



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

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

In Re: 25726207

Date: APR. 14, 2023

Appeal of Nebraska Service Center Decision

Form I-821, Application for Temporary Protected Status

The Applicant, a national of Ukraine 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 Nebraska Service Center denied the application, concluding that the Applicant did not establish, as required that he met the continuous residence and physical presence conditions under the TPS designation for Ukraine. The matter is now before us on appeal.

The Applicant submits additional documents in the United States dated from April 15, 2022, through September 2022, and reasserts 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 dismiss the appeal.

To be eligible for TPS, a national of a foreign state designated by the Secretary of Homeland Security must establish, in part that they have been continuously physically present in the United States since the effective date of the most recent designation of that foreign state for TPS and that they have continuously resided in the United States since a date designated by the Secretary of Homeland Security. 8 C.F.R. § 244.2.

Individuals applying for TPS offered to Ukrainian nationals (and persons without nationality who last habitually resided in Ukraine) must demonstrate that they have been continuously residing in the United States since April 11, 2022, and that they have been continuously physically present in the United States since April 19, 2022.¹

The record reflects that the Applicant applied for admission to the United States at the San Ysidro, California port of entry on April 15, 2022, and was paroled into the United States on the same date. The Applicant avers that he meets the U.S. residence requirement under the Ukrainian TPS designation

¹ See *Designation of Ukraine for Temporary Protected Status*, 87 Fed. Reg. 23211 (April 19, 2022).

because the date of his parole, April 15, 2022, establishes he was residing in the United States between April 11 and April 19, 2022.

However, to meet the continuous U.S. residence condition for TPS under the Ukrainian designation the Applicant must show that he has been continuously residing in the United States *since* April 11, 2022. As the record shows, and the Applicant confirms he was first paroled into the United States on April 15, 2022, we conclude that he does not meet this requirement.

Consequently, the Applicant is ineligible for TPS under the Ukrainian designation, and his TPS request remains denied.

ORDER: The appeal is dismissed.