



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

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

MATTER OF L-S-D-

DATE: SEPT. 30, 2015

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

APPLICATION: FORM I-821, APPLICATION FOR TEMPORARY PROTECTED STATUS

The Applicant, a native and citizen of Haiti, seeks review of the decision withdrawing the Applicant's temporary protected status (TPS). *See* Immigration and Nationality Act (the Act) § 244, 8 U.S.C. § 1254(a). The Director, California Service Center, withdrew TPS and denied the application for re-registration. The matter is now before us on appeal. The matter will be remanded for further action consistent with this decision.

At Part 4, item 2j(ii) on her TPS application, the Applicant answered yes to the question "Do you have or have you had a physical or mental disorder and behavior (or a history of behavior that is likely to recur) associated with the disorder which has posed or may pose a threat to the property, safety, or welfare of yourself or others?"

On October 29, 2013, the Applicant was asked to submit a Form I-693, Medical Examination of Alien Seeking Adjustment of Status, and a Form I-601, Application for Waiver of Grounds of Inadmissibility, with fee or fee waiver request. The Applicant, in response, submitted a Form I-601 with fee waiver request, and requested additional time to submit the Form I-693.

On August 21, 2014, the Director withdrew the Applicant's TPS and denied the application for re-registration because the Applicant did not submit the requested Form I-693.

On appeal, the Applicant indicated she would file a brief and/or additional evidence with the AAO within 30 days. The Applicant asserted that a completed Form I-693 would be submitted. Pursuant to 8 C.F.R. § 103.3(a)(2)(vii) and (viii), an affected party may request additional time to file a brief, which is to be submitted directly to the AAO. The evidence of record contains a properly completed Form I-693, which was received by our office on October 16, 2014.¹

The Applicant has overcome the single deficiency outlined in the Director's decision. Therefore, the Director's decision to withdraw TPS and deny the application for re-registration, on this ground will be withdrawn.

¹ The service center conducted its initial review of the appeal as required under 8 CFR 103.2(a)(2)(ii)-(iv), then forwarded the record to this office, received on June 8, 2015.

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The matter will be remanded for adjudication of the Forms I-693 and I-601. The Director may request any additional evidence to assist with the determination of the Applicant's eligibility for TPS.

The record reflects that the validity period of the Applicant's fingerprint check has expired. Therefore, the matter will also be remanded for the purpose of sending the Applicant a fingerprint notification form, and affording her the opportunity to comply with its requirements. Should the decision be adverse, the Director must give written notice setting forth the specific reasons for the denial pursuant to 8 C.F.R. § 103.3(a)(1)(i).

The burden of proof rests with the applicant in these proceedings. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The matter is remanded to the Director for further proceedings consistent with the foregoing opinion and for entry of a new decision

Cite as *Matter of L-S-D-*, ID# 14661 (AAO Sept. 30, 2015)