



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

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

In Re: 29526878

Date: DEC. 19, 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 she met the continuous residence and physical presence conditions under the TPS designation for Ukraine.

On appeal, the Applicant submits a statement explaining the circumstances that led her to leave Ukraine and enter the United States on April 20, 2022.

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.

Noncitizens 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, and the Applicant confirms that she was admitted to the United States on April 20, 2022, as a nonimmigrant visitor for pleasure (B-2). Because the Applicant initially entered the United States on April 20, 2022, she does not satisfy the requirements of continuous residence in the

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

United States since April 11, 2022, and continuous physical presence in the United States since April 19, 2022. Consequently, she ineligible for TPS under the Ukrainian designation and her Form I-821 remains denied.

ORDER: The appeal is dismissed.