



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

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

In Re: 25051373

Date: MARCH 20, 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. The matter is now before us on appeal.

The Applicant submits additional documents dated from April 21, 2022, through October 2, 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.

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 in this case reflects that the Applicant applied for admission to the United States at the San Ysidro, California port of entry on April 13, 2022, and was paroled into the United States on the same date. As this indicates that the Applicant initially arrived in the United States on April 13, 2022, and

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

she does not offer evidence to the contrary on appeal, we conclude that the Applicant does not meet the requirement of continuous residence in the United States since April 11, 2022, under the Ukrainian TPS designation. As such, she is ineligible for TPS and her Form I-821 remains denied.

ORDER: The appeal is dismissed.