



71-07 Woodside Ave.
Woodside, NY 11377
(718) 937 - 1117

August 19, 2021

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

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

RE: Request for 18-month redesignation of Temporary Protected Status for Nepal

Dear Secretary Mayorkas and Secretary Blinken:

We write to urge you to redesignate Temporary Protected Status (TPS) for Nepali nationals in the United States. Nepal remains unsafe for return due to the continuing effects of the 2015 earthquake along with emergent extraordinary temporary conditions, but the current protections only cover those who have been in the United States since June 24, 2015.¹ There are approximately 10,160 Nepali TPS holders, but redesignation would protect upwards of 36,795 additional people who fled conditions in Nepal after the 2015 cut off date.² The humanitarian crisis persists, and there is no possibility for Nepali nationals to safely return at this time.

As you know, TPS is a form of statutory protection from deportation for foreign nationals in the United States whose countries of origin are experiencing some kind of temporary and extraordinary conditions including, but not limited to, armed conflict and natural disasters that render the country unsafe for return.³ TPS also allows those who have it to remain in the United States and to work legally.⁴ Nepal meets the statutory conditions for TPS on multiple grounds, as the country is unsafe for return due to the continuing effects of a devastating earthquake that make 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.

Though Nepalis have demonstrated remarkable resilience in the years after the magnitude 7.8 earthquake that killed nearly 9,000, injured tens of thousands more, and destroyed national infrastructure, the effects of the quake continue to this day.⁵ These shocks came in waves

¹ Temporary Protected Status Designated Country: Nepal, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, last updated December 7, 2020, <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-nepal>.

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>; *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://clinicalegal.org/resources/humanitarian-relief/deferred-action-childhood-arrivals/how-many-could-executive-action>.

³ INA § 244(b)(1).

⁴ INA § 244(a)(1).

⁵ Lena Michaels, *Still Recovering from the Earthquake, Nepal Faces Covid-19*, the Asia Foundation, April 15, 2020, <https://asiafoundation.org/2020/04/15/still-recovering-from-the-earthquake-nepal-faces-covid-19/>; Hemant Ojha, Eileen Baldry, and Krishna K. Shrestha, *Two years after the earthquake, why has Nepal failed to recover?*, The

during 2020, as Nepal weathered a concurrent global pandemic, political turmoil, and further record-level flooding, which displaced nearly four million people across northern India and Nepal.⁶

As of May 10, 2021, U.S. State Department lists Nepal at the highest level travel advisory, instructing travelers not to travel to Nepal due to high risk of COVID-19 and political violence.⁷ Nepal has unfortunately suffered from continued political instability since the earthquake that triggered the country's initial TPS designation. After adopting a new constitution in 2015, Nepal has cycled through four governments in six years. The current government has proposed numerous laws to curtail the freedom of expression and has wielded the police and military against Nepali citizens.

In October 2020, the Nepali National Human Rights Commission published data detailing nearly three hundred counts of violence against civilians by military personnel, police, and former Maoist insurgents, which the government failed to investigate.⁸ The State Department's annual human rights report on Nepal details 37 pages of human rights abuses, particularly against vulnerable populations like women, children, inmates, Tibetan refugees, and members of the Dalit minority.⁹ Abuses include government corruption, extrajudicial killings, torture, gender-based violence, and cases of cruel, inhuman, or degrading treatment by the government.¹⁰ In a recent survey of current Nepali TPS holders, 81.5 percent were concerned with the physical safety of themselves and their family should they be returned to Nepal.¹¹

These conditions have only been exacerbated by the COVID-19 pandemic, which in turn is exacerbated by political instability and the Nepali government's inability to coordinate an effective pandemic response. While some countries are on their way to recovery, Nepal hit its peak infection rate just this May. Health officials reported an incredible daily positivity rate of 50 percent, with infections rising from 150 people per day to over 9,300 per day in one month.¹² As of June 2, 2021, Nepal has only received 348,000 doses of the vaccine, less than 20 percent

Conversation, May 12, 2017,

<https://theconversation.com/two-years-after-the-earthquake-why-has-nepal-failed-to-recover-77552>.

⁶ Zarir Hussain and Gopal Sharma, *Floods in India, Nepal displace nearly four million people, at least 189 dead*, Reuters (July 19, 2020),

<https://www.reuters.com/article/us-india-floods/floods-in-india-nepal-displace-nearly-four-million-people-at-least-189-dead-idUSKCN24Ko6S>; *Nepal: Lack of Accountability Undermining the Rule of Law*, Human Rights Watch, November 3, 2020, <https://www.hrw.org/news/2020/11/03/nepal-carry-out-rights-panels-recommendations>.

⁷ Nepal Travel Advisory, U.S. State Department, updated May 10, 2021,

<https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/nepal-travel-advisory.html>.

⁸ Nepal Events of 2020, *World Report 2021*, Human Rights Watch (2021),

<https://www.hrw.org/world-report/2021/country-chapters/nepal>.

⁹ Country Reports on Human Rights Practices for 2020: Nepal, Bureau of Democracy, Human Rights and Labor, U.S. Department of State,

<https://www.state.gov/wp-content/uploads/2021/03/NEPAL-2020-HUMAN-RIGHTS-REPORT.pdf>.

¹⁰ *Id.*

¹¹ Tom K. Wong et al., *Nepali TPS Holders Make Significant Contributions to America*, Center for American Progress, October 19, 2020,

<https://www.americanprogress.org/issues/immigration/reports/2020/10/19/491812/nepali-tps-holders-make-significant-contributions-america/>.

¹² Anbarasan Ethirajan, *As India halts vaccine exports, Nepal faces its own Covid crisis*, BBC News (May 12, 2021), <https://www.bbc.com/news/world-asia-57055209>.



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of the 1,920,000 allocated.¹³ The Center for Disease Control and Prevention currently advises against all travel to Nepal and places it at the highest risk level for contracting COVID-19.¹⁴ The prime minister of Nepal, K.P. Sharma Oli, said that though the government is making an effort toward prevention and treatment, “due to the constraints of resources and infrastructure, the pandemic is turning out to be an overwhelming burden.”¹⁵ Nepal is in no condition to receive over 36,000 Nepalis and their families living in the United States. The administration must redesignate Nepal for TPS and extend vital humanitarian protection to those who need it.

We also emphasize the importance of redesignation for U.S. citizens and the United States as a whole. Extending TPS to thousands of Nepalis also protects thousands of U.S.-citizen children of Nepali TPS holders and prevents family separation should a parent be deported to dangerous conditions. Current Nepali TPS holders have worked on the frontlines during the pandemic as doctors, nurses, health aides, grocery store clerks, restaurant workers, and package delivery personnel, keeping our country running, safe, clean, and healthy.¹⁶ We also note that DHS recently designated Haiti for TPS due to country conditions very similar to those currently facing Nepal: political instability, human rights violations, and security concerns—all exacerbated by a devastating earthquake years prior and the uncontrolled spread of COVID-19.¹⁷

We request that you redesignate TPS for Nepal, publish a timely Federal Register Notice, and launch a culturally competent public information campaign to notify the impacted community of the decision and any actions that they must take to successfully apply. Given the COVID-19 pandemic, we also call for at least a 180-day registration period for both current TPS holders and those who would benefit under the redesignation. Additionally, similar to Nepal, many other TPS designated countries are facing continued crises. We encourage DHS to conduct a review for redesignation of all other countries currently with TPS protections.

Thank you.

Sincerely,

18 Million Rising
AAFF South Region
African Communities Together
Alianza Americas
America's Voice
American Friends Service Committee

¹³ COVAX vaccine roll-out: Nepal, GAVI Vaccine Alliance, accessed June 2, 2021, <https://www.gavi.org/covax-vaccine-roll-out/nepal>.

¹⁴ COVID-19 in Nepal, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, last reviewed May 19, 2021, <https://wwwnc.cdc.gov/travel/notices/covid-4/coronavirus-nepal>.

¹⁵ KP Sharma Oli, *Nepal is being overwhelmed by Covid. We need help*, The Guardian (May 10, 2021), https://amp.theguardian.com/commentisfree/2021/may/10/nepal-covid-uk-g7?_twitter_impression=true.

¹⁶ Wong et al., *Nepali TPS Holders*, Center for American Progress (2020).

¹⁷ *Secretary Mayorkas Designates Haiti for Temporary Protected Status for 18 Months*, U.S. Department of Homeland Security, May 22, 2021, <https://www.dhs.gov/news/2021/05/22/secretary-mayorkas-designates-haiti-temporary-protected-status-18-months>.



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Apna Ghar, Inc.
Asian American Federation
Asian Americans Advancing Justice | AAJC
Asian Caribbean Exchange
Asian Counseling and Referral Service
Asian Pacific American Labor Alliance, AFL-CIO
Asian Pacific American Legal Resource Center
Asian Pacific Institute on Gender-Based Violence
Asian Services In Action (ASIA)
Asylum Seeker Advocacy Project (ASAP)
Bend the Arc: Jewish Action - Maryland
CA Healthy Nail Salon Collaborative
Carroll Gardens Association
CASA
Catholic Charities of Dallas Immigration Legal Services
Catholic Legal Immigration Network, Inc.
Catholic Migration Services
Center for Safety & Change
Chhaya CDC
Chinese-American Planning Council (CPC)
Church World Service
Committee in Solidarity with the People of El Salvador (CISPES)
Daya Inc.
Disciples Refugee & Immigration Ministries
Emerald Isle Immigration Center
Faith in Public Life
Familia: Trans Queer Liberation Movement
Families Belong Together
Family Action Network Movement
First Focus on Children
Florida Asian Services
Florida Asian Women Alliance
GAPIMNY—Empowering Queer & Trans Asian Pacific Islanders
Ghyalsumdo Samaj
Girija Prasad Koirala Foundation America
Gorkhali Samaj, New York
Haitian Bridge Alliance
Hispanic Federation
Hyoelmo Society of America
Immigrant ARC



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Immigration Hub
Jade Lew
Jubilee Immigration Advocates
Justice Action Center
Kirat Yakthung Chumlung USA
LAAL NYC
Lions Club of Queens Nepalese
Long Island Nepalese Society, New York
Lutheran Immigration and Refugee Service
Madheshi Association in America
Make the Road New York
Maryland Against ICE Detention (MdAID)
Maryland Legislative Coalition
MinKwon Center for Community Action
Montgomery Citizens United for Prosperity (MCUP)
Mustang Kyidug USA, Inc
NASO Community USA, New York Chapter
National Asian Pacific American Families Against Substance Abuse
National Domestic Workers Alliance
National Employment Law Project
National Immigrant Justice Center
National Immigration Law Center
National Network for Immigrant & Refugee Rights
National TPS Alliance
Nepalese Society, Texas
Nepali Prawasi Munch
New York Immigration Coalition
North American Climate, Conservation and Environment (NACCE)
NY NJ Regional Joint Board, Workers United/SEIU
NYCOSH
OCA South Florida Chapter
Pilipino Workers Center of Southern California
Poder Latinx
Queens Buddha Lions Club New York
RAICES
Revolutionary Love Project
Rotary Club of New York
Sadhana: Coalition of Progressive Hindus
Sahayogi Haatharu - USA
Services, Immigrant Rights & Education Network (SIREN)



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South Asian Americans Leading Together (SAALT)
South Asian Public Health Association (SAPHA)
Southeast Asian Defense Project
TakeRoot Justice
Takoma Park Mobilization - Equal Justice
Tamang Society of America Inc
Tamu Pariwar New York Inc.
Tennessee Immigrant & Refugee Rights Coalition
The Gurung (Tamu) Society Inc., USA
The Legal Aid Society (New York)
The National Korean American Service & Education Consortium
Unitarian Universalist Service Committee
United Kiratrai Organization of America New York Chapter
Win Without War
World Relief
Yemeni American Merchants Association