

Nepali TPS Holders Make Significant Contributions to America

By Tom K. Wong, Anna Coleman, Pabitra Khati Benjamin, Aakriti Khanal, and Silva Mathema | October 19, 2020

The Center for American Progress has partnered with Adhikaar, a Nepali human rights and social justice organization, and the U.S. Immigration Policy Center (USIPC) at the University of California, San Diego for what we believe to be the first systematic survey of Nepali Temporary Protected Status (TPS) holders. TPS has provided work authorization and protection from deportation to approximately 14,800 Nepali individuals in the United States since 2015. The new survey makes clear that Nepali TPS holders have used their immigration status to make significant economic and societal contributions and have put down deep roots in American society.

Background on Nepal's TPS designation

The U.S. Department of Homeland Security (DHS) may designate a country for TPS if conditions in the country prevent a person's safe return. Such conditions include ongoing armed conflict such as civil war; an environmental disaster such as an earthquake, hurricane, or epidemic; or "other extraordinary or temporary conditions."¹ Nepal's TPS designation came in 2015, after a 7.8 magnitude earthquake killed approximately 9,000 people and caused substantial disruption and damage throughout the country.² People who receive TPS are generally not removable from the United States, can obtain an employment authorization document, and may be granted travel authorization.³

On May 22, 2018, DHS decided that the conditions supporting Nepal's 2015 designation for TPS were no longer met and attempted to terminate Nepali TPS effective June 24, 2019.⁴ The decision to end Nepal's TPS designation came as the administration was attempting to end TPS designations for a host of other countries as well. These efforts were met with several lawsuits. In an October 2018 ruling in *Ramos v. Nielson*, a federal court preliminarily enjoined the termination of TPS for Sudan, Nicaragua, Haiti, and El Salvador, finding, among other things, substantial evidence that the terminations were motivated by racism and violated the Administrative Procedure Act (APA).⁵ In a separate lawsuit, *Bhattarai*

v. Nielsen, raising similar claims before the same federal judge, TPS holders from Honduras and Nepal entered into a stipulated agreement with the federal government defendants to effectively extend the *Ramos* preliminary injunction in order to prevent the termination of TPS for Honduras—and, again, Nepal—and stay proceedings pending the outcome of appeals in the *Ramos* litigation.⁶

On September 14, 2020, the 9th U.S. Circuit Court of Appeals reversed the district court decision in *Ramos*, finding that the court lacked the authority to review the plaintiffs' claim that the termination violated the APA and that the substantial evidence in the record demonstrating President Donald Trump's animus toward "non-white, non-European" immigrants was not adequately linked to the actual decision to terminate TPS.⁷ Although the court's decision clears one hurdle to TPS termination for the federal government, the plaintiffs are likely to request review by a larger panel of 9th Circuit judges or the Supreme Court, which could delay the date on which the decision takes effect. In any event, the termination of Nepali TPS will not take effect until Spring 2021 at the earliest.⁸

It is against the backdrop of this litigation that Adhikaar, the USIPC, and CAP conducted the survey. The results show that Nepali TPS holders are making significant economic and societal contributions to the United States, including through employment in the health care industry amid the COVID-19 pandemic. The data also illustrate that a large majority of the Nepali TPS holders surveyed remain deeply concerned about their safety if they have to return to Nepal. Because the survey was fielded in the months prior to the 9th Circuit's decision, when the lower court's preliminary injunction had kept TPS protections in place for nearly two years, it is reasonable to assume that survey respondents' concerns about being forced to return to Nepal are greater now that the prospect of that happening appears more likely.

Survey methodology and respondent pool

The survey was fielded June 24, 2020, to August 3, 2020. All surveys were conducted via phone (landlines and cellphones) and all enumerators were bilingual (English and Nepali). The sample size was 372, making it potentially the largest survey of Nepali TPS holders. The sample frame consisted of a list of Nepali TPS holders compiled by Adhikaar. The USIPC, with input from Adhikaar, created the survey instrument. The USIPC also provided project oversight and management. Survey respondents were not given incentives to participate.

To date, little has been known about the demographics of Nepali TPS holders. The average and median age of the respondents are 42 and 40, respectively. The average and median age of arrival to the United States are 31 and 30, respectively.

The respondents live in 31 different U.S. states and territories. A plurality of them, or 44.1 percent, are from the Bagmati Pradesh in Nepal. Whereas 69.4 percent are male, 29 percent are female, and 1.6 percent declined to answer. The data show that 73.9 percent of the respondents are currently married. Of these individuals, 6.2 percent are married to U.S. citizens.

Furthermore, 62.1 percent of respondents reported having children. Among these parents, 29.4 percent have children who are U.S. citizens. When it comes to family ties in the United States, 24.7 percent reported having an immediate family member—defined as a spouse, parent, or child—who is a U.S. citizen.

Survey findings

A staggering 81.5 percent of the Nepali TPS holders surveyed “agreed” or “strongly agreed” that, “If I returned to Nepal, I would be concerned about the physical safety of myself and my family.” Among respondents who have U.S.-citizen children, this increased to 85.3 percent.

Nepali TPS holders face an uncertain future

The survey data illustrate that the uncertainty around the future of Nepal’s TPS designation weighs heavily on the minds of respondents. When asked how often they thought about not having TPS, 68.7 percent of respondents reported thinking about it once a day or more. Just more than half, or 54.3 percent, reported thinking about being deported once a day or more, while just less than half, or 41.4 percent, reported thinking about deportation separating them from their families once a day or more. Moreover, 45.9 percent of those with children reported thinking about how losing TPS would mean not being able to see their children grow up. This increases significantly, to 66.1 percent, among those with U.S.-citizen children.

TPS enhances inclusion, belonging, and opportunity

The data further show that having TPS has significantly contributed to feelings of inclusion and belonging among Nepali TPS holders. For example, 84.9 percent of respondents “agree” or “strongly agree” with the statement, “I feel like I belong more in the U.S. because of TPS.” Moreover, 90.1 percent “agree” or “strongly agree” with the statement, “I am less concerned about my safety and well-being because of TPS,” and 85 percent “agree” or “strongly agree” with the statement, “I am less concerned about the safety and well-being of my family because of TPS.” Nearly 3 out of 10 respondents, or 27.2 percent, also reported that they have become more politically active since receiving TPS.

Approximately 38 percent of respondents reported having a bachelor’s degree or higher. Importantly, nearly half of respondents, or 47.9 percent, agreed that, “Because of TPS, I have been able to pursue educational opportunities that I previously could not.”

Nepali TPS holders are contributing to the U.S. economy

The data show that Nepali TPS holders are making positive and significant economic contributions, including earning higher wages after receiving TPS, which translate into greater tax revenue and economic growth that benefits all Americans. In addition, many Nepali TPS holders are working as essential workers, such as doctors, nurses, and grocery store workers, during the COVID-19 pandemic, and some are also creating new businesses.

Work authorization is crucial to allowing Nepali TPS holders to participate in and contribute to the U.S. economy. The data show that just more than 9 out of 10 respondents, or 91.7 percent, received work authorization after receiving TPS. Among respondents who were working in the United States prior to the 2015 earthquakes, a full 94.3 percent reported that receiving TPS has allowed them to continue working. Being able to work has played an integral part in helping Nepali TPS holders build new lives and integrate into American society. A full 76.7 percent of respondents agreed that because of TPS, “I have been able to earn more money, which helped my family financially.”

As the data show, Nepali TPS holders have also brought a diverse array of skills to the labor force. Nearly two-thirds of respondents, or 62.7 percent, said that because of TPS, “I was able to get a job that better fits my education and training.” Occupations that respondents reported included: accountant, assistant engineer, biomedical engineer, business systems analyst, business owner, certified nursing assistant, community organizer, data coordinator, data scientist, doctor, engineer, geotechnical engineer, home health aid, hydrological engineer, IT project manager, legal assistant, marketing analyst, musician, network engineer, nurse, population health analyst, research assistant, and software engineer.

Despite the challenges posed by COVID-19, which are discussed in more detail in the section below, the survey data show that Nepali TPS holders are working on the front lines of the pandemic. Many respondents reported working as doctors, nurses, nursing assistants, and home health aides, among other roles. Many others reported working in grocery stores, gas stations, restaurants, and package delivery services and as drivers for various ride-share companies.

The survey also shows that Nepali TPS holders are contributing to the economy as consumers. Since receiving TPS, 59.1 percent of respondents reported opening bank accounts in the United States; just less than one-third, or 31.2 percent, reported purchasing a car; and 4.6 percent reported purchasing a home. Large purchases such as cars matter in terms of state revenue, as most states collect a percentage of the purchase price in sales tax, along with additional registration and title fees.⁹ Moreover, the broader positive economic effects of home purchases include job creation in local economies as well as infusions of new spending.¹⁰

The impact of COVID-19 on Nepali TPS holders

The unprecedented COVID-19 pandemic has negatively affected all Americans, and the survey data illustrate that this is no less true for Nepali TPS holders. Although 70.4 percent of respondents between the ages of 25 and 65 are currently employed, more than half of these individuals, or 58 percent, reported having their work hours reduced due to the pandemic. Among those who are not employed, 60.9 percent reported having lost their job within the past three months due to the pandemic. Among these individuals, 11.9 percent reported that no one in their household had received a stimulus check from the federal government.¹¹

Moreover, among the Nepali TPS holders surveyed, 24.5 percent reported having difficulty paying their rent or mortgage due to the pandemic. Perhaps more urgently, 3.5 percent of respondents reported being threatened with eviction during the pandemic. Among those who lost their job within the past three months due to the pandemic, this percentage increases to 4.5 percent.

Conclusion

TPS has been unreservedly good for Nepali TPS holders, the U.S. economy, and U.S. society more generally. Because of TPS, Nepali TPS holders have a deeper sense of security, which has allowed them to build families, vigorously pursue employment and educational opportunities, provide essential services during the COVID-19 pandemic, and contribute immensely to the U.S. economy and society. Ending TPS now would be counterproductive for Nepali TPS holders at best—and as an overwhelming majority of respondents fear for the physical safety of

themselves and their families if they return to Nepal, ending TPS would also put lives at risk. Indeed, as legal and policy decisions loom in the courts and federal government, the lives of 14,800 Nepali TPS holders hang in the balance.

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Endnotes

- 1 U.S. Citizenship and Immigration Services, “Temporary Protected Status,” available at <https://www.uscis.gov/humanitarian/temporary-protected-status> (last accessed September 2020).
- 2 Shortly after the magnitude 7.8 earthquake in April 2015, a second earthquake in May 2015 killed an estimated 8,600 people and displaced 2.8 million Nepalis. Chris Fuchs, “U.S. plans to end protected status granted to Nepalis after 2015 earthquake,” NBC News, April 26, 2018, available at <https://www.nbcnews.com/news/asian-america/u-s-plans-end-protected-status-granted-nepalis-after-2015-n869401>.
- 3 U.S. Citizenship and Immigration Services, “Temporary Protected Status.”
- 4 See U.S. Citizenship and Immigration Services, “Termination of the Designation of Nepal for Temporary Protected Status” *Federal Register* 83 (99) (2018): 23705–23710, available at <https://www.federalregister.gov/documents/2018/05/22/2018-10868/termination-of-the-designation-of-nepal-for-temporary-protected-status>.
- 5 *Ramos v. Nielsen*, 3:18-cv-01554-EMC, N.D. California (October 3, 2018), available at https://www.aclusocal.org/sites/default/files/aclu_amos_20181003_order_granting_prelim_injunction.pdf.
- 6 *Bhattarai v. Nielsen*, 3:19-cv-00731-EMC, N.D. California (March 12, 2019), available at https://www.aclusocal.org/sites/default/files/aclu_social_bhattarai_20190312_stipulation_stay.pdf.
- 7 *Ramos v. Wolf*, No. 18-16981, U.S. Court of Appeals for the Ninth Circuit, (September 14, 2020), available at <https://cdn.ca9.uscourts.gov/datastore/opinions/2020/09/14/18-16981.pdf>.
- 8 Royce Murray, “Ninth Circuit Court Allows Trump’s Plan to End Temporary Protected Status to Go Forward,” Immigration Impact, September 14, 2020, available at <https://immigrationimpact.com/2020/09/14/tps-ramos-decision/#.X3dpUWhKg2x>.
- 9 National Conference of State Legislatures, “Vehicle Registration Fees By State,” February 4, 2020, available at <https://www.ncsl.org/research/transportation/registration-and-title-fees-by-state.aspx>.
- 10 National Association of Realtors, “Jobs Impact of an Existing Home Purchase,” available at <https://www.nar.realtor/jobs-impact-of-an-existing-home-purchase> (last accessed October 2020); Patrick Sisson, “Immigrant households impact success of real estate market, says report,” CNBC, April 12, 2017, available at <https://www.cnbc.com/2017/04/12/immigrant-households-impact-success-of-real-estate-market-says-report.html>.
- 11 A TPS holder is defined as a “resident alien” for the purposes of receiving a federal stimulus check. A “resident alien” is either a lawful permanent resident or satisfies the “substantial presence” test (one must be physically present in the United States at least 31 days during the current year; be present in the United States for 183 days during the three-year period that includes the current year and the two years immediately preceding). However, the Coronavirus Aid, Relief, and Economic Security (CARES) Act excluded otherwise eligible individuals if they filed a joint tax return with a spouse who has an Individual Taxpayer Identification Number (ITIN) (or filed a return with a qualifying child who has an ITIN). In practice, this excluded many otherwise eligible individuals in mixed-immigration status households. For more context, see Nicole Narea, “US citizen spouses and children of unauthorized immigrants were shut out of stimulus relief. Now they’re suing,” Vox, May 6, 2020, available at <https://www.vox.com/2020/5/6/21248074/immigrant-citizen-spouse-children-coronavirus-stimulus-checks>.