The Facts about Continued Presence

**Fact** CP applications should be submitted immediately upon identification of a victim regardless of whether or not the victim has cooperated. In some cases, due to the nature of trafficking crimes, victims are too traumatized to cooperate at the outset of an investigation; however, this should not preclude the submission of a CP application.

**Fact** CP applications can be approved with an uncorroborated victim statement. A victim's statement alone is sufficient as long as the law enforcement official finds it credible under the circumstances.

**Fact** CP approval is not dependant on the case being accepted for prosecution. A victim must only be a potential witness to the human trafficking crime.

**Fact** CP approval is not dependant on human trafficking charges being brought. CP is available to all trafficking victims even if a human trafficking violation is not charged or if charges are never brought.

**Fact** Deferred action should never be used in place of CP. Deferred action is a form of prosecutorial discretion, such as not placing an individual in removal proceedings, and is done as an act of administrative convenience to the government. It precludes a victim from receiving TVPA benefits and services.

**Fact** CP does not require that the victim has suffered a violent form of human trafficking. Human traffickers may employ a range of non-violent forms of coercion to hold victims against their will such as threats of deportation, document control and psychological coercion.

**Fact** CP is initially granted for one year and may be renewed in one-year increments. CP renewals are submitted by the federal law enforcement official and evaluated by their agency on a case-by-case basis.

**Fact** CP can be revoked. If it is later determined that the individual is not a victim of human trafficking and/or is no longer a potential witness, CP can be revoked.

**Fact** CP is not a guarantee of a long-term form of immigration status. Receipt of CP does not guarantee that USCIS will favorably adjudicate other long-term immigration status applications.

**Fact** CP recipients are permitted to travel domestically and may have their family members join them in the U.S. At the discretion of the federal law enforcement official and their agency, a victim may be granted authorization to have their family member enter the U.S. to join them.

Long-Term Immigration Status

Victims may qualify for other forms of immigration benefits depending on their unique circumstances. Law enforcement officials are encouraged to work with the local ICE victim assistance coordinator to obtain referrals to non-governmental victim service providers. These providers may offer a variety of services to assist crime victims such as immigration legal assistance, crisis intervention, counseling, medical care, housing, job skills training and case management.

Traficking victims are eligible to self-petition to USCIS for T and U nonimmigrant status which permits them to remain in the U.S. for up to four years and can lead to lawful permanent residence. These applications may require a law enforcement certification. Federal, state and local law enforcement should, upon request, provide law enforcement certifications for human trafficking victims. USCIS will complete a comprehensive review of these applications prior to adjudication.

Important Numbers

ICE Law Enforcement Parole Branch: 202-732-8164 (law enforcement only)
ICE Headquarters Victim Assistance: 866-872-4973 or victimassistance.ice@dhs.gov

For human trafficking-related policy issues, please contact the ICE Headquarters Human Smuggling and Trafficking Unit at: ICEHumanTrafficking.helpdesk@dhs.gov


www.dhs.gov/humantrafficking

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Continued Presence (CP) is a temporary immigration status provided to individuals identified by law enforcement as victims of human trafficking. This status allows victims of human trafficking to remain in the U.S. temporarily during the ongoing investigation into the human trafficking-related crimes committed against them. CP is initially granted for one year and may be renewed in one-year increments. CP is authorized under provisions of section 107(c)(3) of the TVPA, which has since been reauthorized, and is codified at 22 U.S.C. § 7105(c)(3).

Importance of Continued Presence
CP is an important tool for federal, state and local law enforcement in their investigation of human trafficking-related crimes. Victims of human trafficking often play a central role in building a case against a trafficker. CP affords victims a legal means to temporarily live and work in the U.S., providing them a sense of stability and protection. These conditions improve victim cooperation with law enforcement, which leads to more successful prosecutions and the potential to identify and rescue more victims.

Who Qualifies for Continued Presence?
An individual identified as a victim of human trafficking who is a potential witness in the investigation or prosecution of the trafficker. The federal law enforcement official makes the initial determination if the individual meets the definition of a victim of a severe form of trafficking in persons. Cooperation with law enforcement is not required for CP to be granted.

Who Is a Victim of Human Trafficking?
An individual who has been exploited through:
- **Sex Trafficking** — a commercial sex act induced by force, fraud or coercion, or in which the person induced by any means to perform such act has not attained 18 years of age; or
- **Labor Trafficking** — the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.