-821, <https://www.uscis.gov/i-821>.

question and acknowledged his answer by signing the RFE notice in the designated space below. The Applicant also included the date and his printed name in the spaces indicated on the RFE notice.

Because it does not appear that the Director considered the Applicant's response before denying his TPS request, we will return the matter to the Director to again review the evidence, including the supplemental documentation submitted on appeal, to determine whether it is sufficient to establish the Applicant's eligibility for TPS, and to issue 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.