November 12, 2026

Joseph B. Edlow, Director, U.S. Citizenship and Immigration Services
Attn: Office of the Director / Public Engagement Division
5900 Capital Gateway Drive
Camp Springs, MD 20588-0009
Email: public.engagement@uscis.dhs.gov

Center for Countering Human Trafficking (CCHT)
Attn: Director James C. Harris III
Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528
Email: James.c.harris@hsi.dhs.gov

Re: <u>An Urgent Request to Issue Bona Fide Determinations (BFDs) and Employment Authorization Documents (EADs) for Trafficking Survivors</u>

Dear Director Edlow and Director Harris:

We are organizations providing legal services to trafficking survivors across the United States, and/or technical assistance to practitioners representing trafficking survivors. We write to you today to express our deep concern over USCIS's steadily increasing adjudication times for T visa applications. As of September 2026, T visa processing times had reached 34 months, up from 19 months in January 2025.[1] These adjudication delays harm trafficking survivors, who desperately need legal immigration status to rebuild their lives.

Congress created T visas to provide lawful status and stability to immigrant survivors of human trafficking. For two decades, T visas have protected trafficking survivors, many of whom have taken enormous risks to report their victimization and comply with law enforcement requests. In recent months, many have expressed reluctance to come forward and report their traffickers due to fear of immigration enforcement. Very few trafficking survivors ever receive Continued Presence (CP). In FY2024, DHS only approved a total of 317 requests for CP.[2] In FY2025, DHS

[1] *See* https://egov.uscis.gov/processing-times, accessed on October 4, 2026.
[2] U.S. Department of Homeland Security Report, "Countering Human Trafficking: Year in Review (October 2023-September 2024)" at https://www.dhs.gov/sites/default/files/2025-08/25_00809_ccht_fy24-year-in-review-annual-report_508.pdf.

approved just 525 requests for CP.[3] Today, due to excessive adjudication delays, trafficking survivors are living in legal limbo, unable to work and vulnerable to re-trafficking.

USCIS is failing survivors of human trafficking with these delayed adjudications. The increase in applications calls for additional adjudication capacity. In fact, it appears that USCIS has all but stopped adjudicating T visas, as is evident from FY2026 1st quarter data.[4] This slowdown is further reflected in the 3rd quarter of FY2026. In that quarter, USCIS adjudicated just 320 T visa applications total, approving 143 applications and denying 177 out of a total of 81,695 pending applications.[5]

In the combined first three quarters of FY2026, USCIS adjudicated only 1,046 T visa applications total, denying 550 applications.[6] At this pace, USCIS is on track to approve fewer than 1,000 T visas in FY2026, far below the 5,000 annual T visas authorized by Congress. Given the backlog of T visa applications pending, it is estimated that it will take almost 58 years to clear the current applications at this pace of adjudication.

These significant wait times make timely and fair Bona Fide Determination (BFD) and Employment Authorization Document (EAD) adjudications even more important.

Congress has made clear that trafficking survivors are to be protected, particularly those T visa applicants who have made out a prima facie case for approval.[7] As USCIS's own Policy Manual states, "This process promotes victim stability and continued cooperation with law enforcement."[8]

Sadly, T visa applicants are not receiving Bona Fide Determinations (BFDs). Most applicants are not receiving BFDs at all. Many have received denials on the basis of unsupported "national security" determinations or with no reason provided and no opportunity to seek review of the denial. Full T visa adjudication does not proceed promptly after BFD denial. Others have received approvals, only to receive denials soon afterwards. Still others have received BFD

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[3] U.S. Department of Homeland Security Annual Report to Congress, *Fiscal Year 2025: Immigration Applications and Petitions filed under paragraphs (15)(T)(i), (15)(U)(i), or (51) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))* at *https://www.uscis.gov/sites/default/files/document/reports/Annual%20Report%20on%20Immigration%20Applications%20and%20Petitions%20Made%20by%20Victims%20of%20Abuse%20Fiscal%20Year%202025.pdf*

[4] Coalition to Abolish Slavery & Trafficking (CAST) blogpost, *Processing of the T Visa, The Temporary Legal Status That Protects Human Trafficking Survivors, Has Effectively Stopped* dated July 13, 2026 analyzing FY2026 Q1 data at https://www.castla.org/processing-of-the-t-visa-the-temporary-legal-status-that-protects-trafficking-survivors-has-effectively-stopped/

[5] *See* https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data for 2026 data specific to Form I-914 applications and approvals.

[6] *Id.*

[7] INA § 237(d)(1).

[8] USCIS Policy Manual, Bona Fide Determinations, Chapter 6 at https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-6

approvals but have then waited for months to receive a work authorization based on deferred action. 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. For survivors, an EAD is a critical tool that promotes safety and autonomy during a process whose length is entirely outside of their control.

We ask that USCIS immediately issue BFDs and approve Deferred Action and Employment Authorization Documents (EADs) for trafficking survivors. Congressional intent supports the processing of immigration benefit applications within 180 days of filing.[9] USCIS should devote additional resources to issuing Bona Fide Determinations (BFDs) within 6 months to trafficking survivors who have filed complete, good faith T visa applications. USCIS should within 30 days consider deferred action and work authorization after a T visa application is deemed bona fide. BFDs, deferred action, and work authorization are key to stabilizing and protecting trafficking survivors, which furthers congressional intent in creating the T visa, and enables survivors to participate in trafficking investigations, prosecutions, and other judicial processes.

We look forward to your response. As advocates for trafficking survivors, we would be interested in meeting with your office to discuss these issues further. Please contact us through Anisa Rahim of the Human Trafficking Legal Center at Anisa@htlegalcenter.org or 202-849-5811.

Thank you for your time and attention in this matter.

Sincerely,

The Human Trafficking Legal Center
American Immigration Lawyers Association (AILA)
Asian Pacific Islander Legal Outreach (API Legal Outreach)
ASISTA Immigration Assistance
Coalition to Abolish Slavery and Trafficking (CAST)
Connecticut Institute for Refugees and Immigrants ("CIRI")
Freedom Network USA
HEAL Trafficking
Immigration Center for Women and Children
Immigration Legal Resource Center (ILRC)
International Institute of Minnesota
Justice at Last
Legal Aid Society of Metropolitan Family Services
LOTUS Legal Clinic
Mosaic Consulting Co LLC
Northwest Immigrant Rights Project
Preble Street
Rocky Mountain Immigrant Advocacy Network

[9] 8 U.S.C. § 1571(b)

South Asian SOAR
Survivor Services Center at Colorado Legal Services
Survivor Justice Center
Sunita Jain, Anti-Trafficking Initiative, Loyola Law School
The Legal Aid Society
Tahirih Justice Center
Ujima, the National Center on Violence Against Women in the Black Community
University of Maryland SAFE Center for Human Trafficking Survivors
ValorUS
Wisconsin Coalition Against Sexual Assault
Womankind
Worker Justice Center of New York
YMCA Kalamazoo

Cc: The Honorable Christopher A. Coons, United States Senate
The Honorable Richard Blumenthal, United States Senate
The Honorable Catherine Cortez Masto, United States Senate
The Honorable Senator Kirsten Gilibrand, United States Senate
The Honorable Senator Elizabeth Warren, United States Senate
The Honorable Robert Garcia, United States House of Representatives
The Honorable Ilhan Omar, United States House of Representatives