

Continued Presence Improvement Act of 2024

Continued Presence (CP) is a temporary immigration designation provided by the Department of Homeland Security (DHS) to noncitizens identified by law enforcement as victims of a “severe form of trafficking in persons.” This important designation provides victims with a legal means to temporarily live and work in the United States in advance of obtaining long-term immigration relief (typically T-visas). In doing so, it also enhances the effectiveness of federal, state, local, tribal, and territorial law enforcement in addressing human trafficking. Additional background is available [here](#).

Developed in collaboration with DHS’s Center for Countering Human Trafficking (CCHT), the Continued Presence Improvement Act (CPIA) amends Section 107(c)(3) of the Trafficking Victims Protection Act of 2000 to streamline agency usage and improve victim access to Continued Presence protections. While the CCHT has made progress in increasing awareness and use of CP in recent years through revised guidance and training materials, CP remains underutilized. In 2023, while 2,181 individuals were issued T-visas, fewer than 300 received access to the protections. Many survivors awaiting T visa decisions have reported to law enforcement and should be eligible for CP.

The Continued Presence Improvement Act of 2024:

- Strengthens human trafficking investigations by expanding law enforcement officials’ use of CP and program eligibility for a wider range of potential victims.
- Ensures that human trafficking victims maintain continuous protection from removal after an investigation or prosecution is complete and before an immigration benefit is granted.
- Clarifies that bringing a civil action for human trafficking is an independent basis for CP, regardless of the status of a criminal investigation or prosecution.
- Authorizes USCIS to issue work permits incident to CP to eliminate additional paperwork and burden on law enforcement officials.
- Defines “Law Enforcement Official” to include state, local, tribal & territorial law enforcement agencies and provides clarifying instructions to law enforcement agencies regarding appropriate immigration enforcement actions based on conduct pre- and post-CP approval.
- Adds protections from removal for CP recipients’ family members in the United States.
- Directs cross-agency training efforts and guidance (DHS, DoS, DOL, HHS, DOJ, and EEOC) to increase awareness and encourage the use of CP amongst federal personnel and their state counterparts.

Endorsing Organizations: Freedom Network, National District Attorney’s Association, Coalition to Abolish Slavery and Trafficking, Tahirih Justice Center, Justice in Motion, U.S. Advisory Council on Human Trafficking, University of Maryland SAFE Center, U.S. Conference of Catholic Bishops’ Committee on Migration, ASISTA Immigration Assistance, National Survivor Network, Florida Legal Services, Inc., Connecticut Institute for Refugees and Immigrants, Swan Counseling Services, Preble Street, , Legal Aid Society (New York City).