

118TH CONGRESS
1ST SESSION

S. _____

To protect certain victims of human trafficking by expanding the authority of the Secretary of Homeland Security to grant such aliens continued presence in the United States.

IN THE SENATE OF THE UNITED STATES

Mr. CARDIN (for himself, Mr. BLUMENTHAL, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To protect certain victims of human trafficking by expanding the authority of the Secretary of Homeland Security to grant such aliens continued presence in the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Continued Presence
5 Improvement Act”.

1 **SEC. 2. TRAFFICKING VICTIMS.**

2 (a) IN GENERAL.—Section 107(c)(3) of the Traf-
3 ficking Victims Protection Act of 2000 (22 U.S.C.
4 7105(c)(3)) is amended—

5 (1) in subparagraph (A)—

6 (A) by amending clause (i) to read as fol-
7 lows:

8 “(i) INVESTIGATIONS AND PROSECU-
9 TIONS.—If a law enforcement official files
10 an application stating that an alien may be
11 a victim of a severe form of trafficking, the
12 Secretary of Homeland Security may per-
13 mit the alien to remain in the United
14 States to facilitate the investigation or
15 prosecution of a trafficking-related of-
16 fense.”;

17 (B) by redesignating clause (iv) as clause
18 (v);

19 (C) by redesignating clause (ii) as clause
20 (iv) and moving such clause so that it appears
21 immediately after clause (iii);

22 (D) by striking clause (iii) and inserting
23 the following:

24 “(ii) WHILE PURSUING A CIVIL AC-
25 TION.—The Secretary of Homeland Secu-
26 rity shall permit an alien who is a victim

1 of a severe form of trafficking and has
2 filed a civil action under section 1595 of
3 title 18 to remain in the United States
4 until such action is concluded. If the Sec-
5 retary, after consultation with the Attorney
6 General, determines that the alien has
7 failed to exercise due diligence in pursuing
8 such action, the Secretary may revoke the
9 order permitting the alien to remain in the
10 United States.

11 “(iii) LENGTH; EXTENSIONS.—The
12 Secretary of Homeland Security shall
13 grant continued presence under this sub-
14 paragraph for a period of not less than 2
15 years and may extend such status beyond
16 2 years, at the discretion of the Secretary.
17 If the alien has a pending immigration
18 benefit application, continued presence
19 shall be extended until such application is
20 approved, withdrawn, or denied upon final
21 appeal, unless the Secretary determines
22 that continued presence is no longer war-
23 ranted.”;

24 (E) in clause (iv), as redesignated, by
25 striking “Federal law enforcement officials de-

1 scribed in clause (i)” and inserting “law en-
2 forcement officials”; and

3 (F) by adding at the end the following:

4 “(vi) EMPLOYMENT AUTHORIZATION
5 .—During the period the alien is author-
6 ized to remain in the United States under
7 this paragraph, the Secretary of Homeland
8 Security shall—

9 “(I) authorize the alien to engage
10 in employment in the United States;
11 and

12 “(II) provide the alien with an
13 ‘employment authorized’ endorsement
14 or other appropriate work permit.

15 “(vii) PROTECTION FROM IMMIGRA-
16 TION ENFORCEMENT.—While a grant of
17 continued presence is in effect under this
18 paragraph, Federal law enforcement offi-
19 cials may only take civil immigration en-
20 forcement actions against an alien de-
21 scribed in clause (i) or (iii)—

22 “(I) based on conduct committed
23 after continued presence is authorized;
24 and

1 “(II) following consultation with
2 the law enforcement official who filed
3 the application for continued pres-
4 ence.”;

5 (2) in subparagraph (B)—

6 (A) by striking “Law enforcement” and in-
7 serting the following:

8 “(i) OUTSIDE THE UNITED STATES.—
9 Law enforcement”;

10 (B) in clause (i), as redesignated, by strik-
11 ing “subparagraph (A)(i)” and inserting
12 “clause (i) or (iii) of subparagraph (A)”;

13 (C) by adding at the end the following:

14 “(ii) INSIDE THE UNITED STATES.—
15 Law enforcement officials may submit
16 written requests to the Secretary of Home-
17 land Security for deferred action and em-
18 ployment authorization for certain relatives
19 of any alien whose continued presence is
20 permitted under clause (i) or (iii) of sub-
21 paragraph (A).”;

22 (3) by amending subparagraph (C) to read as
23 follows:

24 “(C) LAW ENFORCEMENT OFFICE POLI-
25 CIES, TRAINING, AND MATERIAL.—The Sec-

1 retary of Homeland Security, the Secretary of
2 State, the Secretary of Labor, the Secretary of
3 Health and Human Services, the Attorney Gen-
4 eral, and the Commissioner of the Equal Em-
5 ployment Opportunity Commission shall—

6 “(i) develop policies and procedures
7 for their respective agency that encourage
8 the use of and immediate application for
9 continued presence by the respective agen-
10 cy upon identification of an individual cov-
11 ered under subparagraph (A)(i) in appro-
12 priate cases;

13 “(ii) develop materials, in consultation
14 with the Secretary of Homeland Security,
15 to encourage and assist their respective
16 Federal agency personnel and other law
17 enforcement officials to request continued
18 presence in appropriate cases; and

19 “(iii) distribute the materials devel-
20 oped pursuant to clause (ii) and provide
21 training on such materials to their respec-
22 tive Federal agency personnel and other
23 law enforcement officials.”; and

24 (4) by adding at the end the following:

1 “(D) DEFINED TERM.—In this paragraph,
2 the term ‘law enforcement official’ means any
3 employee of a Federal, State, tribal, territorial,
4 or local law enforcement agency, labor agency,
5 children’s protective services agency, or other
6 civil, criminal, judicial or administrative author-
7 ity that has responsibility and authority for the
8 detection, investigation, or prosecution of severe
9 forms of trafficking in persons.”.

10 (b) RULEMAKING.—The Secretary of Homeland Se-
11 curity shall promulgate regulations to implement the
12 amendments made by subsection (a).