

## Table of Contents

<b>SECTION 01: INTRODUCTION</b> .....	<b>2</b>
I. PURPOSE OF THE IMMIGRATION VIOLATOR FILE.....	2
II. CRITERIA FOR ENTRY INTO THE IMMIGRATION VIOLATOR FILE .....	2
III. RETENTION PERIOD FOR THE IMMIGRATION VIOLATOR FILE .....	3
IV. VALIDATION.....	3
V. PROCEDURES FOR HANDLING A HIT .....	3
<b>SECTION 02: INQUIRY TRANSACTIONS</b> .....	<b>4</b>
I. GUIDELINES FOR IMMIGRATION VIOLATOR INQUIRY .....	4
II. REQUIREMENTS FOR IMMIGRATION VIOLATOR INQUIRY .....	4
III. INQUIRY USING VEHICULAR DATA.....	5
IV. EXAMPLE OF IMMIGRATION VIOLATOR INQUIRY RESPONSE .....	5



**CHAPTER 14: IMMIGRATION VIOLATOR FILE**  
**SECTION 01: INTRODUCTION**

**Procedure #:** 14.01.000

**Effective Date:** May 1, 2012

**Supersedes:**

**See Also:**

**Applies To:** All ACCESS Users

**CALEA:**

**I. PURPOSE OF THE IMMIGRATION VIOLATOR FILE**

- A. The Immigration Violator File contains records on criminal aliens who have been deported for drug trafficking, firearms trafficking, or serious violent crimes and on foreign-born individuals who have violated some section of the Immigration and Nationality Act. Criminal aliens who have been deported and reenter the United States without permission or remain in the United States after being ordered removed or excluded are in violation of Title 8, USC, Section 1326.

**II. CRITERIA FOR ENTRY INTO THE IMMIGRATION VIOLATOR FILE**

- A. The U.S. Department of Homeland Security's Bureau of Immigration and Customs Enforcement (ICE) is the only agency authorized to enter and maintain records in the Immigration Violator File. Documentation (electronic or hard copy) must be on file to support an immigration violator entry.
- B. The ICE's Law Enforcement Support Center (LESC) will enter data regarding immigration violators into one of three categories: the Deported Felon Category, the Absconder Category, or the National Security Entry-Exit Registration System (NSEERS) Category.
1. The Deported Felon Category contains records of previously deported felons who have been convicted and deported for drug trafficking, firearms trafficking, or serious violent crimes.
  2. The Absconder Category contains records of individuals with an outstanding administrative warrant of removal from the United States who have unlawfully remained in the United States.
  3. The NSEERS Category contains records of individuals with an outstanding administrative warrant for failure to comply with the national security registration requirements.
- C. If the ICE has reasonable grounds to believe that the subject may be operating a particular vehicle or a vehicle bearing a particular license plate, the vehicle and/or license data may be included in the record.

### **III. RETENTION PERIOD FOR THE IMMIGRATION VIOLATOR FILE**

- A. Immigration Violator records have an unlimited retention period. An Immigration Violator (EW) record will remain on file indefinitely or until action is taken by the ICE to clear or cancel the record.

### **IV. VALIDATION**

- A. A portion of the Immigration Violator File records will be validated monthly by ICE.

### **V. PROCEDURES FOR HANDLING A HIT**

- A. If the inquiry is made on an individual (i.e., traffic stop) and the encountering agency has no other reason for detaining the subject, appropriate procedures will depend upon whether state or local laws permit detainment and/or arrest.
  - 1. When an agency receives a record in response to an NCIC inquiry and 1) the whereabouts of the person inquired upon is known and 2) the person inquired upon appears to be identical with the subject of an ICE record, the agency must confirm the alien's status with the ICE at (877) 999-5372. After confirmation, the ICE will provide direction regarding the arrest/detention of the subject.
  - 2. When an agency receives a record in response to an NCIC inquiry and the whereabouts of the person inquired upon is not known, confirmation is not required by the ICE.
- B. When an agency receives a record response to an NCIC query containing investigative interest information, the inquiring agency is not required to notify the investigative interest agency(s).



**CHAPTER 14: IMMIGRATION VIOLATOR FILE**  
**SECTION 02: INQUIRY TRANSACTIONS**

**Procedure #:** 14.02.000

**Effective Date:** April 1, 2012

**Supersedes:**

**See Also:**

**Applies To:** All ACCESS Users

**CALEA:**

**I. GUIDELINES FOR IMMIGRATION VIOLATOR INQUIRY**

- A. When an agency transmits an NCIC wanted person inquiry (QW), the data in the Immigration Violator File are searched in addition to the data in the other NCIC person files (except the Unidentified Person File) as well as the Article, Boat, License Plate, Vehicle, and Vehicle/Boat Part Files. As a result of an inquiry, a hit may be generated on an Immigration Violator File record.
- B. When only one numeric identifier is used in an inquiry, the response(s) will include the record(s) on file containing that specific numeric identifier. For example, if an inquiry contains only the Social Security number, the response will include the record(s) on file with that Social Security number even though there may be other records on file for the same individual which does not contain that particular number.
- C. Following a positive response to an inquiry with limited personal descriptors, an agency should make a second inquiry using all identifiers contained in the response record(s). The second inquiry should ensure the receipt of all records which could possibly pertain to the person in question.
- D. A response to an inquiry of the Immigration Violator File can contain supplemental data on stolen/fraudulent identifiers: names, dates of birth, Social Security numbers, miscellaneous numbers, and operator's license numbers.
- E. If a hit response contains expired license plate information, the following caveat will be included:

WARNING - THE FOLLOWING RECORD CONTAINS EXPIRED  
LICENSE PLATE DATA. USE CAUTION, CONTACT ENTERING  
AGENCY TO CONFIRM STATUS.

**II. REQUIREMENTS FOR IMMIGRATION VIOLATOR INQUIRY**

- A. The capability to query only the Immigration Violator File does not exist; however, the same procedures used to search the Wanted Person File will also search the Immigration Violator File.

- B. As a part of a positive Immigration Violator File response, the receiving agency is warned against action based on the positive response alone.
- C. The Immigration Violator File is based on criminal history information and is subject to dissemination restrictions. A caveat at the end of each record response emphasizes to record recipients that the record may be disseminated only to criminal justice agencies for criminal justice purposes.

### III. INQUIRY USING VEHICULAR DATA

- A. A QV or QW inquiry by license plate number or vehicle identification number will retrieve all person files as well as the Immigration Violator File in which the vehicle and/or license has been entered. Additionally, such an inquiry will retrieve data from the Vehicle, Boat, Vehicle/Boat Part, and License Plate Files. It is not necessary to include name in this type of inquiry.

### IV. EXAMPLE OF IMMIGRATION VIOLATOR INQUIRY RESPONSE

- A. Positive Response – Deported Felon Category

1L01HEADER  
MD1012400

\*\*\*MESSAGE KEY QW SEARCHES WANTED PERSON FILE  
FELONY RECORDS REGARDLESS OF EXTRADITION AND  
MISDEMEANOR RECORDS INDICATING POSSIBLE  
INTERSTATE EXTRADITION FROM THE INQUIRING AGENCY'S  
LOCATION. ALL OTHER NCIC PERSONS FILES ARE  
SEARCHED WITHOUT LIMITATIONS.

WARNING REGARDING FOLLOWING RECORD - SUBJECT OF  
NIC/N307770847 IS A PREVIOUSLY DEPORTED FELON.  
CONTACT LESC AT (877) 999-5372 FOR IMMEDIATE HIT  
CONFIRMATION AND AVAILABILITY OF BUREAU OF  
IMMIGRATION AND CUSTOMS ENFORCEMENT DETAINER.  
MKE/IMMIGRATION VIOLATION - DEPORTED FELON  
ORI/VTINS1000 NAM/SMITH, JOHN SEX/M RAC/W POB/FN  
DOB/19510101 HGT/510 WGT/180 EYE/BRO HAI/BRO CTZ/FN  
SKN/DRK

SMT/SC LF ARM  
SOC/777010000

OFF/SUBJECT IS A DEPORTED CRIMINAL/AGGRAVATED  
FELON

OCA/ASD1234-T MIS/KNOWN AS JOHNNY BOY  
ORI IS BUREAU OF IMMIGRATION AND CUSTOMS  
ENFORCEMENT, LAW ENFORCEMENT  
SUPPORT CENTER (877) 999-5372

NIC/N307770847 DTE/19980605 0000 EDT  
DLU/19990101 0000 EST

\*\*\*\*\*THIS RECORD MAY BE USED ONLY BY CRIMINAL  
JUSTICE AGENCIES FOR CRIMINAL JUSTICE PURPOSES.

\*\*\*\*\*END OF IMMIGRATION VIOLATOR FILE RESPONSE\*\*\*\*\*

B. Positive Response – Absconder Category

1L01HEADER  
MD1012400

WARNING REGARDING FOLLOWING RECORD - SUBJECT OF  
NIC/N307770847 HAS AN OUTSTANDING ADMINISTRATIVE  
WARRANT OF REMOVAL FROM THE UNITED STATES.  
CONTACT LESC AT (877) 999-5372 FOR IMMEDIATE HIT  
CONFIRMATION AND AVAILABILITY OF BUREAU OF  
IMMIGRATION AND CUSTOMS ENFORCEMENT DETAINER.  
MKE/IMMIGRATION VIOLATION - FAILURE TO APPEAR FOR  
REMOVAL

ORI/VTINS1000 NAM/SMITH, JOHN SEX/M RAC/W POB/FN  
DOB/19510101

HGT/510 WGT/180 EYE/BRO HAI/BRO CTZ/FN SKN/DRK  
SMT/SC LF ARM

SOC/777010000

OFF/ALIEN UNLAWFULLY PRESENT DUE TO ORDER OF  
REMOVAL OR EXCLUSION FROM THE USA

OCA/ASD1234-T MIS/KNOWN AS JOHNNY BOY

ORI IS BUREAU OF IMMIGRATION AND CUSTOMS  
ENFORCEMENT, LAW ENFORCEMENT SUPPORT CENTER  
(877) 999-5372

NIC/N307770847 DTE/19980605 0000 EDT

DLU/20090101 0600 EST

\*\*\*\*\*THIS RECORD MAY BE USED ONLY BY CRIMINAL  
JUSTICE AGENCIES FOR CRIMINAL JUSTICE PURPOSES.  
\*\*\*\*\*END OF IMMIGRATION VIOLATOR FILE RESPONSE\*\*\*\*\*

C. Positive Response – NSEERS Category

1L01HEADER  
MD1012400

WARNING REGARDING FOLLOWING RECORD - SUBJECT OF  
NIC/N307770847 HAS AN OUTSTANDING ADMINISTRATIVE  
WARRANT OF ARREST FOR IMMIGRATION VIOLATIONS FOR  
FAILURE TO COMPLY WITH NATIONAL SECURITY  
REGISTRATION. CONTACT LESC AT (877) 999-5372 FOR  
IMMEDIATE HIT CONFIRMATION AND AVAILABILITY OF  
BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT  
DETAINER.

MKE/IMMIGRATION VIOLATION - NATIONAL SECURITY  
REGISTRATION

ORI/VTINS1000 NAM/SMITH, JOHN SEX/M RAC/W POB/FN

DOB/19510101HGT/510 WGT/180 EYE/BRO HAI/BRO CTZ/FN  
SKN/DRK

SMT/SC LF ARM

SOC/777010000

OFF/SOUGHT FOR VIOLATION OF NATIONAL SECURITY  
REGISTRATION

OCA/ASD1234-T MIS/KNOWN AS JOHNNY BOY  
ORI IS BUREAU OF IMMIGRATION AND CUSTOMS  
ENFORCEMENT, LAW ENFORCEMENT SUPPORT CENTER  
(877) 999-5372  
NIC/N307770847 DTE/19980605 0000 0830 EDT  
DLU/20090101 0600 EST  
\*\*\*\*\*THIS RECORD MAY BE USED ONLY BY CRIMINAL  
JUSTICE AGENCIES FOR CRIMINAL JUSTICE PURPOSES.  
\*\*\*\*\*END OF IMMIGRATION VIOLATOR FILE RESPONSE\*\*\*\*\*

D. Negative Response

IL01HEADER  
MD1012400

NO NCIC WANT DOB/19510101 NAM/SMITH, JOHN SEX/M  
RAC/W  
\*\*\*MESSAGE KEY QW SEARCHES WANTED PERSON FILE  
FELONY RECORDS REGARDLESS OF EXTRADITION AND  
MISDEMEANOR RECORDS INDICATING POSSIBLE  
INTERSTATE EXTRADITION FROM THE INQUIRING AGENCY'S  
LOCATION. ALL OTHER NCIC PERSONS FILES ARE  
SEARCHED WITHOUT LIMITATIONS.