



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

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

In Re: 24949985

Date: MARCH 20, 2023

Appeal of California Service Center Decision

Form I-821, Application for Temporary Protected Status

The Applicant, a national of Haiti seeks Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254a. Individuals applying for TPS offered to Haitians (and persons without nationality who last habitually resided in Haiti) must demonstrate that they have been continuously residing in the United States since July 29, 2021, and have been continuously physically present in the United States since August 3, 2021.¹

The Director of the California Service Center denied the Applicant's Form I-821, concluding that the evidence, which consisted of a partial earnings statement for a period from July 26, 2021, to August 1, 2021, and the Applicant's passport with a February 2020 U.S. entry stamp was not sufficient to establish that the Applicant met the above continuous residence and physical presence conditions under the TPS designation for Haiti. The matter is now before us on appeal.

To overcome the Director's adverse determination, the Applicant submits employment verification letter, and a statement from her church. She reiterates that she has been residing in the United States since her 2020 entry and has not traveled outside of the country.

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 withdraw the Director's decision and remand the matter for entry of a new decision consistent with the following analysis.

We have considered the supplemental documentation on appeal, and conclude that the record is now sufficient to show the Applicant's continuous residence in the United States since July 29, 2021, and her continuous physical presence in the country since August 3, 2021. In the August 2022 letter from a logistics provider company in Ohio, the company's human resources representative confirms that the Applicant has been employed with them full time since July 26, 2021. The Applicant also submits a letter from her church dated in August 2022 and signed by the church clerk and elder, who jointly

¹ See 8 C.F.R. § 244.2; *Designation of Haiti for Temporary Protected Status*, 88 Fed. Reg. 41863 (Aug. 3, 2021).

state that the Applicant has been coming to the church and serving the Haitian community for the past two years.

This additional evidence, considered with the previously provided documentation of the Applicant's 2020 entry and July-August 2021 earnings statement issued by the same company that confirmed her full-time employment with them since July 26, 2021, through August 2022 is sufficient to show that the Applicant has been continuously residing in the United States and has been continuously physically present in the country for the entire periods required under the designation of Haiti for TPS.

In view of the above, we conclude that the Applicant has met her burden of proof to demonstrate by a preponderance of the evidence that she satisfies the continuous residence and physical presence requirements for TPS. Consequently, she has overcome the sole basis for the denial of her TPS request. We will therefore return the matter to the Director to determine whether the Applicant meets the remaining eligibility criteria for such status.

ORDER: The Director's decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.