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April 27, 2023

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

RECEIVED

By ESEC at 11:46 am, Apr 28, 2023

Secretary Alejandro Mayorkas
U.S. Department of Homeland Security
301 7th Street, SW
Washington, DC 20528

Secretary Antony Blinken
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear President Biden, Secretary Mayorkas, and Secretary Blinken,

We write today regarding protection for over 8,000 Nepali TPS beneficiaries whose humanitarian status is set to expire on June 30, 2024, without administrative action.¹ Adhikaar for Human Rights & Social Justice, its membership of Nepali TPS holders and potential beneficiaries write today to urge Secretary Mayorkas and his counterparts in the administration to provide an **18-month extension and redesignation of TPS for Nepal**.

The Secretary of the Department of Homeland Security (DHS) designated Nepal for TPS in 2015 due to a magnitude 7.8 earthquake. The earthquake and its aftershocks caused over 8,700 fatalities and more than 20,000 injuries, displaced millions of people, and resulted in destruction or significant damage to over 750,000 homes. The Trump administration's anti-immigrant decision to terminate protections for Nepal placed beneficiaries at risk of losing their status, facing deportation, and losing their ability to work. TPS beneficiaries and their U.S. citizen children challenged the termination, which is currently being litigated in court under *Bhattarai v. Nielsen* and *Ramos v. Nielsen*. Even though beneficiaries under the Nepal TPS designation will retain TPS until June 30, 2024, following the DHS extension, the breakdown of settlement talks between the Biden administration and TPS holder families, and the prolonged litigation in the matter places the lives of an **estimated 9,000 Nepali TPS holders and potential beneficiaries, and their 11,000 U.S. citizen families, at peril**.²

President Biden [promised](#) to rescind the Trump administration's "cruel and senseless policies" within the first 100 days of his presidency and called the decision to rescind TPS a "politically motivated recipe for disaster." The Biden campaign promised further to "offer a path to citizenship through legislative immigration reform" to "TPS holders who have been in the country for an extended period of time and built lives in the U.S." **We urge your**

¹ [Temporary Protected Status and Deferred Enforced Departure](https://www.federalregister.gov/); <https://www.federalregister.gov/>

² <https://www.fwd.us/news/temporary-protected-status-report>



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administration to uphold those promises and protect Nepali TPS holders.

Nepali TPS holders contribute an estimated \$301 million to the U.S. economy annually, with 66 percent of the Nepali TPS holder population in the labor workforce – a significant number of workers that have met the extreme worker shortages the country has faced.³ For example, many Nepali TPS holders make up the workforce of essential industries like care work, as nannies, housekeepers, elder and home care workers.⁴ Just in March of this year, the White House issued a proclamation stating that “care is the work that makes all other work possible” and announced investments in improving the quality of these jobs.⁵ Nepali TPS holders and those eligible have contributed significantly to the United States. **If returned to Nepal, they would face significant hardship.**

A. Country Conditions

According to the Internal Displacement Monitoring Center, natural disasters and conflict in Nepal in 2021 led to 32,000 displacements.⁶

a. Climate disasters

Nepal bears the brunt of disproportionate impacts of climate change despite being a low carbon-emitting country.⁷ According to the Congressional Research Service, “Nepal is particularly vulnerable to rising risks brought on by climate change.”⁸ “Warming in Nepal is projected to be higher than the global average [and] climate change is already having significant impacts. **Natural hazards such as drought, heatwave, river flooding, and glacial lake outburst flooding are all projected to intensify” according to the 2021 World Bank Climate Risk Country Profile.**⁹ In October 2022, unseasonal rainfall linked to climate change led to floods and landslides, resulting in more than 100 deaths and displacing more than 1,100 families. The rains affected farmers’ livelihoods and threatened food security, destroying more than 325,000 tonnes of paddy crops, the highest losses on record. The government’s mitigation and relief support was inadequate.¹⁰ According to the Internal Displacement Monitoring Center, natural disasters and conflict in 2021 led to 32,000 displacements.¹¹

b. Economic instability

The country witnessed annual retail inflation of 8.56% in June, 2022, the highest for nearly six years. Foreign exchange reserves have declined to near \$9 billion, barely sufficient to cover imports for about six months, from near \$12 billion a

³ Id.

⁴ [PBS - Tell Me More with Kelly Corrigan: Ai-jen Poo](#)

⁵ [A Proclamation on Care Workers Recognition Month](#)

⁶ [2021 Country Reports on Human Rights Practices: Nepal](#)

⁷ [Nepal - EveryCRSReport.com](#)

⁸ Id.

⁹ Id.

¹⁰ [Human rights in Nepal Amnesty International](#)

¹¹ [2021 Country Reports on Human Rights Practices: Nepal](#)

year earlier, according to latest central bank data.¹² As of April 4, 2023, the World Bank expects the growth in Nepal this year will be slower than previously projected due to the impacts of import restrictions, monetary policy tightening, higher inflation, and shrinking government expenditure reflecting lower government revenue, according to the World Bank's twice-a-year country update.¹³ The latest Nepal Development Update projects Nepal's economy to grow by 4.1 percent in FY23, a downward revision from the October 2022 forecast.¹⁴

c. Political instability

Nepal has had a notoriously unstable government for the past 2 decades. On March 9, 2023, Ram Chandra Poudel, a former parliament speaker and senior leader of the opposition Nepali Congress party, was elected President at a time when the Himalayan nation faces increasing political instability with a fragile coalition government that has been in power for only a few months.¹⁵ Vicious political infighting within and between various political parties in Nepal has given rise to a sense of utter hopelessness.

d. COVID 19

On February 16, 2023, a qualitative study aimed to research the perception of management of COVID 19 management in Nepal was published.¹⁶ This study concluded that the study participants' perception was that testing, quarantine centres and vaccination campaigns were poorly managed in both urban and rural settings in Nepal.¹⁷ As of 19 April 2022, only 66.4% of the population had received two doses of the covid 19 vaccine.¹⁸

e. Human rights abuses

Reports of "unlawful or arbitrary killings, including extrajudicial killings by the government; torture and cases of cruel, inhuman, or degrading treatment by the government; arbitrary detention; serious restrictions on free expression; restrictions on freedom of movement for refugees, particularly resident Tibetans; [and] serious government corruption," according to the State Department's *2021 Country Reports on Human Rights Practices: Nepal*.

The lives of Nepali TPS holders and their families are at stake, and the Biden administration has the responsibility to resolve the fears of impacted beneficiaries by providing concrete protection, regardless of the outcome of the *Ramos* litigation. We strongly urge Secretary Mayorkas to provide an **18-month extension and redesignation of TPS for Nepal**.

¹²[Nepal calls November election as economy stumbles | Reuters](#)

¹³<https://www.worldbank.org/en/news/press-release>

¹⁴ [Nepal Development Update \(April 2023\)](#)

¹⁵ Id.

¹⁶ <https://doi.org/10.1111/hex.13732>

¹⁷ Id.

¹⁸ [How an Outbreak of COVID-19 Circulated Widely in Nepal: A Chronological Analysis of the National Response to an Unprecedented Pandemic - PMC](#)



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Please contact Prarthana Gurung, Director of Campaigns & Communications at Adhikaar, at prarthana@adhikaar.org with any questions.

Sincerely,

Adhikaar for Human Rights & Social Justice
Communities United for Status and Protection (CUSP)



U.S. Citizenship
and Immigration
Services

May 17, 2023

Prarthana Gurung
Director of Campaigns & Communications
Adhikaar for Human Rights & Social Justice
71-07 Woodside Ave.
Woodside, NY 11377
prarthana@adhikaar.org

Dear Ms. Gurung:

Thank you for your April 27, 2023 letter to the Department of Homeland Security (DHS) requesting an extension of Nepal's Temporary Protected Status (TPS) designation and redesignation of Nepal for TPS. I am responding on behalf of the Department.

The Secretary of Homeland Security may designate a country for TPS and extend or terminate a country's existing TPS designation based upon specific statutory criteria. In order to designate a country for TPS or extend a country's TPS designation, the Secretary must find one or more of the following: (1) there is an ongoing armed conflict within the country that would pose a serious threat to the personal safety of the country's nationals if they were returned; (2) there has been an environmental disaster resulting in a substantial, but temporary, disruption of the living conditions in the area affected, the country is temporarily unable to handle adequately the return of its nationals, and the country has officially requested TPS designation; or (3) there exists extraordinary and temporary conditions in the country that prevent nationals from returning in safety, and that permitting the country's nationals to remain temporarily in the United States would not be contrary to the national interest of the United States. *See* Immigration and Nationality Act § 244(b)(1).

As you are aware, the Secretary of Homeland Security previously designated Nepal for TPS on June 24, 2015, due to the April 2015 earthquake, resulting in a substantial disruption of living conditions. On May 22, 2018, following a review of the country conditions and consulting with appropriate U.S. government agencies, the Secretary announced the termination of the designation of Nepal for TPS. As required by court order, the termination of TPS for Nepal will not take effect until further notice.¹ USCIS will extend appropriate TPS-related documentation for eligible beneficiaries of TPS Nepal, including Employment Authorization Documents, Forms I-797, Notice of Action, and Forms I-94, Arrival/Departure Record.²

¹ *Bhattarai et al. v. Nielsen et al.*, No. 19-cv-00731 (N.D. Cal. March 12, 2019).

² The Department of Homeland Security (DHS) has extended TPS-related documents for eligible beneficiaries of Nepal and Honduras as we have done for the TPS beneficiaries in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal), a

DHS is closely monitoring conditions in Nepal. Please be assured that DHS offers support that may be available upon request³ to assist eligible noncitizens, including:

- Change or extension of nonimmigrant status of eligible individuals currently in the United States, even if the request is filed after the authorized period of admission has expired;
- Expedited processing of requests for advance parole documents;
- Expedited adjudication of requests for off-campus employment authorization for F-1 students experiencing severe economic hardship;
- Expedited adjudication of employment authorization applications, where appropriate;
- Assistance if applicants received a Request for Evidence or a Notice of Intent to Deny and were unable to appear for an interview, submit evidence, or respond in a timely manner because of the situation in their home country; and
- Replacement of lost or damaged immigration or travel documents issued by U.S. Citizenship and Immigration Services (USCIS), such as a Permanent Resident Card (Green Card).

DHS is committed to administering its programs, including TPS, in an equitable manner. DHS makes decisions to designate TPS in accordance with law after consultation with interagency partners and careful consideration of the circumstances of the country.

Thank you again for your letter and interest in this important issue. Please share this response with the organization that cosigned your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,



Ur M. Jaddou
Director

case that challenges the terminations of TPS for El Salvador, Haiti, Nicaragua, and Sudan. The district court in *Bhattarai* has stayed proceedings pending the outcome of the government's appeal in *Ramos*. Although a panel of the U.S. Court of Appeals for the Ninth Circuit vacated the injunction in *Ramos* on Sept. 14, 2020, the appellate court has not issued its directive to the district court to make that ruling effective, and the injunction remains in place at this time. The termination of TPS for Nepal will not take effect while the *Ramos* injunction is in place, as it presents similar issues to those presented in *Bhattarai*.

³ Additional information is available at the U.S. Citizenship and Immigration Services website at: <https://www.uscis.gov/humanitarian/special-situations>.