



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

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

In Re: 29526955

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 eligibility for filing a late initial TPS request under Honduran designation, and that he also did not demonstrate he met the continuous U.S. residence and physical presence requirements for TPS.

On appeal, the Applicant resubmits evidence of his 2015 marriage to a current TPS recipient, and additional documentation concerning his residence and physical presence in 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.

I. LAW

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, 1999.¹

Individuals who did not register for TPS within the above time frame, may apply during any subsequent registration period, if they meet one of the late registration conditions set forth in 8 C.F.R.

¹ 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).

§ 244.2(f)(2), which provide that to establish eligibility for late initial registration, an applicant must show that during the initial registration period (January 5, 1999, through August 20, 1999) they:

- (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, 1999.²

II. ANALYSIS

There is no dispute that the Applicant is a Honduran national and that he did not register for TPS during the initial registration period from January 5, 1999, through August 20, 1999. The primary issue on appeal is whether the Applicant has demonstrated eligibility for late initial TPS filing and, if so, whether he meets the continuous U.S. residence and physical presence requirements for such status.

We have reviewed the entire record and conclude that the Applicant has not established he meets any of the eligibility criteria for late initial TPS filing. Because the Applicant is ineligible for TPS on that basis alone, we need not address at this time his continuous residence and physical presence in the United States.³

As stated, the regulations concerning late TPS registration require the Applicant to show that during the initial registration period he had a qualifying familial relationship with another TPS-eligible noncitizen, was in a specified immigration status, or had a pending application or request for a certain status or relief.

The Applicant has not shown eligibility for late initial registration under 8 C.F.R. § 244.2(f)(2)(iv) based on familial status. Although the record reflects that his spouse is currently a TPS beneficiary, they were married in 2015, years after the initial TPS registration period for Honduran nationals had ended.⁴

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

³ 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).

⁴ See also Instructions for Form I-821 at 2, <https://www.uscis.gov/i-821>, Page 2, (providing in relevant part that U.S.

Furthermore, the Applicant does not claim, and the record does not show that during the initial registration period he had an application for adjustment of status, asylum, voluntary departure, or any relief from removal which was pending or subject to further review or appeal. As such, he also has not demonstrated eligibility for late initial registration pursuant to the regulation at 8 C.F.R. § 244.2(f)(2)(ii). Lastly, there is nothing in the record to indicate that during the initial TPS registration period the Applicant was a nonimmigrant or had been granted voluntary departure or any relief from removal; was a parolee, or had a pending request for re-parole, as required under the regulations at 8 C.F.R. §§ 244.2(f)(2)(i) and (iii.)

Consequently, the Applicant has not met his burden of proof to show that he meets any of the conditions for filing a late initial TPS registration request, and his Form I-821 therefore remains denied.

ORDER: The appeal is dismissed.

Citizenship and Immigration Services may accept late initial TPS applications from certain individuals *who had a qualifying relationship to a spouse or child during the initial registration period for the TPS-designated country* and that relative is also currently eligible for TPS (emphasis added)).