



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

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

In Re: 33080082

Date: SEP. 16, 2024

Appeal of California Service Center Decision

Form I-821, Application for Temporary Protected Status

The Applicant, a national of Haiti, seeks to re-register his 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 he qualified for such status because he did not answer all questions in Part 7 of the Form I-821, as required. The matter is now before us on appeal pursuant to 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 dismiss the appeal.

All TPS applicants must complete Form I-821 in accordance with the form instructions<sup>1</sup> and submit all documentation listed therein or requested by U.S. Citizenship and Immigration Services (USCIS). 8 C.F.R. § 244.17(a). Form I-821 instructions specify that all questions in Part 7, Eligibility Standards, must be answered.<sup>2</sup>

The Applicant did not answer question 21 (“Have you EVER, by fraud or willfully misrepresenting a material fact, sought to obtain a visa or other documentation, admission to the United States, or any other immigration benefit?”) and question 22 (“Have you EVER assisted any other person to enter the United States in violation of the law?”) on his Form I-821. The Director therefore issued a request for evidence (RFE) asking the Applicant to answer those questions by checking the boxes provided in the body of the RFE and to acknowledge his answers by placing his signature and date on the lines designated therein. Because the Applicant’s response did not include the answers to these two eligibility-related questions, the Director denied his TPS re-registration request.

On appeal, the Applicant submits a copy of page 9 of a Form I-821 with all questions answered in the negative, and we acknowledge the submission. However, as the Applicant did not sign and date the

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<sup>1</sup> Form instructions carry the weight of regulations. 8 C.F.R. § 103.2(a)(1).

<sup>2</sup> See *Instructions for Form I-821* at 4, <https://www.uscis.gov/i-821>.

page to acknowledge and affirm his answers to questions 21 and 22, he has not cured the deficiency in the original Form I-821 filing.<sup>3</sup>

Consequently, the Applicant has not overcome the basis for the denial of his TPS re-registration request and it will remain denied.

**ORDER:** The appeal is dismissed.

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<sup>3</sup> See 8 C.F.R. § 103.2(a)(2) (stating in relevant part that by signing the benefit request an applicant certifies under penalty of perjury that the benefit request, and all evidence submitted with it, either at or after the time of filing, is true and correct).