August 4, 2026

Security and Public Safety Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Service
5900 Capital Gateway Drive
Camp Springs, MD 20746

**RE: DHS Docket No. USCIS-2026-0067: Clarification of Discretionary Employment Authorization for Certain Aliens**
*Submitted via: https://www.regulations.gov*

On behalf of the undersigned 29 organizations, we submit this comment in response to the Notice of Proposed Rulemaking on Clarification of Discretionary Employment Authorization for Certain Aliens, published in the Federal Register on June 5, 2026 (hereinafter "Proposed Rule").[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 strongly oppose the Proposed Rule and call for its immediate withdrawal,** as it undermines the well-being of immigrant survivors and their families.

## I. Introduction

The Proposed Rule places sweeping new limitations on eligibility for work authorization for individuals paroled into the United States,[2] granted deferred action,[3] and those with a final order of removal who are under an order of supervision.[4] These include a one-year validity period, a requirement to demonstrate economic necessity, strict discretionary guidelines, and showing an individual is employed by or seeking employment with an E-Verify employer upon renewal.[5] These provisions would impact survivors seeking employment authorization based deferred action status, including those with favorable U bona fide determinations or who are placed on the U waiting list.

[1] Proposed Rule "Clarification of Discretionary Employment Authorization for Certain Aliens "91 FR 34352 (June 5, 2026), available at https://www.regulations.gov/document/USCIS-2026-0067-0001 (Hereinafter "Proposed Rule").

[2] Individuals paroled into the United States temporarily for urgent humanitarian reasons or significant public benefit pursuant to section 212(d)(5) of the Act are eligible for employment authorization under 8 CFR 274a.12(c)(11) ((c)(11) category)

[3] With the exception of the provisions under 8 CFR 274a.12(c)(33) [ Deferred Action for Childhood Arrivals (DACA)], a person granted deferred action–an act of administrative convenience to the government that gives some cases lower priority–, is eligible for employment authorization under 8 CFR 274a.12(c)(14) if the alien establishes an economic necessity for employment.

[4] An individual against whom a final order of deportation or removal exists and who is released on an order of supervision under the authority contained in section 241(a)(3) of the Act, and who meets other eligibility criteria may be granted employment authorization under 8 CFR 274a.12(c)(18) ((c)(18) category).

[5] Proposed Rule at 34356-7.

In addition, DHS proposes to make changes across multiple employment categories which would mandate repeated biometrics for EAD applications and renewals, pose new evidentiary requirements regarding criminal history, bar work authorization if there is evidence of gang/terror involvement, and establish automatic termination grounds if an individual has a final order of removal or when the underlying basis for employment authorization is terminated or denied. These provisions would potentially pertain to survivor-based EADs for approved Violence Against Women Act (VAWA) self-petitioners, survivors with favorable bona fide determinations related to T and U nonimmigrant status, and other survivor-based categories.[6]

Reliable access to employment authorization is a lifeline to safety, stability, and economic security for survivors of gender-based violence, and this Proposed Rule puts that lifeline in jeopardy.

## II. Legal Background: Violence Against Women Act, Trafficking Victims Protection Act, and Access to Work Authorization

In 1994, the bipartisan Violence Against Women Act (VAWA) created special protections for immigrants who are victims of battery or extreme cruelty committed by their U.S. citizen or lawful permanent resident spouse or parent, or their adult U.S. citizen son or daughter. These protections, including the VAWA self-petition and the VAWA cancellation of removal process, enable survivors to obtain legal immigration status independently of their abusive family members.[7]

When VAWA was reauthorized in 2000, in conjunction with the passage of the Trafficking Victims Protection Act (TVPA), a bipartisan majority in Congress established two additional remedies for immigrant survivors: T nonimmigrant status (T visa) to assist victims of human trafficking, and U nonimmigrant status (U visa) to assist noncitizen victims of certain qualifying crimes (including domestic violence, sexual assault, and stalking, among others) who are willing to assist in the investigation or prosecution of those crimes.[8] These forms of relief recognize how abusers and perpetrators of crime often use immigration status as a tool of abuse and control[9], and are designed to spare survivors from having to choose between remaining in abusive situations and risking deportation or separation from their children.

DHS acknowledges that "Congress referenced deferred action as an interim form of enforcement discretion to address compelling humanitarian circumstances, further a

[6] *See e.g,* Proposed Rule at 34356.
[7] See INA 101(a)(51).
[8] See Pub. Law 106–386 (2000).
[9] H. Rept. 109-233 (2005), available at https://www.congress.gov/committee-report/109th-congress/house-report/233/1?outputFormat=pdf See also Immigration Power and Control Wheel, available at https://www.tahirih.org/wp-content/uploads/2015/06/Immigrant-Power-and-Control-Wheel.pdf

specific policy goal, or act as a bridge until specific legislative action could provide permanent relief,  including for victims of domestic abuse, trafficking, and criminal activity."[10] And yet, DHS proposes restrictions that would substantially undermine that purpose.

Statutory provisions and subsequent INS guidance outlined that VAWA self-petitioners may be eligible for work authorization on the basis of having a pending application for adjustment of status or a grant of deferred action status under 8 CFR 274a.12(c)(14).[11] Congress also created access to work authorization for U petitioners who have a pending bona fide application as well as support for victims of human trafficking.[12]

In the VAWA Reauthorization of 2005, Congress created another path to employment authorization for VAWA self-petitioners, codified at INA 204(a)(1)(K), which states that upon approval of a petition, a VAWA self-petitioner is eligible for work authorization and may be provided an "employment authorized" endorsement or appropriate work permit incident to approval.[13] EADs granted on the basis of an approved VAWA self-petition are issued under the (c)(31) eligibility category; however, this category has never been codified in regulations at 8 CFR 274a.12(c).[14] This provision was created to "***streamline a petitioner's ability to receive work authorization,*** without having to rely solely upon deferred action as the mechanism through which petitioners receive work authorization."[15]

In VAWA 2005, Congress also created access to work authorization for abused spouses holding dependent  A, E–3, G, or H. nonimmigrant status.In doing so, Congress explained:

> "The spouses and their children are completely dependent on the abuser for their immigration status and financial support, and they often have nowhere to turn for help. **Financial dependence on their abusers is a primary reason why battered women are often reluctant to cooperate in domestic violence criminal cases**. With employment authorization, many abused spouses protected by this section will be able to work legally, and can have a source of income independent of their abusers."[16]

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[10] Proposed Rule at 34374.

[11] *See* INA § 204(a)(1)(D)(i)(II) and (IV) . See also INS Interim Final Rule,"Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Self Petitioning for Certain Battered or Abused Spouses and Children," 61 Fed. Reg. 13061, (Mar 26, 1996), available at https://www.justice.gov/file/348226/dl; *See also* Aleinkoff, Executive Associate Commissioner, Office of Programs, INS Mem/HQ 204-P (April 16, 1996). *See also* Cronin, Acting Executive Associate Commissioner, Office of Programs, INS Mem/HQ 204-P, available at https://asistahelp.org/wp-content/uploads/2019/09/Aleinikoff-Memo-1996.pdf ;

[12] INA 214(p)(6); 22 U.S.C. 7105(c)(3)(A)(i).

[13] Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Pub. L. 109-162, Section 814(b) (2006); INA 204(a)(1)(K)

[14] See USCIS. "Form I-360 Instructions", available at https://www.uscis.gov/sites/default/files/document/forms/i-360instr.pdf (stating If USCIS approves your self-petition and you currently reside in the United States, you will also receive employment authorization. USCIS will issue your Employment Authorization Document (EAD) with eligibility category (c)(31). Select "Yes" [on the Form I-360] if you want USCIS to send you a (c)(31) EAD as evidence of that authorization.

[15] 151 Cong. Rec. S13754  (Dec. 16, 2005) available at https://niwaplibrary.wcl.american.edu/wp-content/uploads/2005.12.16-Congressional-Record-VAWA-2005-Senate-Legislative-History.pdf [Emphasis added]

[16] *Id.* Note that work authorization under INA 106 is filed on a I-765V which was not the subject of the Proposed Rule. Although work authorization under this provision is listed in the 8 CFR 274a.12(c) category of work permits. Like the approved VAWA

In creating access to work authorization for these survivors, Congress understood that "with employment authorization, many abused spouses will be able to attain work providing them the resources that will make them more able to safely act to stop the domestic violence."[17]

### III. The Proposed Rule Compounds Existing Barriers to Survivor-Based Relief

Individuals already face numerous barriers accessing survivor-based immigration relief. As of July 31, 2026, posted processing times for VAWA self-petitioners indicate that 80% of cases are completed within 51 months, or over 4 years.[18] As of the first quarter of FY2026, more than 212,000 VAWA self-petitions remain pending.[19] For U visa cases, current processing times indicate that 80% of cases receive a bona fide determination notice or notice that USCIS will consider the filing for the waiting list within 20 months.[20] As of the first quarter of FY2026, there are over 260,000 principal petitioners with pending U visas, and a total of over 433,000 including derivatives.[21] Given the 10,000 annual cap on principal U visas, it could potentially take 15 years or more for a petitioner to obtain U nonimmigrant status. Posted processing times show that 80% of T visa applications are completed within 32 months, over 2.5 years.[22] As of the first quarter of FY2026, there are over 59,000 principal applicants for T nonimmigrant status, and a total of nearly 89,000 including derivatives.[23] Given the 5,000 annual cap on principal T visas, it will take several years for a principal filing today to receive T nonimmigrant status.

While these cases remain pending, many survivors struggle to meet their basic needs and support their families. Access to interim work authorization is often the only way that allows survivors to support themselves and their families while their cases remain pending. This work authorization is typically issued through deferred action or other 8 CFR 274a.12(c) categories. For example, (c)(31) EADs for approved VAWA self-petitioners or c(40) for those with favorable T visa bona fide determinations. For survivors, an EAD is a critical tool that promotes safety and autonomy during a process whose length is entirely outside of their control.

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self-petitioner category-(c)(31)-- these categories have never been codified into law. This includes abused spouse of an A nonimmigrant - (c)(27); abused spouse of an E-3 nonimmigrant (c)(28); Abused spouse of a G nonimmigrant - (c)(29); abused spouse of an H nonimmigrant - (c)(30). As such the Proposed Rule should not apply to these categories of work authorization.

[17] https://www.congress.gov/committee-report/109th-congress/house-report/233/1?outputFormat=pdf

[18] USCIS. Case Processing Times, available at https://egov.uscis.gov/processing-times

[19] USCIS. Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant, by Fiscal Year, Quarter and Case Status (VAWA) (Fiscal Year 2026, Quarter 1) (June 12, 2026), available at https://www.uscis.gov/sites/default/files/document/reports/i360_vawa_performance_data_fy2026_q1_v1.xlsx

[20] USCIS. Case Processing Times, available at https://egov.uscis.gov/processing-times

[21] USCIS. Form I-918, Petition for U Nonimmigrant Status, by Fiscal Year, Quarter, and Case Status and Form I-918, Petition for U Nonimmigrant Status, Bona Fide Determination Review (Fiscal Year 2026, Quarter 1) (June 12,2026), available at https://www.uscis.gov/sites/default/files/document/reports/i918u_visastatistics_fy2026_q1_v1.xlsx

[22] USCIS. Case Processing Times, available at https://egov.uscis.gov/processing-times
Note USCIS has not posted processing times for the T bona fide determination process.

[23] USCIS. Form I-914, Application for T Nonimmigrant Status, by Fiscal Year, Quarter, and Case Status (Fiscal Year 2026, Quarter 1) (June 12,2026), available at https://www.uscis.gov/sites/default/files/document/reports/i914t_visastatistics_fy2026_q1_v1.xlsx

The Proposed Rule does not exist in isolation. DHS states it "considered" other rulemaking like the Asylum EAD Reform Rule and the Biometrics Rule "for peripheral, overlapping, or interrelated effects."[24] However, that analysis is incomplete. DHS never examines the cumulative impact on humanitarian benefits when combined with the pending rescission of automatic EAD extensions, the Asylum EAD reform rule's added eligibility restrictions, and the Biometrics Rule expanded collection requirements, and the public charge policy. Each of these narrows survivors' access to immigration benefits individually. Taken together, they create bigger barriers than DHS acknowledges in the Proposed Rule.
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**IV. The discretionary factors contained in the Proposed Rule fail to account for the impacts of abuse and will make our communities less safe.**

The Proposed Rule notes that USCIS will generally not approve an application for initial or renewal of employment authorization, unless DHS has determined there are significant countervailing public interests, which may include assisting law enforcement activity in the United States, if (1) the alien: has been arrested for, charged with (without disposition), indicted for, or has been convicted of, any criminal act; or (2) the alien admits to committing a violent or dangerous crime, even if he or she has never been formally arrested, charged, indicted or convicted; or (3) there is evidence of the alien's membership in a gang or terrorist organization.[25]

DHS ignores the realities faced by applicants for survivor-based protections, including how frequently adverse factors arise as a direct consequence of victimization, economic instability, or trauma. Survivors' criminal history is often related to the abuse or exploitation they have experienced. Under this framework, USCIS could deny employment authorization even absent a conviction or final disposition.[26]

An Institute for Women's Policy Research study found that nearly one in four survivors surveyed said they were encouraged, pressured, or forced by their partner to engage in an illegal activity.[27] According to the Department of State, "Traffickers may force adults and children to commit crimes in the course of their victimization, including theft, illicit drug production and transport, prostitution, terrorism, and murder."[28] and "victims of trafficking should not be held liable for their involvement in unlawful activities that are a direct consequence of their victimization."[29]

Domestic violence and human trafficking survivors may commit a crime against their abuser in self-defense or turn to substance abuse to manage the emotional and physical

[24] Proposed Rule at 37370.
[25] Proposed Rule at 34384. *See* proposed 8 CFR 274a.13(a)(1)(iv)
[26] Proposed Rule at 34356.
[27] See Cynthia Hess and Alona Del Rosario, Dreams Deferred: A Survey on the Impact of Intimate Partner Violence on Survivors' Education, Careers, and Economic Security (Institute for Women's Policy Research: Jan. 2019), available at https://iwpr.org/wp-content/uploads/2020/09/C475_IWPR-Report-Dreams-Deferred.pdf
[28] U.S. Department of State. (June 2014) Office to Monitor and Combat Trafficking in Persons " The Use of Forced Criminality- Victims Hidden Behind the Crime available at https://2009-2017.state.gov/documents/organization/233938.pdf
[29] *Id*.

pain caused by their abuse.[30] Sex trafficking survivors, by the very definition of the crime, have been forced to commit unlawful commercial sex acts. Other survivors, including survivors of domestic violence, are falsely accused of crimes such as assault as a tactic abusers use to exert power and control. Under the new discretionary framework in the Proposed Rule, survivors will be disadvantaged precisely because of their victimization.

Congress anticipated this dynamic and built safeguards into these programs.[31] It envisioned that these applications would be adjudicated by officers with specialized training in the dynamics of domestic violence, trafficking, and related abuse recognizing that an overbroad discretionary framework (as outlined in the Proposed Rule) cannot fairly evaluate conduct shaped by victimization.

In a context where anyone with a criminal history or gang markings is ineligible for certain forms of immigration relief, the very fact of being a victim is grounds to deny an application. While trafficking has historically been committed by individuals,[32] organized criminal entities, including gangs, also engage in human trafficking.[33] Victims of human trafficking may display evidence of the violence on their skin, and traffickers often brand their victims to demonstrate "ownership," which brands can include gang tattoos and similar marks.[34] DHS does not define what it means by "gang" or explain what "evidence" it would consider to determine someone's alleged membership. In doing so, DHS creates binding legal consequences without defining the terms and evidentiary standards that triggers them. DHS does not explain whether an individual would receive notice of such an allegation or an opportunity to refute it.

In many ways, the discretionary analysis tied to criminal history or gang affiliation duplicates the work officers already do as part of a threshold eligibility analysis, but without regard to the underlying purpose of the relief sought. For example, evidence of "good character" is already a requirement for forms of relief like VAWA self-petitions. For U bona fide determinations, USCIS must consider national security and public safety risks as part of the discretionary adjudication.[35] Similarly, T bona fide determinations must include a complete background check which does not present national security concerns.

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[30] Alaina Richert. "Failed Interventions: Domestic Violence, Human Trafficking, and the Criminalization of Survival" Michigan Law Review (November 2021) available https://michiganlawreview.org/journal/failed-interventions-domestic-violence-human-trafficking-and-the-criminalization-of-survival/

[31] 151 Cong. Rec. S13754 (Dec. 16, 2005), available at https://niwaplibrary.wcl.american.edu/wp-content/uploads/2005.12.16-Congressional-Record-VAWA-2005-Senate-Legislative-History.pdf

[32] A Currier Wheeler, (2022) 'Trafficker Profile According to US Federal Prosecutions', *Anti-Trafficking Review*, issue 18, pp. 185-189, https://doi.org/10.14197/atr.2012221813

[33] National Gang Center "Gangs and Human Trafficking" (January 31, 2020) available at https://nationalgangcenter.ojp.gov/insights/47/gangs-and-human-trafficking

[34] Raaga Rambhatla et al. "Identification of skin signs in human-trafficking survivors" International Journal of Women's Dermatology, Volume 7, Issue 5, Part B, (2021) Pages 677-682, https://doi.org/10.1016/j.ijwd.2021.09.011.

[35] USCIS USCIS Policy Manual ."Chapter 5 - Bona Fide Determination Process" (Vol 3. Part C, Chap 5) available at https://www.uscis.gov/policy-manual/volume-3-part-c-chapter-5

Thus, in these cases USCIS appears to "re-litigate" through a second discretionary review on top of already well-settled eligibility criteria, whether grounded in statute, regulation, or agency policy. The Proposed Rule acknowledges this: "DHS already conducts discretionary analysis, including a review of national and public safety concerns, prior to issuing work authorization for these categories"[36]

Congress expressly recognizes that survivors of abuse, crime, and trafficking may be tricked, forced, or coerced by abusers and perpetrators into the commission of crimes. For these reasons, a number of exemptions and waivers of inadmissibility were built into the statutory provisions for VAWA self-petitions, U and T visas. [37] DHS fails to explain what may constitute a "countervailing public interests" that would be considered when evaluating a person's criminal history. While a person may be cooperating with law enforcement, the Proposed Rule never explains how this would be weighed against negative factors arising from the same underlying victimization. DHS has in fact addressed this exact scenario, but does not resolve the problem.

DHS acknowledges that a survivor may be deemed a bona fide U visa petitioner, placed on the waiting list, or granted a waiver of inadmissibility, and ultimately have an approved U visa petition and *still be denied* an EAD based on that same crime.[38] DHS' stated justification for this is administrative "consistency" and all discretionary EADs should be analyzed under the same framework "per the Administration's priorities."[39] It is inconceivable that a person could have an approvable U visa petition, while simultaneously being disqualified from work authorization–the Proposed Rule completely undermines the goals of these programs. This approach discourages victims who may be eligible for immigration relief from coming forward and makes our communities less safe.

### V. Hardships of Automatic Termination Provision

The Proposed Rules adds two new provisions to automatic termination under 8 CFR 274a.14(a)(1), that employment authorization terminates when a person has an administratively final order of removal under ***any of the removal statutes*** ( *e.g.,* INA 217, 235, 238, 240); and when the underlying basis for employment authorization is terminated or denied. This can include DHS's termination of status or denial of the application that was the basis of the employment authorization.[40] This provision significantly undermines access to survivor-based protections. For example, U regulations state for petitioners who are subject to an order of exclusion, deportation, or removal issued by the Secretary, the order will be deemed canceled by operation of law as of the date of USCIS' approval of Form I-918.[41] Furthermore, survivors with final orders of removal are not per se ineligible for VAWA/T/ or

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36 Proposed Rule at 34385.
37 *See e.g.*, INA § 212(g)(1)(C); INA § 212(h)(1)(C); INA § 212(a)(4)(C)(i)(III), INA 212(d)(14); INA 212(i)(1),
38 Proposed Rule at 34385.
39 *Id.*
40 Proposed Rule at 34357.
41 *See* 8 C.F.R. § 214.14(c)(5)(i).

U visa relief as there are special provisions regarding motions to reopen for survivor-based populations. DHS' assertion that this provision "protects the integrity of removal enforcement" is unpersuasive, especially for vulnerable populations Congress specifically intended to protect.

### VI. New requirements regarding validity periods and biometrics are unduly burdensome.

DHS justifies shortening EAD validity periods for (c)(11), (14) and (18) to one year for consistency with limits for parolees and TPS holders enacted in H.R. 1. [42] This would impact U petitioners with favorable bona fide determinations and those placed on the waiting list, as well as survivors who hold other impacted categories. Since the BFD policy was introduced in 2021, there are over 111,000 individuals who have been granted a favorable BFD.[43]

The combined impact of these shortened validity periods coupled with the new requirements surrounding biometrics for all applicants under 8 CFR 274a.12(c) pose significant barriers both on applicants and on USCIS. The Proposed Rule notes that in past rulemakings, DHS estimated that the average round-trip distance to an ASC is 50 miles, and that the average travel time for the trip is 2.5 hours.[44] However, the DHS fails to meaningfully consider the practical impacts of this policy change on immigrant survivors of domestic violence, sexual assault, trafficking, and other crimes. USCIS' cost estimates of this process to the applicant vastly undervalue non-tangible costs, such as missing school or work,child care, the rising cost of gasoline, or relying on a friend or family member to take them to Application Support Center (ASC) appointments. In rural areas, the ASCs are vastly more than 50 miles round trip estimated by USCIS.[45] For example, a survivor residing in Bismark, ND must travel to Fargo, ND for the closest ASC Center, a trip nearly 3 hours away.

USCIS already requires background checks and biometrics for most immigration applications. The Proposed Rule does not adequately explain why these additional biometrics checks are necessary. DHS has the capacity to use previously collected fingerprints from a previously submitted immigration filing.[46] And recent guidance states that in certain cases USCIS may reuse a photograph for up to 36-months.[47] These new requirements add needless costs on applicants and place additional burdens on applicants and on USCIS adjudications.

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[42] Proposed Rule at 34352.

[43] USCIS. Form I-918, Petition for U Nonimmigrant Status, by Fiscal Year, Quarter, and Case Status and Form I-918, Petition for U Nonimmigrant Status, Bona Fide Determination Review (Fiscal Year 2026, Quarter 1) (June 12,2026), available at https://www.uscis.gov/sites/default/files/document/reports/i918u_visastatistics_fy2026_q1_v1.xlsx

[44] Proposed Rule at 34428.

[45] *Id.*

[46] *See e.g.* USCIS. USCIS Policy Manual."Chapter 2 - Biometrics Collection" (Vol. 2, Part C), available at https://www.uscis.gov/policy-manual/volume-1-part-c-chapter-2

[47] USCIS. Policy Alert PA-2025-29. "Photograph Reuse for Identity Documents" available at https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20251212-PhotographReuse.pdf

## VII. Access to Work Authorization is Critical for Immigrant Survivors

Limiting access to work permits gives abusers, traffickers and other perpetrators of crime additional tools to exercise power and control over their victims. Undocumented immigrants are uniquely vulnerable to gender-based violence, including intimate partner violence, sexual assault, and human trafficking. Each of these crimes involves dynamics of power and control, in which the person causing harm uses various tactics to threaten, harm, or coerce the victim. A survivor's lack of legal status or dependent immigration status provides harm doers with additional tools and erects barriers to accessing safety and justice.

Nearly all--99%--of victims and survivors of physical abuse also experience economic abuse,[48] in which the abusive partner employs a variety of tactics to make the victim financially dependent. For undocumented survivors, the inability to work legally compounds the survivor's reliance on their abuser. A qualitative study of abused immigrant women found that without EAD, 81% of respondents remained in abusive relationships because their abusive partner controlled the household resources, and 43% said that without EAD, their partners kept them from working outside the home.[49]

Similarly, survivors of workplace sexual assault and victims of trafficking may have little choice but to remain in exploitative or dangerous situations because their immigration status limits their employment options and their ability to leave. For example, in one study 78% of surveyed female farmworkers from Mexico reported that they or someone they know had been sexually harassed at work.[50] Another study found that single women with children were particularly targeted for sexual harassment.[51] And it does not stop at harassment. Far too many female farmworkers are either raped or are coerced into unwanted sexual contact.[52] Sexual harassment and sexual assault are common in other industries as well, including domestic work.[53] Without access to an EAD, undocumented immigrants have limited employment opportunities and often have little choice but to stay in jobs where they may be vulnerable to sexual harassment or assault, since reporting risks termination, detention or deportation.

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[48] Postmus, J., Plummer S., Mcmahon, S., Murshid, N., & Kim, M. (2012). Understanding economic abuse in the lives of survivors. *Journal of Interpersonal Violence*, 27(3), 411-430. https://doi.org/10.1177/0886260511421669

[49] Her Justice. (2023). *Stories from immigrant survivors of gender-based violence: The impact of work authorization.* https://herjustice.org/wp-content/uploads/2024/04/Her-Justice-Policy-Report-Impact-of-Work-Authorization.pdf

[50] Kim, N. J., Vasquez, V. B., Torres, E., Nicola, Rm M. B., & Karr, C. (2016). Breaking the silence: Sexual harassment of Mexican women farmworkers. *Journal of Agromedicine, 21*(2), 154-162. https://doi.org/10.1080/1059924x.2016.1143903

[51] Murphy, J., Samples, J., Morales, M., & Shadbeh, N. (2015). "They talk like that, but we keep working": Sexual harassment and sexual assault experiences among Mexican Indigenous farmworker women in Oregon. *Journal of Immigrant Minor Health, 17*(6), 1834-1839. https://doi.org/10.1007/s10903-014-9992-z

[52] Human Rights Watch. (2012). *Cultivating fear: The vulnerability of immigrant farmworkers in the US to sexual violence and sexual harassment.* https://www.hrw.org/report/2012/05/15/cultivating-fear/vulnerability-immigrant-farmworkers-us-sexual-violence-and

[53] Burnham, L. & Theodore, N. (2012). *Home Economics: The invisible and unregulated word of domestic work.* National Domestic Workers Alliance. https://www.domesticworkers.org/wp-content/uploads/2021/06/HomeEconomicsReport.pdf

Traffickers often recruit victims from abroad with promises of work authorization .[54] In many cases, work authorization is not forthcoming or else is tied to an employer, enabling the employer to force them to work without pay.[55] In either case, human traffickers leverage victims' immigration status and their fear of law enforcement and deportation to force and coerce them into modern day slavery.[56] Victims are too often unaware of, or too afraid to seek, legal protections available to them.[57] In each of these circumstances, restricting access to EADs does not protect public safety; it removes one of the few tools that allow survivors to be financially independent enough to leave, seek help, report crimes or cooperate with law enforcement.

## VIII. Conclusion

The Proposed Rule harms survivors and their families in numerous other ways, while posing additional risks to public safety by further discouraging survivors to come forward to access protection. This rule imposes unnecessary barriers to applicants for work permits as well as USCIS adjudicators, and weakens access and the value to existing immigration relief. We strongly urge DHS to withdraw the Proposed Rule in its entirety.

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

Signed,

**National Organizations:**

Asian Pacific Institute on Gender-Based Violence
ASISTA Immigration Assistance
Center for Gender & Refugee Studies (CGRS)
Esperanza United
Freedom Network USA
Human Trafficking Legal Center
National Network To End Domestic Violence
Sahiyo
South Asian SOAR
Tahirih Justice Center

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[54] Polaris Project. (2015, December 29). *Labor trafficking in the land of opportunity.* https://polarisproject.org/blog/2015/12/labor-trafficking-in-the-land-of-opportunity/
[55] *Id.*
[56] ACLU. (2007, May 31). *Human trafficking: Modern enslavement of immigrant women in the United States. https://www.aclu.org/documents/human-trafficking-modern-enslavement-immigrant-women-united-states*
[57] *Id.*

**State and Local Organizations**:

**Arizona**
New Frontier Foundation

**California**
California Partnership to End Domestic Violence
Catholic Charities of Santa Clara County (CA)
Coalition to Abolish Slavery and Trafficking
Immigration Center for Women and Children
Immigration Institute of the Bay Area (IIBA)
Survivor Justice Center

**Connecticut**
Apostle Immigrant Services

**Idaho**
Law Offices of Nicole R Derden

**Kansas**
Kirschbaum & Nowotny, LLC

**Minnesota**
International Institute of Minnesota
Zhanay Law LLC

**New York**
Her Justice

**North Carolina**
Helen Tarokic Law PLLC

**South Carolina**
Law Office of Stephanie Nodine LLC
Lowcountry Immigration Coalition

**Virginia**
Brody Immigration Law PLLC

**Washington**
Northwest Immigrant Rights Project

**Wisconsin**
Wisconsin Coalition Against Sexual Assault