

Congress of the United States
Washington, DC 20515

July 26, 2023

RECEIVED

By ESEC at 10:35 am, Jul 27, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue NW
Washington, D.C. 20016

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

Dear Secretary Mayorkas and Secretary Blinken,

We are grateful for the Administration's recent 18-month extension of Temporary Protected Status (TPS) for Nepali nationals set to expire on June 24, 2025.¹ Given the ongoing safety concerns around travel to Nepal, we urge you to consider redesignating Nepal as a TPS beneficiary in order to ensure the safety and security of Nepali nationals in the United States for the foreseeable future.

The Department of Homeland Security (DHS) designated Nepal for TPS in 2015 due to a 7.8 magnitude earthquake, which caused over 8,700 fatalities and more than 20,000 injuries, as well as displaced millions of people. There are approximately 8,000 Nepali TPS beneficiaries, but redesignation of status would protect upwards of 36,795 additional people who fled conditions in Nepal after the 2015 cutoff date.²³

As you know, TPS is a form of protection from deportation for foreign nationals, residing in the United States, whose countries of origin are experiencing armed conflict, natural disasters, and extraordinary and temporary conditions that render the country unsafe for return.⁴ TPS temporarily provides beneficiaries the legal authorization to live and work in the United States.⁵ Nepal meets the statutory conditions for TPS on multiple grounds, as the country is unsafe for return due to the continuing effects of the devastating 2015 earthquake that makes the country unable to handle the return of its nationals, as well as additional extraordinary and temporary conditions that exacerbate such effects, as detailed below.

The previous administration's decision to terminate protections for Nepal placed beneficiaries at risk of losing their status, facing deportation, and losing their ability to work. This decision was challenged in court and is currently being litigated under *Ramos v. Mayorkas*. While DHS granted an extension to allow beneficiaries to retain TPS until June 24, 2025, any breakdown in settlement talks risks prolonging litigation and placing thousands of Nepali TPS holders and potential beneficiaries at peril.

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

² Jill H. Wilson, *Temporary Protected Status and Deferred Enforced Departure*, Congressional Research Service, RS20844, May 28, 2021, <https://fas.org/sgp/crs/homesecc/RS20844.pdf>.

³ *How Many Could Executive Action Protect? Estimating the Scope of Protection Through TPS and DACA*, Temporary Protected Status Advocacy Working Group, last updated July 2020, <https://cliniclegal.org/resources/humanitarian-relief/deferred-action-childhood-arrivals/how-many-could-executive-action>.

⁴ INA § 244(b)(1).

⁵ INA § 244(a)(1).

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Nepal continues to face several challenges that make TPS holders' return extremely difficult. Beyond the continuing effects of the earthquakes, Nepal faces disproportionate impacts of climate change and is facing substantive economic challenges.⁶ According to the World Bank Climate Risk Country Profile in 2021, "warming in Nepal is projected to be higher than the global average. Natural hazards such as drought, heatwave, river flooding, and glacial lake outburst flooding are all projected to intensify."⁷ As natural disasters worsen due to climate change, internal displacement will also continue to grow, as we witness in 2020 and 2021.⁸ Additionally, Nepal is facing among the highest retail inflation rate for nearly six years. The World Bank anticipates economic growth in Nepal to 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.⁹

Nepali TPS holders contribute an estimated \$301 million to the U.S. economy annually, and 66 percent of the Nepali TPS holders are active participants in the labor force.¹⁰ Many Nepali TPS holders make up the majority of the workforce in essential industries such as health care, nannies, housekeepers, and elder and home care workers.¹¹

Nepali TPS holders have served as essential workers during the pandemic and continue to be the backbone of the American economy serving as workers and small business employers throughout the country, by contributing to the economy and enriching communities. Redesignation of TPS for Nepalis will reassure beneficiaries of concrete protection, regardless of any ongoing litigation and internal conflict in Nepal. We urge you to consider the redesignation of TPS for Nepal and look forward to working with you on behalf of our immigrant communities.

Sincerely,

⁶ Bruce Vaughn, *Nepal*, Congressional Research Service, IF10216, March 1, 2023, <https://www.crs.gov/Reports/IF10216?source=search>

⁷ Id.

⁸ U.S. Department of State, "Nepal 2021 Human Rights Report", <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/nepal/>

⁹ Faris Hadad-Zervos, Nepal Development Updated (April 2023), *The World Bank*, <https://www.worldbank.org/en/news/press-release>.

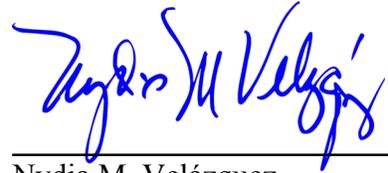
¹⁰ Id.

¹¹ Ai-jen Poo, "Tell Me More with Kelly Corrigan: Ai-jen Poo," by Kelly Corrigan, *PBS*, <https://www.pbs.org/video/judy-woodruff-z3en25/>

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Grace Meng
Member of Congress



Nydia M. Velázquez
Member of Congress



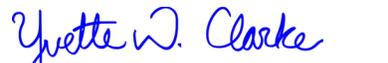
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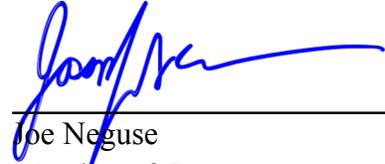


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Dwight Evans
Member of Congress



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Member of Congress



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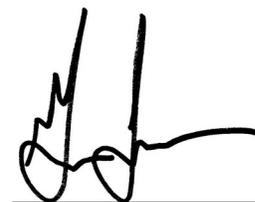
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JM Tokuda
Member of Congress



U.S. Citizenship
and Immigration
Services

August 22, 2023

The Honorable Grace Meng
U.S. House of Representatives
Washington, DC 20515

Dear Representative Meng:

Thank you for your July 26, 2023 letter to the Department of Homeland Security (DHS) in support of redesignation of Temporary Protected Status (TPS) for Nepal. I am responding on behalf of the Department.

On June 13, 2023, after careful consideration, including a thorough review of the country conditions and consultation with interagency partners, Secretary Mayorkas announced the rescission of the previous Administration's termination of the TPS designation of Nepal and extended the TPS designation for 18 months on the basis of environmental disaster. This designation will be in effect from December 25, 2023 through June 24, 2025.¹ On June 21, 2023, DHS published a *Federal Register* notice providing instructions for nationals of Nepal (or individuals having no nationality who last habitually resided in Nepal) who are current TPS beneficiaries to re-register for TPS and to apply for renewal of their EADs with U.S. Citizenship and Immigration Services (USCIS).²

I appreciate your concerns regarding the situation in Nepal and your interest in its redesignation for TPS. DHS is closely monitoring conditions in Nepal. DHS is committed to administering its programs, including TPS, in an equitable manner and makes decisions regarding TPS designations, including the Department of State, pursuant to specific statutory criteria. *See* Immigration and Nationality Act §§ 244(b)(1) and 244(b)(3). As required by the statute, at least 60 days before the expiration of a TPS designation or extension, the Secretary, after consultation with appropriate Government agencies, must review the conditions in the foreign state to determine whether the conditions for the TPS designation continue to be met.

In addition to TPS, USCIS also offers immigration relief to eligible individuals affected by emergencies or unforeseen circumstances. Such relief may include:

¹ DHS Rescinds Prior Administration's Termination of Temporary Protected Status Designations for El Salvador, Honduras, Nepal, and Nicaragua, <https://www.dhs.gov/news/2023/06/13/dhs-rescinds-prior-administrations-termination-temporary-protected-status>.

² See Reconsideration and Rescission of Termination of the Designation of Nepal for Temporary Protected Status; Extension of the Temporary Protected Status Designation for Nepal, 88 FR 40317 (June 21, 2023).

- Change or extension of nonimmigrant status if the eligible noncitizen is 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 special situation; and
- Replacement of lost or damaged immigration or travel documents issued by USCIS, such as a Permanent Resident Card (Green Card).

More information can be found at <https://www.uscis.gov/newsroom/immigration-relief-in-emergencies-or-unforeseen-circumstances>.

Thank you again for your letter and interest in this important issue. The cosigners of your letter will receive a separate, identical response. If you would like to discuss this issue further, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director