

December 1, 2025

Mr. Paul Buono,
Division Chief, Business and Foreign Workers 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-2025-0271-0001. Removal of the Automatic Extension of Employment Authorization Documents

Submitted via: [regulations.gov](https://www.regulations.gov)

Dear Chief Buono:

On behalf of the 60 undersigned organizations, we submit this comment in response to the Interim Final Rule on the Removal of the Automatic Extension of Employment Authorization Documents, published in the Federal Register on October 30, 2025 (hereinafter "2025 IFR").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 2025 IFR and call for its immediate withdrawal**, as it undermines the well-being of immigrant survivors and their families.

The 2025 IFR eliminates auto-extension of employment authorization documents ("EADs") in a variety of categories, including refugees, asylees and asylum seekers, individuals with pending applications for a Green Card, TPS holders, as well as principal beneficiaries or derivative children of approved Violence Against Women Act (VAWA) self-petitioners in the "(c)(31)" category.² Reliable access to employment authorization is a lifeline to safety, stability, and a better quality of life for survivors of gender-based violence. When no automatic extensions are available, and EAD processing times remain unpredictable and lengthy, that lifeline is threatened.

¹ "Interim Final Rule ('IFR') with request for comments, Removal of Automatic Extension of Employment Authorization Documents" 90 FR 48799 (October 30, 2025), available at <https://www.regulations.gov/document/USCIS-2025-0271-0001> (Hereinafter "2025 IFR").

² 2025 IFR at 48803 and 48804.

I. Economic and Immigration-Related Abuse

Abusers commonly prevent survivors from accessing or acquiring financial resources in order to maintain power and control in the relationship.³ Survivors may be forced to stay with abusers because they depend on them for financial support or housing. In one study, 99% of domestic violence victims reported experiencing economic abuse.⁴ In another, two-thirds of respondents said their abusive partner's behavior negatively impacted their educational and job training opportunities.⁵

Economic abuse can have devastating long-term effects on quality of life, financial security, and independence.⁶ For immigrant survivors of gender-based violence, economic abuse is often intensified as abusive partners, rapists, traffickers, and other abusers often exploit a victim's lack of, or dependent immigration status, as a way to keep victims silent. Abusers commonly misuse the immigration system—threatening to withhold, withdraw, or sabotage immigration filings— in order to control and intimidate their victims.⁷ Unfortunately, with case processing delays and the expanded emphasis on enforcement, abusers' threats are louder than ever.⁸

In 2021, the National Immigrant Women Advocacy Center (NIWAP) released a survey outlining that immigrant survivors commonly experience economic abuse that increases dependence on the abuser.⁹ In 2022, Her Justice also released a comprehensive policy report providing critical insights into the importance of access to employment authorization to immigrant survivors.¹⁰ A survey of their clients revealed that:

³ National Network to End Domestic Violence. "Financial Abuse Fact Sheet" available at: <https://nnedv.org/wp-content/documents/Financial%20Abuse%20Fact%20Sheet%20-%20May%202025%20EN.pdf>

⁴ Adrienne E. Adams. CFS Research Brief 2011-5.6 "Measuring the Effects of Domestic Violence on Women's Financial Well-Being" Center for Financial Security, University of Wisconsin-Madison, available at <https://cfs.wisc.edu/wp-content/uploads/2015/04/adams2011.pdf>

⁵ Cynthia Hess, Ph.D. and Alona Del Rosario M.A. "Dreams Deferred: A Survey on the Impact of Intimate Partner Violence on Survivors' Education, Careers, and Economic Security." Institute for Women's Policy Research, available at <https://iwpr.org/dreams-deferred-a-survey-on-the-impact-of-intimate-partner-violence-on-survivors-education-careers-and-economic-security/>

⁶ Laura Johnson et al. "Examining the impact of economic abuse on survivors of intimate partner violence: a scoping review" National Library of Medicine. (2022), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC9121607/>

⁷ USCIS. "Abused Spouses, Children, and and Parents", available at <https://www.uscis.gov/humanitarian/abused-spouses-children-and-parents>

⁸ Cara Tabachnick. "She married a U.S. citizen for love. After she alleged abuse, he threatened deportation." CBS News (June 15, 2025) available at <https://www.cbsnews.com/news/alleged-abuse-he-threatened-to-deport-her/>

⁹ Leslye E. Orloff, J.D., et al., American University, National Immigrant Women's Advocacy Project, Transforming Lives: How the VAWA Self-Petition and U visa Change the Lives of Survivors and Their Children After Employment Authorization and Legal Immigration Status (June 8, 2021) (hereinafter "NIWAP study"), available at <https://niwaplibrary.wcl.american.edu/pubs/transforming-lives-final-report/>

¹⁰ Her Justice. "Stories from Immigrant Survivors of Gender-Based Violence: The Impact of Work Authorization" (2022), available at <https://herjustice.org/wp-content/uploads/2023/11/Her-Justice-Policy-Report-Impact-of-Work-Authorization.pdf> (hereinafter "Her Justice Report")

- While suffering from abuse and lacking immigration status, 86% of the participants in the survey were denied equal access to family money by their abusers;
- 76% of participants said their abusive partners threatened to withhold money from them;
- 71% said abusers used this power over financial resources to control their behavior.¹¹

As one client shared, her abuser “did not want me to work and he kept physically and mentally abusing me. After the abuse, I couldn’t work anymore because I always had bruises and a swollen face. I had no access to household money, so I had to stay in the relationship in order to support my children and myself.”¹²

II. Importance of Employment Authorization for Survivors of Gender-Based Violence

The 2025 IFR will impact all applicants seeking a Green Card with an EAD under the (c)(9) eligibility category, including VAWA self-petitioners as well as U and T visa holders seeking adjustment of status. Survivors with an approved VAWA self-petition will be uniquely impacted by the 2025 IFR. Over 30 years ago, a bipartisan Congress created immigration protections in the landmark Violence Against Women Act (VAWA), recognizing that abusers often use immigration status as a tool of abuse and that immigrant survivors may not be willing to reach out for help because of the threat or fear of removal. The VAWA self-petition process grants certain abused family members of U.S. citizens or legal permanent residents “the ability to self-petition for immigrant classification without the abuser’s knowledge, consent, or participation in the immigration process. This allows victims to seek both safety and independence from their abuser.”¹³

Subsequent 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 274(a)(12)(c)(14).¹⁴ In the reauthorization of VAWA in 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

¹¹ Her Justice Report at 24.

¹² *Id.*

¹³ USCIS Policy Manual. “Volume 3, Part D - Violence Against Women Act Chapter 1 - Purpose and Background” (current as of April 2, 2025), available at <https://www.uscis.gov/policy-manual/volume-3-part-d-chapter-1>

¹⁴ See 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 Aleinikoff, 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> ;

authorized" endorsement or appropriate work permit incident to approval.¹⁵ EADs granted on the basis of an approved VAWA self-petition are issued under the (c)(31) eligibility category.¹⁶ Under the 2025 IFR, automatic extensions for those who have submitted an EAD application under the (c)(31) work authorization will no longer be possible.

The NIWAP study found that after victims were granted legal work authorization, survivors "steadily started to receive jobs with greater access to benefits, bolstering reports that economic stability is crucial to survivors' health and safety, as well as the health and safety of their children."¹⁷ "After work authorization, 43% of survivor clients sometimes, usually, or often obtained employment that included healthcare, vacation, and paid sick leave benefits, and 40% sometimes, usually, or often obtained employment with maternity leave benefits. This amounted to a more than five-fold increase in access to health insurance and a sevenfold increase in access to maternity leave."¹⁸ With access to work authorization, survivors have greater access to insurance coverage, making them more able to seek preventative health care and treatment for health problems, increasing health outcomes and quality of life.¹⁹ Employment authorization also allows survivors to secure safe, stable housing. As one VAWA self-petitioner noted, "The stability of having a fixed job and waking up knowing that I will be able to provide for my kids – it's like the world opens. I could get an apartment by myself."²⁰

The NIWAP study also demonstrates that the stability provided by employment authorization extends beyond economics to public safety and child welfare. The study revealed that when survivors receive work authorization and protection from deportation, their willingness to trust law enforcement increases by 114%. Furthermore, parental involvement in their children's schools rises dramatically by 662%. These findings confirm that the continuity of work authorization is a decisive factor in community integration and safety; removing the auto-extension safety net threatens to reverse these gains, pushing survivors back into the shadows and silencing them.

The Her Justice report found that economic independence through employment authorization had a profoundly positive influence on the psychological well-being of immigrant survivors of violence, making them hopeful for the future.²¹ In the NIWAP study, the number of immigrant survivors who often or almost always began to feel more

¹⁵ 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)

¹⁶ 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.

¹⁷ Laura Johnson et al. "Examining the impact of economic abuse on survivors of intimate partner violence: a scoping review" National Library of Medicine. (2022), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC9121607/>

¹⁸ NIWAP study at 111.

¹⁹ NIWAP study at 118.

²⁰ Her Justice Report at 28.

²¹ Her Justice Report at 30.

independent grew from 16% post-filing to 58% when victims received work authorization, a 261% increase, and continued to increase to 77% at lawful permanent residency, achieving a total increase from filing of 381%.²²

Enabling survivors to become economically self-reliant also reduces the negative economic impact on states by allowing them to support themselves, their children, and contribute to their community. The Her Justice report highlights Iman's story: After suffering violence at the hands of her husband, Iman was able to apply for a VAWA self-petition and receive a work permit. "She was then able to find steady employment in her area of expertise in the performing arts. Once she obtained health insurance, her health also improved as she was able to see her doctor and therapist on a routine basis to heal the physical injuries and emotional wounds caused by the long-endured abuse."²³

Stable access to employment and education options reduces vulnerability to abusive relationships and risk of exploitation, and increases economic self-sufficiency and quality of life for survivors.

III. The 2025 IFR Jeopardizes Economic Stability for Survivors

Before November 2016, regulations provided that USCIS would adjudicate an EAD application within 90 days of receipt. If the agency did not do so, individuals were eligible to request an interim EAD with a validity period not to exceed 240 days.²⁴ In 2016, USCIS terminated this Interim EAD process via a final rule and included a maximum 180-day automatic extension period for certain renewal applicants.²⁵ In response to this, stakeholders were concerned about delays in EAD processing, which have led to survivors facing termination from their jobs when their EAD did not arrive on time. One agency reported that their client lost her job when she could not provide a new employment authorization card to her employer and was placed in eviction proceedings because she no longer had an income to pay her rent.²⁶ USCIS acknowledged these concerns; however, they consider that having an automatic EAD extension for up to 180 days would help ensure continued employment authorization for renewal applicants and prevent work disruptions for both the applicants and their employers.²⁷

In 2022 and in 2024, USCIS issued a Temporary Final Rule that temporarily increased the automatic extension period from 180 days to 540 days for certain applicants.²⁸ USCIS deemed this extension necessary because 180 days did not provide the agency with enough time to address the growing number of renewals or other circumstances that may

²² NIWAP study at 120.

²³ Her Justice Report at 17.

²⁴ 8 CFR 274a.13(d)(2016);

²⁵ See 81 FR 82398 (Nov. 18, 2016)

²⁶ <https://www.regulations.gov/comment/USCIS-2015-0008-17239>

²⁷ See 81 FR 82398, 82456 (Nov. 18, 2016)

²⁸ See 87 FR 26614 (May 4, 2022) and 89 FR 24629 (Apr 8, 2024). The 2022 Temporary Final Rule provided a 540 day extension period which would end October 26, 2023. The 2024 Temporary Final Rule renewed that 540 day extension through September 30, 2025.

impact EAD processing times.²⁹ In December 2024, this 540 day auto-extension for certain EAD categories was eventually published in a final rule to address the critical needs of applicants, their families, and their employers by ensuring that they would not experience the harmful effects caused by gaps in employment authorization or EAD validity due to processing delays.³⁰ This extension was welcomed by agencies working on behalf of survivors.³¹ Stable employment is an important factor in victims' decision making about whether and how they can afford to leave a dangerous situation, and in planning how to keep themselves and their children healthy, well, and housed.³²

The 2025 IFR eliminates extension periods entirely, and does not offer any other process to ensure a timeframe in which EADs can reliably be adjudicated. For nearly a decade, USCIS has acknowledged that some period of auto-extension is beneficial to applicants to ensure they can maintain uninterrupted employment, provide for their families, and ensure medical care and housing. It helps employers know that USCIS processing delays would not impact their ability to secure their labor force and avoid costly turnovers.³³ In fact, previous analysis by USCIS found that over a period of two years, the practice of automatically extending work authorization for 540 days prevented 800,000 individuals from having a lapse in their work authorization, saved U.S. employers \$3.5 billion in labor turnover costs, and "that a permanent extension would save taxpayer dollars by reducing labor costs and overtime hours."³⁴

The 2025 IFR barely addresses the impact on applicants who have suffered harm, noting in a footnote that "the loss of employment authorization for asylum applicants may pose additional challenges given that they may be in a precarious financial situation due to circumstances such as fleeing persecution in their home country."³⁵ The 2025 IFR posits that "proper planning" could avoid lapses in employment authorization as well as the disruption and associated instability with business continuity or other financial harm for employers and the community as a whole.³⁶ Given the reality of USCIS case processing, this premise is deeply flawed.

USCIS data reflects there are over 797,351 pending Form I-765: Application for Employment Authorization Document renewals, including 63,833 pending adjustment

²⁹ See 87 FR at 26617 (The grave situation that applicants and, in turn, their employers are facing generally is not the result of the applicant's actions, but instead the result of several converging factors affecting USCIS operations that have been compounded by the COVID-19 public health emergency.);

³⁰ 89 FR 101208, 101209 (Dec. 13, 2024)

³¹ <https://www.regulations.gov/comment/USCIS-2024-0002-0140>

³² <https://www.regulations.gov/comment/USCIS-2024-0002-0128>

³³ See 89 FR 101208, 101229 (Dec. 13, 2024) (stating DHS agrees that noncitizens contribute significantly to the U.S. economy and that the 2024 TFR and this rule help ensure that such contributions are not interrupted because of USCIS processing delays.)

³⁴ *Id.* at 101210 and 101211.

³⁵ 2025 IFR at 48809.

³⁶ 2025 IFR at 48810.

pending renewals.³⁷ It also states that over 165,000 applications were pending for over 180 days or more.³⁸ USCIS cannot simply ignore the tremendous backlog in these applications and the hardship that survivors and their families may face if their applications are not adjudicated in a timely manner.

Advocates report **months long** delays even to get a receipt notice in a case,³⁹ and “proper planning” can still result in loss of valid employment authorization. The 2025 IFR notes that any reliance interest in the current regulatory framework and policy does not outweigh the need to protect public safety and the integrity of the immigration benefits and employment authorization.⁴⁰ The sole justification for eliminating auto-extensions is to complete vetting and security checks before approving a renewal of work authorization. There is a deep disconnect between this rationale and the real-world impact of granting a renewal of work authorization, especially for individuals who have already been deemed eligible for the relief they are seeking. People who have already shared detailed biographic and biometric information, passed security checks, been approved to work, and built their lives in the United States are among the least likely to pose any security risks. Yet, DHS offers no evidence or explanation for why it is now reversing its own long-standing view and undoing nearly a decade of guidance that supports autoextensions.⁴¹ **By eliminating automatic extensions entirely without any safeguards to fix or address processing delays, the 2025 IFR effectively has one predictable outcome: pushing non-citizen workers—including survivors—out of the workforce.**

DHS should withdraw the IFR as it is improvidently issued in violation of federal law. The administration chose to bypass the ordinary rulemaking process set out by the Administrative Procedure Act and instead render the IFR effective immediately, without any meaningful opportunity for public comment before its implementation. DHS’ invocation of the “good cause” exception is patently absurd, as it has not sufficiently provided evidence of the security risks caused by automatic extension of EAD renewals and harms the critical public interest of providing stable work authorization to survivors and their families.

³⁷ USCIS. Form I-765, Application for Employment Authorization, All Receipts, Approvals, Denials, Pending Grouped by Eligibility Category and Filing Type, April 1, 2025-June 30, 2025, available at: https://www.uscis.gov/sites/default/files/document/data/i765_application_for_employment_fy2025_q3.xlsx

³⁸ USCIS. Form I-765, Application for Employment Authorization, Counts of Pending Petitions by Days Pending For All Eligibility Categories and (c)(8) Pending Asylum Category as of June 30, 2025, available at https://www.uscis.gov/sites/default/files/document/data/i765_p_allcat_c08_fy2025_q3.xlsx

³⁹ See e.g. USCIS. Number of Form I-918 Petitions for U Nonimmigrant Status By Fiscal Year, Quarter, and Case Status Fiscal Years 2009-2025, available at https://www.uscis.gov/sites/default/files/document/data/i918u_visastatistics_fy2025_q3.xlsx noting just 68 principal U visa cases filed in the third quarter of FY2025.

⁴⁰ 2025 IFR at 48810.

⁴¹ To support its security concerns, DHS points to one incident without demonstrating any nexus to work authorization. The 2025 IFR does not show how the automatic extension had anything to do with the incident nor does it explain how ending the automatic extension would have prevented it. See 2025 IFR at 48808.

IV. Conclusion

For the reasons mentioned above, we hold that DHS should promptly withdraw the 2025 IFR as it will impose an unjustified burden on survivors and their families, harming their ability to gain stability and independence following victimization. We can, and must, do better for survivors, for our communities, and for our country.

Respectfully submitted,

National Organizations

Asian Pacific Institute on Gender-Based Violence
ASISTA Immigration Assistance
Catholic Legal Immigration Network, Inc.
Center for Human Rights and Constitutional Law
Esperanza United
Freedom Network USA
Futures Without Violence
Jewish Women International
Just Solutions
Legal Momentum, the Women's Legal Defense and Education Fund
Naila Amin Foundation
National Alliance to End Sexual Violence
National Asian Pacific American Women's Forum (NAPAWF)
National Immigrant Justice Center
National Network To End Domestic Violence
Tahirih Justice Center
The Advocates for Human Rights
The Human Trafficking Legal Center
Ujima, The National Center on Violence Against Women in the Black Community
ValorUS
Young Center for Immigrant Children's Rights

State and Local Organizations

California

California Partnership to End Domestic Violence
Coalition to Abolish Slavery and Trafficking
Immigration Center for Women and Children
Law Office of Giselle Sotelo
Los Angeles LGBT Center
MAITRI
Public Counsel
Survivor Justice Center

Colorado

Rocky Mountain Immigrant Advocacy Network (RMIAN)

District of Columbia

Ayuda

The Person Center

Georgia

Hope Immigration, LLC

Raksha, Inc.

Illinois

Illinois Coalition Against Domestic Violence

Maryland

Immigration Outreach Service Center

The Women's Law Center of Maryland

Massachusetts

BU Law Immigrants' Rights and Human Trafficking Program

Jane Doe Inc.

Minnesota

Perez-Jenkins Law, LLC

Phumulani

Safe Haven Shelter & Resource Center

Violence Free Minnesota

Women's Advocates

Nevada

Nevada Coalition to End Domestic and Sexual Violence

New York

Her Justice

The Legal Aid Society (NYC)

Lutheran Social Services of New York

Sanctuary for Families

SEPA Mujer Inc.

Pennsylvania

Justice at Work PA

Law Offices of Carl G. Roberts LLC

Texas

American Gateways

Law Office of David Nguyen, PC

Virginia

Just Neighbors

Washington

Beckner Immigration Law PLLC

Northwest Immigrant Rights Project

Siefert Law Offices

West African Community Council (WACC)

Wisconsin

Wisconsin Coalition Against Sexual Assault