

**RESOLUTION ON THE BROAD USAGE OF CONTINUED PRESENCE BY ALL
NORTH CAROLINA LAW ENFORCEMENT AGENCIES TO COMBAT HUMAN
TRAFFICKING**

- WHEREAS, North Carolina has a high prevalence of human trafficking, ranking tenth nationally with 287 cases of human trafficking reported to the National Human Trafficking Hotline in 2018, and eleventh with 266 cases in 2019 (Polaris Project, n.d.);
- WHEREAS, In 2018, only three human trafficking prosecutions, none of them for labor trafficking, were initiated in North Carolina federal courts (Human Trafficking Institute, 2018); and
- WHEREAS, Survivors of human trafficking often experience continued vulnerabilities, fear, and acute trauma as a result of the trafficking, and they require specialized social services to assist in the recovery process (U.S. Department of Homeland Security [DHS], n.d.-a); and
- WHEREAS, Many survivors of trafficking are foreign nationals without lawful immigration status in the United States; traffickers use this lack of lawful immigration status to intimidate, threaten, and control their victims (DHS, n.d.-b); and
- WHEREAS, Many foreign national survivors of trafficking also fear reporting to law enforcement due to their fear of deportation, whether or not that is tied to threats from traffickers (U.S. Immigration and Customs Enforcement [ICE], 2019); and
- WHEREAS, U.S. Citizenship and Immigration Services' processing delay for T nonimmigrant status applications has increased significantly in recent years to between eighteen (18) and twenty-seven and a half (27.5) months, leaving most foreign national trafficking survivors without lawful immigration status, work authorization, and access to crucial support services for a lengthy period, even after reporting the trafficking to law enforcement and cooperating with investigative efforts (U.S. Citizenship and Immigration Services [USCIS], n.d.); and
- WHEREAS, Human trafficking survivors' willing and ongoing cooperation with law enforcement investigations and prosecutions is essential to identifying and rescuing additional victims and building successful cases against their traffickers (ICE, 2010); and
- WHEREAS, The U.S. Department of Homeland Security encourages a victim-centered approach as best practice in human trafficking investigations and prosecutions, placing equal value on the investigation and prosecution of traffickers and on the

identification, stabilization, rights, and needs of trafficking victims (ICE, 2016); and

WHEREAS, Continued Presence gives law enforcement the opportunity to help protect foreign national survivors and potential victim-witnesses of suspected human trafficking by allowing survivors to obtain temporary immigration status, thereby promoting their stability, protection, and cooperation with law enforcement (ICE, 2010); and

WHEREAS, U.S. Immigration and Customs Enforcement urges any federal, state, or local law enforcement agency with authority to investigate or prosecute human trafficking to request Continued Presence as soon as practicable for every eligible victim who may be a witness in a case (DHS, n.d.-a; ICE, 2019); and

WHEREAS, U.S. Immigration and Customs Enforcement states that the usage of Continued Presence should be broad; Continued Presence is appropriate if the totality of the circumstances indicate the individual is a trafficking victim and *may* be a potential witness and that there is no requirement for charges of any kind to be filed, a pending indictment, or a current prosecution to request Continued Presence (DHS, n.d.-a); and

WHEREAS, U.S. Immigration and Customs Enforcement has clarified that Continued Presence confers no legal liability onto the requesting law enforcement agency for the future conduct of the survivor (ICE, 2010; USCIS, 2019); and

WHEREAS, North Carolina state and local law enforcement agencies are uniquely positioned to employ Continued Presence in order to promote safety in our communities and the wellbeing of all survivors of human trafficking in our state; now, therefore be it

RESOLVED, That the North Carolina Human Trafficking Commission recognizes the use of Continued Presence is an integral part of best practices in law enforcement efforts to combat human trafficking in North Carolina; be it further

RESOLVED, That the North Carolina Human Trafficking Commission urges all North Carolina state and local law enforcement agencies to use, and have a protocol in place to use, Continued Presence as an integral part of a victim-centered approach to investigating instances of human trafficking and prosecuting traffickers; be it further

RESOLVED, That the North Carolina Human Trafficking Commission encourages all North Carolina state and local law enforcement agencies responsible for investigating human trafficking to request Continued Presence in every investigation involving a survivor without lawful immigration status when the agency, using their expertise and discretion, has determined indicia of human trafficking is present.

References

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U.S. Department of Homeland Security (n.d.-b). *Immigration assistance for non-U.S. citizen victims*. Retrieved August 3, 2020, from <https://www.dhs.gov/blue-campaign/immigration-assistance>