



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

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

In Re: 23997317

Date: JAN. 19, 2023

Appeal of California Service Center Decision

Form I-821, Application for Temporary Protected Status

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

The Director of the California Service Center denied the application, concluding that the Applicant was not eligible to re-register for TPS because his TPS had been withdrawn. 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 dismiss the appeal.

The Applicant was granted TPS pursuant to the 2011 redesignation of Haiti for such status.<sup>1</sup> Individuals who were granted TPS must thereafter re-register their status during the subsequent registration periods provided by U.S. Citizenship and Immigration Services (USCIS) in accordance with USCIS instructions. 8 C.F.R. § 244.17(a). To re-register, applicants must complete Form I-821 and submit all documentation as required in the form instructions or requested by USCIS. 8 C.F.R. §§ 244.6(a), 244.9(a).

The Director withdrew the Applicant's TPS in September 2019, concluding that the Applicant was no longer eligible for such status because he did not establish he maintained continuous residence and physical presence in the United States, as required. The Director advised the Applicant in the

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<sup>1</sup> See *Extension and Redesignation of Haiti for Temporary Protected Status*, 76 Fed. Reg. 29000 (May 19, 2011). The designation of Haiti for TPS has been terminated effective on September 9, 2019. 83 Fed. Reg. 2654 (Jan. 18, 2018). However, beneficiaries under the 2011 Haitian TPS designation will retain their TPS for as long as the preliminary injunction in *Ramos, et al v. Nielsen, et al.*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018), and the stay of proceedings order in *Bhattarai v. Nielsen* No. 19-cv-731 (N.D. Cal. March 12, 2019), are in effect, *provided that their TPS status is not withdrawn because of individual ineligibility* (emphasis added). See *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for Sudan, Nicaragua, Haiti, and El Salvador*, 87 Fed. Reg. 68717 (Nov. 16, 2022). They may also apply under the more recent designation of Haiti for TPS in 2021 and if granted, will retain TPS in accordance with their grants regardless of any potential end to the *Ramos* injunction. *Id.*

withdrawal notice that he could submit an appeal or a motion to reopen or reconsider the adverse decision by filing Form I-290B, Notice of Appeal or Motion, within 33 days. The Applicant did not file an appeal or a motion to reopen or reconsider the TPS withdrawal.

As stated, the Applicant is seeking TPS based on an application for re-registration or extension of TPS benefits. The relevant notice published in the Federal Register<sup>2</sup> specifically provides that the extension of TPS benefits does not apply to an individual whose TPS has been finally withdrawn. Here, the Director withdrew the Applicant's TPS in September 2019, and because the Applicant did not appeal that decision within the prescribed time limit the TPS withdrawal became final. Consequently, the Applicant no longer has TPS, and he is not eligible for re-registration and extension of TPS benefits under the 2011 designation of Haiti for such status.<sup>3</sup>

**ORDER:** The appeal is dismissed.

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<sup>2</sup> See *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for Sudan, Nicaragua, Haiti, and El Salvador*, 84 Fed. Reg. 7103, 7104 (March 1, 2019).

<sup>3</sup> The Applicant would have to seek reopening of the withdrawal decision before the Director or, in the alternative he may apply for TPS as an initial matter under the most recent Haitian TPS designation. See *Designation of Haiti for Temporary Protected Status*, 88 Fed. Reg. 41863 (Aug. 3, 2021).