



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

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

In Re: 27267256

Date: JUNE 12, 2023

Appeal of Nebraska Service Center Decision

Form I-821, Application for Temporary Protected Status

The Applicant seeks Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254a pursuant to the designation of Ukraine for such status.

The Director of the Nebraska Service Center denied the Form I-821, concluding that the Applicant did not establish, as required that he was either a national of Ukraine or a person having no nationality who last habitually resided in Ukraine. The matter is now before us on appeal.

On appeal, the Applicant explains that although he was born in Armenia he has been residing in Ukraine since 1993 and his spouse and children are Ukrainian citizens. In support, he resubmits copies of his 2015 marriage certificate and his Ukrainian Permanent Residence Permit issued in December 2016.

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.

On April 19, 2022, the Secretary of Homeland Security designated Ukraine for TPS. This designation allows eligible Ukrainian nationals<sup>1</sup> (and individuals having no nationality who last habitually resided in Ukraine) who have continuously resided in the United States since April 11, 2022, and who have been continuously physically present in the United States since April 19, 2022 to apply for TPS. *See Designation of Ukraine for Temporary Protected Status*, 87 Fed. Reg. 23211 (April 19, 2022).

Acceptable evidence of nationality, in descending order of preference, may consist of a passport, a birth certificate accompanied by photo identification, or any national identity document from the applicant's country of origin bearing a photo, fingerprint, or both. 8 C.F.R. § 244.9(a).

The record reflects that the Applicant was born in the Republic of Armenia, and that he has a valid Armenian passport issued to him by that country's government in 2017. The record further shows that

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<sup>1</sup> The term "national" for TPS purposes means "a person owing permanent allegiance to a state." Section 101(a)(21) of the Act, 8 U.S.C. § 1101(a)(21); 8 C.F.R. § 244.2(a).

the Applicant was last paroled into the United States with this passport in April 2022 as a citizen of Armenia. We acknowledge the Applicant's claim that he has been residing in Ukraine with his spouse and children as a permanent resident before arriving in the United States; however, to establish eligibility for TPS under the Ukrainian designation the Applicant must demonstrate, as a threshold requirement that he is (1) a national of Ukraine or (2) a person with no nationality who last resided in Ukraine.

The Applicant has not demonstrated that he falls within either category. As stated, the record shows and the Applicant confirms that he is a national and citizen of Armenia who has been granted a permission to permanently reside in Ukraine. As the Applicant does not submit evidence of Ukrainian nationality, such as an Ukrainian passport or a similar document, we must conclude that he has not met his burden of proof to establish eligibility for TPS under the Ukrainian designation.

The Applicant therefore has not overcome the basis for the Director's adverse decision and his TPS request remains denied.

**ORDER:** The appeal is dismissed.