



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

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

In Re: 32905751

Date: SEP. 16, 2024

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, pursuant to the 2023 redesignation of Haiti for such status.¹

The Director of the California Service Center denied the TPS request, concluding that the Applicant did not establish he satisfied the requirement of continuous residence in the United States.

On appeal, the Applicant submits a passport page with entry and exit stamps and a statement concerning his absence from the United States.

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

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 November 6, 2022, and have been continuously physically present in the United States since February 3, 2023.² “Continuously residing” means “residing in the United States for the entire period specified in the regulations,” but an applicant shall not be considered to have failed to maintain continuous residence “because of a brief, casual and innocent absence . . . or due merely to a brief temporary trip

¹ The Applicant filed the instant Form I-821 in April 2023, indicating that it was his initial (first time) TPS request.

² See *Extension and Redesignation of Haiti for Temporary Protected Status*, 88 Fed. Reg. 5022 (Jan. 26, 2023).

abroad required by emergency or extenuating circumstances outside the control of the [applicant].”
8 C.F.R. § 244.1.

The Applicant represented on the instant Form I-821, Application for Temporary Protected Status, that he last entered the United States on November 16, 2022. The Director therefore issued a request for evidence asking the Applicant to submit, in part, proof of his continuous residence in the United States since November 6, 2022, including but not limited to: employment or school records; rent or utility bills; hospital or medical records; passport entries, and similar documents. The Director also advised the Applicant that if he had a brief, casual and innocent absence from the United States during this period, or a brief trip abroad required by emergency or extenuating circumstances outside his control, he had to submit documentation concerning his absence or absences. In response, the Applicant submitted a record of his admission to the United States on November 16, 2022, as a nonimmigrant visitor (B-2) and two letters from a relative and a family friend who indicated that he had resided with them in the United States since “early November 2022” or since “November 6, 2022,” respectively. The Director determined that this evidence was inadequate to show the Applicant’s requisite continuous residence in the United States since November 6, 2022. The additional evidence the Applicant submits on appeal is not sufficient to overcome this determination.

The entry and exit stamps in the Applicant’s passport show that he entered the United States as a B-2 nonimmigrant on July 20, 2022, departed on September 27, 2022, and was subsequently admitted to the United States as a B-2 nonimmigrant on November 16, 2022. The Applicant states that following his July 2022 entry into the United States the conditions in Haiti deteriorated and he decided to travel there in September 2022 to ensure the safety and well-being of his spouse and children. We acknowledge the Applicant’s statement and evidence of his entry into the United States in July 2022. However, regardless of the reason for his travel to Haiti in September 2022, the record as a whole remains insufficient to show that he has been continuously residing in the United States since November 6, 2022, as the only evidence related to this requirement consists of two letters. We cannot give these letters significant weight as they not only lack details and corroboration but are also inconsistent with other evidence in the record. Specifically, while both individuals attest that the Applicant has been residing with them in the United States since early November 2022, the Applicant’s own statements and the passport stamps indicate that he was absent from the United States from late September until November 16, 2022. As the Applicant does not provide any of the previously requested documents that might point to his continuous residence in the United States as of November 6, 2022, we conclude that he has not met his burden of proof to establish that he satisfies the continuous residence requirement for TPS under the 2023 Haitian redesignation.

The Applicant’s TPS request will therefore remain denied.

ORDER: The appeal is dismissed.