Support Temporary Protected Status for Nepal

FAQ

Background on Temporary Protected Status and Potential Nepal Designation

What is Temporary Protected Status (TPS)?

Under INA section 244, The Secretary of the Department of Homeland Security (DHS) may designate a country, or portions of a country, for TPS when conditions exist such as an on-going armed conflict or an environmental disaster in the country that temporarily prevents the country’s nationals from returning safely. While not required, typically a country must first request TPS before the Secretary will make a designation. Once a country receives a TPS designation, nationals of that country residing in the U.S. receive a temporary, humanitarian form of relief from deportation that does not include the granting of permanent residence. The initial TPS designation lasts for a period of 6 to 18 months and can be extended if conditions continue to support the designation.

Who is eligible for TPS?
To be initially eligible for TPS, an individual must:

- Be a national of a country designated for TPS, or a person without nationality who last habitually resided in the designated country;
- Register for TPS status during the initial registration period;
- Demonstrate continuous physical presence in the U.S. since the effective date of the designation; and
- Demonstrate continuous residence in the U.S. since the date specified in the designation.

An individual is not eligible for TPS if the person has been:

- Convicted of any felony or two or more misdemeanors committed in the U.S.;
- Found to be inadmissible to the U.S. based on grounds listed in INA section 212(a), including non-waivable criminal and security-related grounds; or
- Subject to any of the mandatory bars to asylum.

A person can also be deemed ineligible for TPS if they fail to re-register or fail to maintain continuous physical presence and continuous residence in the U.S.

What are the benefits of TPS?
○ Temporary protected status for all Nepalese citizens in the U.S. With a grant of TPS, individuals will be able to work, irrespective of previous immigration status violations, and send money home to relatives. This would also stop deportations to qualifying individuals back to Nepal.

○ 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. This would allow visitors from Nepal who are currently in the U.S. more flexibility in arranging their travel plans.

○ Extension of certain grants of parole made by USCIS so people are not expected to depart for Nepal while conditions are so dire there.

○ Expedited adjudication and approval, where possible, of requests for off-campus employment authorization for F-1 students experiencing severe economic hardship, so students can continue to work and send money home.

○ Expedited adjudication of employment authorization applications, where appropriate; and

○ Consideration for waiver of fees associated with USCIS benefit applications, based on an inability to pay.

Once TPS is approved, people granted TPS are eligible for advance parole to travel abroad. Those determinations are based on individual circumstances.

Why should Nepal be designated for TPS?
On Saturday, April 25, a 7.9-magnitude earthquake rocked the entire country of Nepal, immediately killing over 2,500 people and crumbling age-old historical landmarks as well as activating avalanches on Mount Everest. The most devastating earthquake in nearly 81 years, huge aftershocks of up to 6.7-magnitude followed as early as the very next day. The official death toll a week after stands at 5,800, and the Ministry of Home Affairs has estimated that over 10,900 are injured and nearly 500,000 people are internally displaced.

It would impose a great burden on the rescue and restoration effort in Nepal to require the country to reabsorb its nationals from abroad, many of whom may have homes that were destroyed by the earthquake. Temporary Protected Status (TPS) exists to provide a safe haven for those who are reluctant to return to potentially dangerous situations, and to assist nations who are under extraordinary and temporary conditions and face difficulties in receiving their nationals safely.

A grant of TPS would allow Nepalese here in the U.S. to work and support their families in Nepal who were impacted by the earthquake. Remittances account for almost 30 percent of Nepal’s Gross Domestic Product. Now, more than ever, those funds are needed to help support the recovery process.

How many Nepalese in the United States could be affected if TPS was granted?

○ Close to 3,000 Nepalese in removal proceedings across the United States. Their cases should be administratively closed and they should be allowed to apply for TPS.

○ Approximately 8,000 Nepalese here on visitor visas should be allowed a longer stay so they do not have to go back to dangerous conditions and homes that no longer exist

○ Approximately 6,000 Nepali students and their dependents in the U.S. should be allowed to
live and work here to send money back to their families in Nepal.

**How can Nepal get a TPS designation?**
The decision to designate a country for TPS rests with the executive branch of the federal government. Congress does not vote on it, though members of Congress may ask the President to designate a particular country. However, it is up to the President and his agencies to make the final determination.

To start the process the Nepali government through the embassy should make the request of the U.S. government through its diplomatic channels. After the request is made, the Secretary of Homeland Security, in consultation with the appropriate agencies such as the Department of State, will then decide whether to grant the request. The designation only becomes effective once it is published in the Federal Register.

**What has already been done? What can I do to help Nepal get a TPS designation?**
New York Congressman Joseph Crowley and Congresswoman Grace Meng have already written a letter to Secretary of Homeland Security Johnson and Secretary of State Kerry to extend TPS to the Nepali community. Also, Congressman Al Green (TX) and Congressman Mike Honda (CA) have introduced the ‘Nepal Temporary Protected Status Act of 2015.’

But we need YOUR support. **Please call your Representative** (http://www.house.gov/representatives/find/) and ask them to sign on the letter and co-sponsor the Bill. Click here to find out who your representative is and let them know that you want them to represent you in supporting TPS for Nepalese nationals.

Also, please **sign this petition to show support** (bit.ly/tps4nepalis) and the larger Nepali community’s voice in protecting our brothers and sisters in the United States in this time of need.
Immigration Relief Measures for Nepali Nationals

USCIS has several immigration relief measures that may be available to Nepali nationals who are affected by the magnitude 7.8 earthquake that struck Nepal on April 25, 2015.

Measures that may be available to eligible Nepali nationals 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).

To learn how to request relief or more about how USCIS assists customers affected by unforeseen circumstances in their home country, visit uscis.gov/humanitarian/special-situations or call the National Customer Service Center at 1-800-375-5283 (TDD for the hearing impaired: 1-800-767-1833).

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