



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

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

In Re: 29514878

Date: DEC. 18, 2023

Appeal of Vermont Service Center Decision

Form I-821, Application for Temporary Protected Status

The Applicant, a national of Honduras, 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 Vermont Service Center denied the Form I-821, concluding that the Applicant did not establish she was eligible for late initial TPS registration, and she also did not show that she met the continuous U.S. residence and physical presence requirements for TPS.

On appeal, the Applicant does not address the Director's determination concerning her ineligibility for late initial TPS filing, but submits additional evidence of her Honduran nationality and residence in the United States in the late 1990s.

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 January 5, 1999, the Secretary of Homeland Security designated Honduras for TPS. Department of Homeland Security regulations provide that an applicant who is a national of a foreign state so designated must register for TPS during the initial registration period announced by public notice in the Federal Register. 8 C.F.R. § 244.2(f)(1). To meet the initial registration requirements, Honduran nationals must have applied for TPS during the initial registration period from January 5, 1999, through August 20, 1999.<sup>1</sup>

To be eligible for TPS, an applicant must register in the initial registration period announced by public notice in the Federal Register, or meet any of the late initial registration criteria. 8 C.F.R. § 244.2(f). To meet the initial registration requirements, Honduran nationals must have filed TPS applications during the initial registration period, January 5, 1999, through August 20, 1999.

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<sup>1</sup> See *Designation of Honduras Under Temporary Protected Status*, 64 Fed. Reg. 524 (January 5, 1999); *Extension of the Registration Period for Hondurans and Nicaraguans Under the Temporary Protected Status Program*, 64 Fed. Reg. 42991 (August 6, 1999)

Individuals who did not initially register for TPS may apply during any subsequent registration period, provided they meet one of the late registration requirements. The regulations at 8 C.F.R. § 244.2(f)(2) limit the late initial TPS registration eligibility to individuals who during the initial registration period:

- (i) were a nonimmigrant or had been granted voluntary departure status or any relief from removal;
- (ii) had an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which was pending or subject to further review or appeal;
- (iii) were a parolee or had a pending request for re-parole; or
- (iv) were a spouse or child of a foreign national eligible to be a TPS registrant.

If the qualifying condition has expired or been terminated, an applicant must file for TPS within a 60-day period immediately following the expiration or termination. 8 C.F.R. § 244.2(g).

Once eligibility for either initial or late registration is established, Honduran nationals (and persons without nationality who last habitually resided in Honduras) must demonstrate that they meet the substantive requirements for TPS, including continuous residence in the United States since December 30, 1998, and continuous physical presence since January 5, 1999.<sup>2</sup>

The Applicant does not claim or provide evidence that that she filed a TPS application during the initial registration period from January 5, 1999, through August 20, 1999. The Applicant also does not claim that during that initial registration period she was a spouse or a child of another TPS-eligible noncitizen, was in a specified immigration status, or had a pending application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal, as required under 8 C.F.R. § 244.2(f)(2)(i)-(iv), and our review of the U.S. Citizenship and Immigration Services' records does indicate that she was within one of these categories during the relevant period.

We conclude, therefore, that the Applicant has not demonstrated she qualifies for late initial TPS registration. Because she is ineligible for TPS on that basis alone, we need not address at this time whether she meets the requirements of continuous residence and physical presence in the United States. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make “purely advisory findings” on issues that are unnecessary to the ultimate decision); *see also Matter of L-A-C*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

The Applicant's Form I-821 remains denied.

**ORDER:** The appeal is dismissed.

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<sup>2</sup> *See Designation of Honduras Under Temporary Protected Status*, 64 Fed. Reg. at 525.