



## **T Visas Final Rule**

[T nonimmigrant status](#) (commonly referred to as a “T visa”) allows noncitizens who are victims of sex or labor trafficking in the United States to remain in the country for an initial period of up to four years as long they assist law enforcement in the investigation and prosecution of human trafficking perpetrators. [1]

On April 30, 2024, the U.S. Department of Homeland Security and U.S. Citizenship and Immigration Services (USCIS) [published](#) a final rule that [clarifies](#) the eligibility and application requirements of T visa applications. This rule – expected to go into effect on August 28, 2024 – did not make significant changes to the current T visa process. Rather, it largely adopted a [2016 interim rule on the T status visa](#) as a final rule.

The few differences between the 2024 final rule and the 2016 interim rule are the following:

- It clarifies the following technical meanings, which already existed: bona fide determinations, evidence of extreme hardship, involuntary servitude, continued victimization, law enforcement endorsement, and eligible family member.
- It also replaced the term “alien” with “victim,” “applicant,” “survivor,” or “noncitizen” where appropriate.
- It clarified that a noncitizen granted T status must apply for [advance parole](#), which is a travel document that allows certain noncitizens inside the United States to depart and seek to reenter the country after temporary travel abroad.

## **Relevance of the T Visa**

The U.S. Department of State estimates that around [17,000 people](#) are victims of human trafficking every year in the United States. Sadly, the [vast majority of victims are immigrants](#) who lack lawful immigration status. These victims of labor trafficking and sex trafficking are often [preyed upon by human traffickers](#) who use force, fraud, or coercion to compel them to provide involuntary labor or services, including commercial sex.

Those receiving T nonimmigrant status are able to obtain [employment authorization](#) and eventually [adjust status](#) to become lawful permanent residents, commonly known as Green Card holders, with an eventual pathway to citizenship.

T visa beneficiaries are also eligible for the same federal and state [benefits and services](#) available for refugees admitted to the United States. However, in order to become

eligible for these benefits, victims must obtain a [certification of human trafficking](#) from the U.S. Department of Health and Human Services' Office of Refugee Resettlement (HHS-ORR).

## **T Nonimmigrant Status and Visa Eligibility**

Obtaining T nonimmigrant status requires applicants to be [physically present](#) in the United States and [file a petition](#) before USCIS describing the trafficking they were subjected to. They also need to submit [evidence](#) that they helped law enforcement in their investigation. If USCIS approves their application, victims obtain T-1 nonimmigrant status, and some of their family members immediately become eligible to apply for derivative status under the victim's T visa. [2]

The application process for T derivative status for family members has two steps. First, the T-1 nonimmigrant status applicant must [file a petition](#) before USCIS on behalf of their family members. If approved by USCIS, and the family members are already present in the United States, they may be immediately granted T nonimmigrant status without having to apply for a visa. However, if the family members live abroad, they are required to [apply for a T visa](#) at the nearest USCIS office abroad or at a U.S. embassy, consulate, or other office providing consular services.

## **T Visa Cap & USCIS Backlog**

T nonimmigrant status slots are capped at [5,000](#) per fiscal year for the main applicants, but the visas for their family members are uncapped. Notably, USCIS, which generally has [been struggling with backlogs](#) across the agency, has been experiencing a growing [backlog of T nonimmigrant status applications](#).

In FY 2023, USCIS had [received](#) 8,598 T-1 nonimmigrant status petitions. That year, the agency failed to process the full allotment of T visa slots, only approving 2,181 petitions, while denying 638. Currently, USCIS has 9,394 pending T-1 nonimmigrant status applications, representing nearly two years of the number of visas permitted under the annual cap.

While T derivative status is uncapped, USCIS has also struggled to keep up with its workload on those petitions. In FY 2023, USCIS [received](#) 4,976 applications for family members of T-1 applicants, but adjudicated fewer than half of them, approving 1,495 petitions and denying 323. There are currently 5,561 pending T derivative status applications, which is a significant number despite the absence of a cap.

## **Brief History of T Status and Visa**

Congress [created](#) T nonimmigrant status alongside [U nonimmigrant status](#) in the [Victims of Trafficking and Violence Protection Act \(TVPA\)](#) in 2000, a law that aims to prevent and prosecute human trafficking and protect victims. The TVPA was [reauthorized](#) through the Trafficking Victims Protection Reauthorization Act (TVPRA) of [2003](#), [2005](#), [2008](#), [2013](#), [2017](#), and [2018](#).

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[1] People often use the terms “[visa](#)” and “[status](#)” interchangeably. Although the difference between possessing a visa and obtaining a status is subtle, the concepts are distinguishable. A visa is a stamp on one’s passport that allows a person to travel to the United States from abroad. Status, on the other hand, is the permission to be in the United States legally. Accordingly, a T visa is more accurately described as a status.

[2] Spouse (T-2), child (T-3), parent under age 21 (T-4), unmarried sibling under age 18 (T-5), child of T-2, T-3, T-4, or T-5 (T-6). See: [Nonimmigrant and Immigrant Visa Categories: Data Brief](#)