

August 17, 2026

Ms. Ayn Ducao, Esq.
Human Rights and Special Prosecutions Section, Criminal Division,
Department of Justice
1301 New York Ave. NW, Suite 1200,
Washington, DC 20530

Re: Agency Information Collection Activities; Proposed eCollection eComments
Requested; New collection; Requests for DOJ Certification Letters for T Visa Holders,
OMB Number 1123-1NEW

Dear Ms. Ducao:

On behalf of the undersigned organizations, we submit this comment in response to the Federal Register Notice ("Notice") about the new Department of Justice agency information collection entitled "Requests for DOJ Certification Letters for T Visa Holders" published in the Federal Register on June 16, 2026 (hereinafter "Proposed Form").¹

Our organizations assist, uplift, and advocate on behalf of immigrant survivors of domestic violence, sexual assault, child abuse, human trafficking, and other forms of violence and exploitation. Given the focus of our work, we appreciate the opportunity to provide feedback on the Proposed Form given its impact on survivors of human trafficking with T nonimmigrant status.

The Proposed Form is necessary to streamline the Certification Letter Request process, which currently takes place over email and creates an undue burden on DOJ staff processing requests. Survivors often wait many months to receive a Certification Letter, delaying their applications for Early Adjustment of Status after they have fulfilled all of the legal requirements. While the online form process is welcome, the form itself lacks the clarity needed to guide filers to submitting complete and correct information and to streamline the request process for the DOJ. We support the online form's implementation with the critical changes below.

I. The Notice and Proposed Form Do Not Address Critical Privacy Concerns

The Notice and Proposed Form currently do not address critical privacy concerns. Privacy and confidentiality are essential to the agency and safety of survivors of human trafficking and other crimes. The Paperwork Reduction Act (PRA) and implementing

¹ U.S. Department of Justice. "Requests for Department of Justice (DOJ) Certification Letters for T Visa Holders." 91 FR 36156, (June 16, 2026), available at <https://www.federalregister.gov/documents/2026/06/16/2026-12065/agency-information-collection-activities-proposed-e-collection-ecomments-requested-new-collection>

regulations require federal agencies to address the nature and extent of confidentiality to be provided for the information collection.² Given that this form is designed to be used by survivors of human trafficking, DOJ fails to provide a clear framework regarding how the information provided in the Proposed Form will be safeguarded. Beyond this mandate, Section 208(b) of the E-Government Act of 2002 requires federal agencies to conduct a Privacy Impact Assessment (PIA) before (1) developing or procuring new information collections or (2) initiating a new electronic collection of information in identifiable form for 10 or more persons.³ The Proposed Form is subject to this requirement on multiple counts, as it is a new, online information collection.

The DOJ's website on Statements of Records Notice (SORN) does not mention this information collection at all. The Proposed Form contains a Privacy Act statement; however, that is only available **after** the information is submitted and references the 2007 SORN entitled Justice/CRM-11 "Central Criminal Division Index File and Associated Record".⁴ This SORN outlines over 20 routine uses⁵ and it is unclear on what basis the DOJ is using this 19 year old SORN for a 2026 information collection involving noncitizen victims of trafficking, who are making an immigration-related request from the agency.

This is a deeply concerning oversight. It is critical that survivors understand how the information they provide the government will be safeguarded from the outset. That includes a specific, pre-submission acknowledgement of federal privacy protections for victim-based immigration information under 8 U.S.C 1367. As it stands now, the message only references 8 U.S.C 1367 upon submission. That statute generally prohibits the unauthorized disclosure of **any** information relating to a beneficiary of a pending or approved application for victim-based benefit to anyone other than an officer or employee of DHS, DOJ, or DOS for a legitimate agency purpose, unless an exception applies.⁶ It also prohibits DOJ from making an adverse determination of admissibility or deportability against a protected person using information furnished solely by a prohibited source, including an abuser, trafficker or perpetrator of crime, or a member of their family.⁷ Those protections apply here and should be made explicit prior to entry of information into the form..

Again, Congress recognized that protections were vital to ensure that abusers, traffickers and perpetrators of crime could not weaponize the immigration system against their victims. Neither the Notice or Proposed Form mentions any sort of identity verification procedures or controls to prevent traffickers or other abusive partners from improperly accessing the form or the information contained in it. In addition, the DOJ does not outline how the agency will follow up on the information submitted through this form or how it will ensure that information is not inadvertently disclosed to unauthorized parties.

² 44 U.S.C. 3501(8); 5 C.F.R. 1320.8(b)(2)

³ 44 U.S.C. § 3501 note.

⁴ 72 FR 44182 (August 7, 2007); 82 FR 22141 (May 25, 2017)

⁵ 72 FR 44182 (August 7, 2007)

⁶ 8 USC §1367(a)(2); 8 U.S.C. §1367(b) [Emphasis added].

⁷ 8 U.S.C. §1367(a)(1).

II. Concerns Specific to the Proposed Form

A. The Proposed Form Lacks Clear Instructions.

The Proposed Form does not contain full instructions on how to properly submit the form, which questions are mandatory, or how follow up will occur. The form would benefit from a separate instruction page provided before filing that explains the purpose of the form, outlines the filing process and expected responses for both *pro se* filers and representatives, includes a privacy statement, and indicates what types of information will be requested, what information is required or optional (for both *pro se* filers and representatives), and who will have access to the information.

The Proposed Form's instructions and format are lacking the specificity necessary to help filers submit the necessary information. For example, there are asterisks on certain questions (signalling they are mandatory) yet multiple fields under each question. Under the First Option, Question 2, "Petitioner Info" has an asterisk next to it yet there are six fields underneath it including a petitioner's address and email address. It is unclear if each field is required. Additionally, the fields for the survivor's date of birth, address, and email address should be removed as they are not necessary to process the request if the Proposed Form is submitted by a representative, include unnecessary personally identifying information about survivors, and create an undue burden on filers. The instructions should also indicate whether certain fields can be filled in with "Unknown" or left blank.

The Proposed Form provided to stakeholders also does not show all pages and questions in the form. For example, in the section "II. First Option is Selected from the Home Page." under Question 1 "Are you represented by Counsel / Attorney," only the information populated when the submitter selects "Yes" is shown. It is unclear how the questions will differ if a *pro se* filer selects "No" to this question. The draft form is incomplete and does not provide a full version for the public review.

The guiding comments (e.g., "1. The site proposes to launch with the 4 options listed below in the initial home page.") in the Proposed Form provide additional necessary information that is not reflected in the actual form instructions. For example, on Page 4, the guiding comments state "Users must upload the petitioner's T-Visa (1-797) to continue."⁸ Up to 4 additional supporting documents can be uploaded at this time." However, the form instructions include a required asterisk, and the message "Would you like to upload a supporting document?" without explaining that up to 4 can be provided. This instruction also creates confusion as the question phrasing indicates the section is optional, but the asterisk indicates it is required. Clarification in a separate instruction page about required information is necessary.

⁸ Also, this appears to be a typo as the Proposed Form likely is referring to the I-797 Notice of Action, not 1-797.

B. The Proposed Form Lacks Follow Up Guidance.

The draft Proposed Form fails to explain how the certification process will proceed once the form is submitted. Instructions explaining how submitters will receive the certification letters are necessary. In the current proposed form, it is unclear if certification letters will be sent through a portal, via email, or via post, whether letters will be sent to the representative or client, or how follow up messages will be handled. It also lacks information about confirmation emails to submitters or where to direct questions while completing the form. While a confirmation message is provided in the draft for any submissions under Option 1, there is not a confirmation message provided for the other three form options.

In some cases, the contact information for a representative or *pro se* filer or the law enforcement agent named in the original submission may change. The form lacks guidance on submitting contact information changes. The form should either include instructions to submit updated contact information through the supplemental information option, or create a separate option at the start of the form for this purpose.

C. Additional Feedback on Proposed Form

Several fields on the Proposed Form should be amended to reflect the types of filers and information commonly provided in Requests for DOJ Certification Letters for T Visa Holders. These changes will prevent confusion among filers that results in frequent outreach to the DOJ for assistance and will ensure forms are filled out correctly by filers.

1. Option 1, Question 1

We recommend this question be updated to "Are you represented by Counsel / Attorney / Accredited Representative?" This will provide greater clarity as accredited representatives may also represent survivors filing for DOJ certification. This update should also be applied to Question 1a. In addition, the fields below 1a should also be updated to "Counsel / Attorney / Accredited Representative Name" and "Law Firm / Agency Name" to reflect the inclusion of accredited representatives and the broader categories of agencies they represent.

2. Option 1, Question 4: Agency Types

The Proposed Form acknowledges that a trafficking survivor may have interactions with multiple investigating agencies. However, the current fields in Question 4 only provide space for one officer's name and contact information. We recommend this field be updated to allow filers to add contact information for additional officers. Allowing filers to provide this information in the original form submission will assist the DOJ in its requests for case information from law enforcement officers and streamline the process.

Additionally, filers may not have both the phone number and email of the law enforcement officers. It should be made clear whether both fields are required and what filers should write in if they do not have the contact information for one of the fields. The additional information box should include more instructions as well, including what types of information should be provided there. The current instructions make it unclear what information is needed in this field for the DOJ to properly process the request.

3. For Option 4, "Revised Certification Letter"

In this section, we recommend including more instructions to explain when it is appropriate to utilize this option. For example, in some cases a representative may need to request a revised letter prior to receiving an USCIS Request for Evidence. Under the current draft form, there are no instructions indicating if a request for a revised letter can be made prior to receiving a Request for Evidence, or if the Upload Request for Evidence field is required. This page also does not include any fields that would indicate to the DOJ which certification request this new submission is linked to, except for an option to upload the prior certification letter.

III. Delay between Publication of the Notice and the Proposed Form

Generally, new information collections are subject to a 60-day public comment period and then, following OMB review, receive a second 30-day notice.⁹ The regulations provide that if the agency does not publish a copy of the proposed collection of information, together with the related instructions, as part of the Federal Register notice, it should either provide additional time to comment or explain how and from whom an interested member of the public can request and obtain a copy without charge.¹⁰ This includes, if applicable, how the public can gain access to the collection of information and related instructions electronically on demand.¹¹ While the DOJ did provide a way to request the form through an email address, it did not provide a copy of the form until the first week in July. This cuts into the required time frame for response, impacting stakeholders' opportunity to meaningfully review.

Conclusion

The Proposed Form will help the DOJ more efficiently respond to Requests for Certification Letters for T Visa Holders. If implemented with these suggested changes, survivors will benefit from a more streamlined process that eliminates burdens on both filers and the DOJ. Survivors with T Visas applying for Early Adjustment of Status have already met the standards for granting a T Visa and have worked to assist law enforcement in

⁹ 44 U.S.C. 3507; 5 C.F.R. § 1320.8(d)); <https://digital.gov/guides/pra/pra-approval-process>

¹⁰ 5 C.F.R. § 1320.8(d)(2).

¹¹ Id.

investigating human trafficking. They deserve a fair and effective certification process. We support the implementation of the proposed form with the suggested changes.

Thank you for the opportunity to comment on this important matter.

Sincerely,
Alliance for Immigrant Survivors
Freedom Network USA
ASISTA Immigration Assistance
Coalition to Abolish Slavery and Trafficking (CAST)
Justice At Last
Legal Aid Society of Metropolitan Family Services
Loyola Law School, Sunita Jain Anti-Trafficking Initiative
South Asian SOAR
Tahirih Justice Center
Wisconsin Coalition Against Sexual Assault