

(b)(6)



U.S. Citizenship
and Immigration
Services

[Redacted]

DATE: JUL 11 2014

Office: VERMONT SERVICE CENTER

FILE: [Redacted]

IN RE: Applicant: [Redacted]

APPLICATION: Application for Temporary Protected Status under Section 244 of the
Immigration and Nationality Act, 8 U.S.C. § 1254a

ON BEHALF OF APPLICANT:

[Redacted]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for further action and consideration.

The director denied the application because the applicant failed to establish that he is a national of a foreign state designated by the Secretary, Department of Homeland Security (Secretary), and eligible for the granting of Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

On appeal, counsel asserts that the applicant is a dual-national of Syria and Lebanon, Counsel provides a foreign document with English translation from the [REDACTED] indicating the places of birth of the applicant's parents as [REDACTED]

Pursuant to section 244(c) of the Act, an alien who is a national of a foreign state designated under subsection (b) of this section (or in the case of an alien having no nationality, is a person who last habitually resided in such designated state) and who meets the requirements of subsection (c) of this section, may be granted temporary protected status (TPS) in the United States. Further, 8 C.F.R. § 244.2(a) provides that an alien who is a national, as defined in section 101(a)(21) of the Act, of a foreign state designated under section 244(b) of the Act, may, in the discretion of the director, be granted TPS. Section 101(a)(21) of the Act defines the term "national" to mean a person owing permanent allegiance to a state.

On his TPS application, the applicant indicates his place of birth as [REDACTED], Lebanon and his country of citizenship/nationality as Syria. Along with his TPS application, and in response to the notice of February 8, 2013, the applicant presented:

- The biographical page of his U.S. visa (F-1) issued on July 29, 1997, listing the applicant's nationality as Lebanese.
- The Form I-94, Arrival-Departure Record, indicating the applicant's country of citizenship as Lebanon.
- Copies of an individual identification card and a Civil Registration Statement (with English translations) issued by the [REDACTED] which lists the applicant's place of birth as [REDACTED], Lebanon and a registration and grant date of November 9, 1989 and November 7, 1993, respectively.
- An identification card of the applicant's mother and a driver's license of the applicant's father issued by the [REDACTED]. The documents indicate that the applicant's parents were born in [AI] [REDACTED] - [REDACTED] Syria. The driver's license lists his father's nationality as Arabic Syrian.

The director, in denying the application, noted that the applicant had established dual nationality (Lebanon and Syria). The director, however, determined that since his arrival in the United

States and through 2013,¹ the applicant has continuously claimed Lebanon as his operative nationality. The director concluded that the applicant was ineligible for TPS as it has been established that Lebanon is his operative nationality.

In the instant case, the applicant has submitted sufficient evidence, in the form a nationality identity document, to establish that he is a Syrian national. Having dual nationality does not preclude an applicant from meeting the nationality requirement for TPS. Therefore, the director's decision to deny the application on this ground will be withdrawn.

Although counsel has put forth a brief indicating that the applicant is not subject to the firm resettlement bar, the issue of firm resettlement was not a basis for the denial of the instant application and, therefore, will not be addressed in this proceeding. Accordingly, the case will be remanded to the director for further adjudication of the application including whether the applicant was firmly resettled in another country prior to arriving in the United States.² The director may request any additional evidence that he considers pertinent to assist with the determination of the applicant's eligibility for TPS. Upon receipt of all the evidence, the director will review the entire record and enter a new decision.

ORDER: The director's decision is withdrawn. The case is remanded for further action consistent with the above and entry of a new decision.

¹ A Form I-589, Application for Asylum and Withholding of Removal, received August 16, 2013.

² An alien shall not be eligible for TPS if the Secretary finds that the alien was firmly resettled in another country prior to arriving in the United States. *See* sections 244(c)(2)(B)(ii) and 208(b)(2)(A)(vi) of the Act. An applicant "is considered to be firmly resettled if, prior to arrival in the United States, he or she entered into another nation with, or while in that nation received, an offer of permanent resident status, citizenship, or some other type of permanent resettlement." 8 C.F.R. § 208.15.