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May 5, 2015

The Honorable Jeh Johnson
Department of Homeland Security
Washington, DC 20528

Dear Secretary Johnson:

In coalition with Nepali organizations based in the United States, including Adhikaar in New York, the National Council of Asian Pacific Americans (NCAPA) are a part of a nation-wide movement to support humanitarian efforts for Nepal. The massive 7.8 magnitude earthquake that shook Nepal has resulted in mass death and destruction. This devastation and tragedy has touched all of our hearts as the difficult relief efforts have begun.

NCAPA commends the Obama Administration for contributing to urgent relief efforts in Nepal. While the U.S. is directing much-needed relief aid to Nepal, another significant way we can help limit the strain on that country's resources is by designating Nepal for Temporary Protected Status (TPS) under § 244(b) of the Immigration and Nationality Act. In a very similar circumstance, after a massive earthquake in Haiti, the Secretary of Homeland Security acted quickly to designate Haiti for TPS. That response can and should be repeated for Nepal as soon as possible.

Section 244(b)(1)(B) allows for a TPS designation if an environmental disaster, including specifically an earthquake, has caused a substantial temporary disruption of living conditions in the area affected such that the country cannot adequately handle the return of its nationals; and the country has officially requested a TPS designation.

Nepal experienced a 7.8 magnitude earthquake followed by numerous strong aftershocks, some even measuring 6.6 on the Richter scale. Thirty-nine of Nepal's seventy-five districts were affected by the quake – 11 of them severely. The death toll in Nepal has exceeded 5,000 and the expected numbers could be as high as 10,000. Eight million people have already been affected, and the number is expected to grow as aftershocks, avalanches, mudslides and bad weather continue to damage homes, businesses and other vital infrastructure. The government estimates that over 70,000 houses have been destroyed. Over 3,000 schools are located in the 11 most severely affected districts. Up to 90 percent of health facilities in rural areas have been damaged. Hospitals in district capitals, including Kathmandu, are overcrowded and lack medical supplies and capacity. Many temples and heritage sites have collapsed.

The aftermath of the earthquake has left the people of Nepal displaced, homeless, and at risk for disease. The United Nations reported that an estimated 2.8 million people are displaced. Survivors are reported to be living in tents or sleeping in open fields, despite the heavy rains. The need for food, clean water, shelter and fuel is dire. Nepal's famous mountainous structure has made it difficult to provide relief to villages farther away from the capital of Kathmandu. Relief efforts have also been complicated because

Kathmandu's airport has only one runway, which suffered damage during the earthquake, and cannot easily accommodate the planes arriving with supplies. The conditions on the ground mean that Nepal is unable to handle the return of nationals at this time. All the energy is on keeping people in Nepal safe and cared for. Given the extensive damage and loss that is already known, and the certainty that those numbers will increase significantly, Nepal clearly meets the necessary requirements for a TPS designation.

TPS is a temporary form of humanitarian aid that will empower Nepalese here in the United States to more effectively aid their own home country during the rebuilding. TPS would ensure that Nepalese in the U.S. would be protected from deportation and granted work authorization to enable them to continue working and send remittances to Nepal. Moreover, the devastation in Nepal and hazardous conditions make it unsafe for any Nepalese nationals to be forced to return to the country at this time. Nepal ranks among the world's poorest countries. The United States has provided aid and support since January 1951, contributing more than \$1.4 billion bilaterally and multilaterally. Up to 90 percent of the country's inhabitants earn a living through agriculture, which serves as a significant percentage of the country's gross domestic product. Tourism also serves as a major source of revenue, which will be greatly impacted by the earthquake's devastation as many historical sites have been destroyed. The U.S. Geological Survey estimates that reconstruction costs could exceed \$10 billion, or half of national GDP.

Further, in 2006 Nepal ended an armed conflict that plagued the country for over ten years. Over 15,000 people were killed in this conflict, between 100,000 to 150,000 thousand people were internally displaced and thousands of others were disappeared. Since 2006 Nepal has faced a crisis of governance with different political parties leading the government at different times. Nepal currently runs under an Interim Constitution which was written in 2007 and political parties have not yet agreed on a formal constitution. This instability leaves Nepal with limited infrastructure to deal with the crisis created by the earthquake.

In addition to requesting a designation of TPS, we respectfully request that the Department of Homeland Security (DHS) extend other immigration-related relief for Nepalese in the U.S. and abroad. Specifically, we urge DHS to grant humanitarian parole to Nepalese nationals currently in Nepal who have approved I-130 or I-140 petitions but for whom visas are not yet available, and to extend any existing grants of parole to Nepalese nationals already in the U.S. We also ask DHS to expedite processing of immigrant petitions for immediate relatives of U.S. relatives and to expedite adjudication of employment authorization applications, where appropriate. Similarly, DHS should expedite adjudication and approval, where possible, of requests for off-campus employment authorization for Nepalese students with F-1 visas experiencing severe economic hardship.

Therefore, along with the coalition of Nepali organizations, Adhikaar, NCAPA and the 127 undersigned organizations strongly urge you to designate Nepal for Temporary Protected Status and to provide additional immigration-related relief as soon as possible.

Sincerely,



Mini Timmaraju
Executive Director
National Council of Asian Pacific Americans



Luna Ranjit
Executive Director
Adhikaar

21 Progress

African Immigrant Services
Alabama Coalition for Immigrant Justices
Alliance of Filipinos for Immigrant Rights and Empowerment
Alliance San Diego
America's Voice Education Fund
American Immigration Council
American Immigration Lawyers Association
American Immigration Lawyers Association, Chicago Chapter
APACE Votes
APDC
Apna Ghar, Inc. (Our Home)
ASAAL
Asian & Pacific Islander American Health Forum
Asian American Cultural Association of Cincinnati (AACAC)
Asian American Health Coalition DBA HOPE Clinic
Asian American Legal Defense and Education Fund
Asian American Organizing Project
Asian American Psychological Association
Asian Americans Advancing Justice - Asian Law Caucus
Asian Americans Advancing Justice-AAJC
Asian Americans Advancing Justice-LA
Asian Chamber of Commerce of Arizona
Asian Community Alliance
Asian Counseling and Referral Service (ACRS)
Asian Health Coalition
Asian Law Alliance
Asian Pacific American Labor Alliance, AFL-CIO
Asian Pacific Development Center
Asian Services In Action
ASPIRE-LA
Association of Asian Pacific Community Health Organizations
Aurora Mental health Center
AZAPIA Vote Table
Border Action Network
CAIR-Chicago
California Immigrant Youth Justice Alliance
Catholic Legal Immigration Network Inc. (CLINIC)
Center for Asian American Media
Center for Employment Training Immigration and Citizenship Program
Center for Southeast Asians
Centro de los Derechos del Migrante, Inc.
Centro Laboral de Graton
Chhaya Community Development Corporation
Chinese Community Center
Chinese for Affirmative Action
Church World Service
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
Conversations With Friends (Minnesota)
DRUM - Desis Rising Up & Moving
EILEEN FISHER, Inc.
El Centro Humanitario para los Trabajadores
Empire Justice Center

Fearless Asians for Immigration Reform (FAIR!)

Filipino Advocates for Justice

Florida Immigrant Coalition, Inc. (FLIC)

Her Justice

HIAS

Highline College

Holistic Psychiatry, P.C.

Immigrant Justice Corps

Immigrant Law Center of Minnesota

Immigrant Legal Resource Center

Indian Horizon of Florida

Indian-American Bar Association of Chicago (IABA Chicago)

International Rescue Committee (IRC)

Janelle Wong, Director, Asian American Studies, University of Maryland

Instituto de Educacion Popular del Sur de California (IDEPSCA)

Jacob A. Riis Neighborhood Settlement

Jewish Community Action

Jewish Council for Public Affairs

Laotian American National Alliance (LANA)

Law Office of Mark Shmueli

LSSA 2320

Lutheran Immigration and Refugee Service

Lutheran Social Services of New York - Immigration Legal Program

Mai Family Services

Mayflower Immigration Team

MinKwon Center for Community Action

Mountain View Dreamers

NAAAP Cincinnati

NAFSA: Association of International Educators

National Asian American PAC FL

National Asian American Pacific Islander Mental Health Association

National Asian Pacific American Bar Association

National Asian Pacific American Women's Forum

National Asian Pacific American Women's Forum Seattle Chapter

National Association of Asian American Professionals

National Coalition for Asian Pacific American Community Development

National Council of Asian Pacific Islander Physicians

National Domestic Workers Alliance

National Domestic Workers Alliance-Atlanta Chapter

National Employment Law Project

National Immigrant Justice Center

National Immigration Forum

National Immigration Law Center

National Immigration Project of the NLG

National Korean American Service and Education Consortium

National Latina Institute for Reproductive Health

National LGBTQ Task Force

New Immigrant Community Empowerment (NICE)

New York Committee on Occupational Safety and Health (NYCOSH)

New York Immigration Coalition

New York Asian Women's Center

Northwest Immigrant Rights Project

OneAmerica

Raksha, Inc

Refugee & Immigrant Services Northwest
SAAVI
SAFEST
Terry Schaunaman
Services, Immigrant Rights, and Education Network (SIREN)
Sikh American Legal Defense and Education Fund (SALDEF)
Somos Mayfair
South Asian American Policy & Research Institute (SAAPRI)
South Asian Americans Leading Together (SAALT)
South Asian Bar Association of North America (SABA)
South Asian Bar Association of New York (SABANY)
South Asian Network
Southeast Asia Resource Action Center (SEARAC)
Tennessee Immigrant and Refugee Rights Coalition
The Advocates for Human Rights
U.S. Committee for Refugees and Immigrants
USN
UNITED SIKHS
United We Dream
Voices For Freedom
Wing Luke Museum of the Asian Pacific American Experience
Wisconsin United Coalition of Mutual Assistance Association, Inc.

cc: The Honorable John Kerry, Secretary of State
The Honorable Leon Rodriguez, Director, U.S. Citizenship & Immigration Services
Cecilia Muñoz, White House Domestic Policy Council



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

May 28, 2015

Luna Ranjit
Executive Director
Adhikaar
7107 Woodside Avenue
Woodside, NY 11377

Dear Ms. Ranjit:

Thank you for your May 5, 2015 letter. The Secretary asked that I respond to your concerns. As the Director of U.S. Citizenship and Immigration Services (USCIS), I appreciate your request to designate Nepal for Temporary Protected Status (TPS) and to extend other immigration-related relief to Nepali nationals in the wake of the earthquake that struck Nepal on April 25, 2015.

USCIS is the Department of Homeland Security component responsible for implementing TPS and many other humanitarian immigration programs and relief measures. We recognize the significant impact that the earthquake has had in Nepal and on its nationals and would like to express our concern and support for all those affected.

As noted in your letter, the discretionary authority to designate a country for TPS is based upon specific statutory criteria and is vested in the Secretary for Homeland Security.¹ To designate a country for TPS, the Secretary must find, after consultation with appropriate agencies, 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 exist extraordinary and temporary conditions in the country that prevent nationals from returning in safety, and the Secretary does not find that permitting the country's nationals to remain temporarily in the United States would be contrary to the national interest of the United States.²

USCIS is currently assessing conditions in Nepal to determine whether a discretionary TPS designation is appropriate under the statute. Additionally, USCIS issued a News Alert on May 5, 2015, highlighting certain immigration relief measures available to assist eligible Nepali nationals. The full News Alert is available at www.uscis.gov/news/alerts/immigration-relief-measures-nepali-nationals.

¹ See *Immigration and Nationality Act* § 244, 8 U.S.C. § 1254a.

² See *Immigration and Nationality Act* § 244(b)(1)(A)-(C).

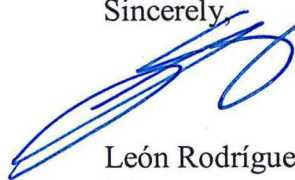
Immigration relief measures that may be available upon request include:

- Change or extension of nonimmigrant status for an individual currently in the United States, even if the request is filed after the authorized period of admission has expired;
- A grant of re-parole;
- Expedited processing of advance parole requests;
- Expedited adjudication and approval, where possible, of requests for off-campus employment authorization for F-1 students experiencing severe economic hardship;
- Expedited adjudication of employment authorization applications, where appropriate;
- Consideration for waivers of fees associated with USCIS benefit applications, based on an inability to pay; and
- Assistance replacing lost or damaged immigration or travel documents issued by USCIS, such as Permanent Resident Cards (Green Cards).

More information on these and other relief measures can be found at www.uscis.gov/humanitarian/special-situations. USCIS remains committed to assisting populations in need around the world through our humanitarian programs and continues to examine ways we can assist Nepali nationals who have been affected by the earthquake.

The co-signer of your letter will receive a separate, identical response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'León Rodríguez', is written over the word 'Sincerely,'.

León Rodríguez
Director



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

May 28, 2015

Mini Timmaraju
Executive Director
National Council of Asian Pacific Americans
1629 K Street, NW
Suite 400
Washington, DC 20006

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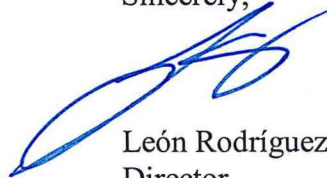
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León Rodríguez
Director