NCIC Operating Manual
IMMIGRATION VIOLATOR FILE

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SECTION 1--INTRODUCTION

1.1 DEFINITION

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.

1.2 CRITERIA FOR ENTRY

1. 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.

2. The ICE's Law Enforcement Support Center 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.

   Deported Felon Category:

   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.

   Absconder Category:

   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.

   NSEERS Category:

   The NSEERS Category contains records of individuals with an outstanding administrative warrant for failure to comply with the national security registration requirements.

3. 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.

1.3 MESSAGE KEY (MKE) CODES

Message	MKE	Translation
Entry	EW	IMMIGRATION VIOLATION - DEPORTED FELON IMMIGRATION VIOLATION - FAILURE TO APPEAR FOR REMOVAL IMMIGRATION VIOLATION - NATIONAL SECURITY REGISTRATION
Modify	MW	
Cancel	XW	
Inquiry*	QW QWA QWE QWF QWS	
	ZW	
	QWB	
	QWI	
	QV	
	ZV	
Clear	CW	
Entry of supplemental record	EN	
Entry of supplemental stolen/fraudulent identifiers	ENS	
Cancellation of supplemental record	XN	
Cancellation of stolen/fraudulent identifiers	XNS	

*There is no specific MKE to query the Immigration Violator File; however, a wanted person inquiry will return a hit response on this file if a match occurs.

A caution indicator should be added to the MKE EW when it is known that an immigration violator is armed and dangerous, has suicidal tendencies, has previously escaped custody, is a drug addict, or whatever is appropriate to the particular circumstances of the individual. The reason for the caution must be entered in the Caution and Medical Conditions (CMC) Field.

Additional details on the caution indicator can be found in the *NCIC Code Manual* Personal Descriptors.

1.4 RECORD RETENTION PERIOD

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.

Other exceptions to the record retention periods will occur in the event a serious error is detected in the record on file.

1.5 AUTOMATIC RETIREMENT

Data in the License Plate Number (LIC), License Plate Year of Expiration (LIY), and License Plate Type (LIT) Fields will remain in a Immigration Violator File record or supplemental record for the year of entry plus [redacted] from the date of entry of the base record. If the purged license plate is the only searchable identifier in the Immigration Violator File record, then the entire record will be removed. b7E

A nonexpiring license plate (LIY/NX) contained in an Immigration Violator File record will remain on file until action is taken by the ICE to remove the license data or clear or cancel the entire record.

1.6 VALIDATION

A portion of the Immigration Violator File records will be validated monthly as described in the Introduction chapter of this manual.

The Name of Validator (VLN) Field will be returned when the requester of the record is the entering agency, the CJIS Systems Agency of the entering agency, the FBI, and in the $.C. Request for Validation Notification and fixed format validation files. For all other responses, the VLN Field will be suppressed.

1.7 MESSAGE FIELD EDITS

Code	Field	Edits
DOW	Date of Warrant	Mandatory Blank
OFF	Offense Code	Must be:
		8003 for Deported Felon Category.
		8004 for Absconder Category.
		8005 for NSEERS Category.

SECTION 7--CLEAR

The ICE is the only agency authorized to clear an Immigration Violator File record. The clear procedures are the same as those for Wanted Person File records which are detailed in the Wanted Person File chapter.

SECTION 8--SUPPLEMENTAL RECORDS

The ICE is the only agency authorized to enter or cancel an Immigration Violator File supplemental record. The supplemental record procedures are the same as those for Wanted Person File records which are detailed in the Wanted Person File chapter.

SECTION 9--STOLEN/FRAUDULENT SUPPLEMENTAL RECORDS

The ICE is the only agency authorized to enter or cancel an Immigration Violator File stolen/fraudulent supplemental record. The stolen/fraudulent supplemental record procedures are the same as those for Wanted Person File records which are detailed in the Wanted Person File chapter.

SECTION 4--CANCELLATION

The ICE is the only agency authorized to cancel an Immigration Violator File record. The cancel procedures are the same as those for Wanted Person File records which are detailed in the Wanted Person File chapter.

SECTION 5--INQUIRY

5.1 NCIC INQUIRY PROCESSING

When an agency transmits an NCIC wanted person inquiry (QW, QWA, QWE, QWF, QWS, ZW, QWB, or QWI), the data in the Immigration Violator File are searched in addition to the data in the other NCIC person files (except the NICS Denied Transaction and Unidentified Person Files) 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. Additional details can be found in the Wanted Person File chapter.

5.2 EXAMPLE OF AN INQUIRY

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1N01HEADER.QW.MD1012400.NAM/SMITH, JOHN.SEX/M.RAC/W.DOB/19510101
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Negative Response:

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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.
```

Positive Response Deported Felon Category:

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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 ETN/H POB/FN
DOB/19510101 HGT/510 WGT/180 EYE/BRO HAI/BRO CTZ/FN
SKN/DRK SMT/SC LF ARM
SOC/777010000
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OFF/SUBJECT IS A DEPORTED CRIMINAL/AGGRAVATED FELON
OCA/ASD1234-T SID/MD99999999
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*****
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Positive Response Absconder Category:

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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 ETN/H 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 SID/MD99999999
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*****
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Positive Response NSEERS Category:

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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 ETN/H POB/FN
DOB/19510101 HGT/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 SID/MD99999999
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*****
```

5.3 REQUIREMENTS FOR INQUIRY

1. 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. Complete details can be found in the Wanted Person File chapter.

2. In a positive response, Wanted Person and Foreign Fugitive File records appear first, followed by records from the Missing Person, Gang, Known or Suspected Terrorist, Violent Person, National Sex Offender Registry, Supervised Release, Immigration Violator, Protection Order, Identity Theft, Protective Interest, License Plate, Vehicle, Boat, Vehicle/Boat Part, and Article Files. Complete details can be found in the Wanted Person File chapter.

3. As a part of a positive Immigration Violator File response, the receiving agency is warned against action based on the positive response alone.

4. 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.

5.4 ADDITIONAL GUIDELINES FOR INQUIRY

1. 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.

2. 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.

3. 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. Complete details can be found in the Wanted Person File chapter.

4. If a hit response contains expired license plate information, the following caveat will be included:

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WARNING - THE FOLLOWING RECORD CONTAINS EXPIRED LICENSE PLATE DATA. USE
CAUTION, CONTACT ENTERING AGENCY TO CONFIRM STATUS.
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5. An Immigration Violator File response can contain supplemental data fields of AKA, DOB, SMT, MNU, SOC, CMC, CTZ, SID, operator's license data, license plate data,

vehicle identification data, address data, and image data. All supplemental fields will be sorted by special character, alphabetically, then numerically. Within supplemental data sets, the fields will be sorted as follows: operator's license data by OLS, license plate data by LIS, vehicle data by VIN, address data set by STA, and image data by IMN.

5.5 INQUIRY USING VEHICULAR DATA

A QV, ZV, QW, QWA, QWE, QWF, QWS, or ZW 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.

5.6 PROCEDURES FOR HANDLING A HIT

1. 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.

2. 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). If the investigative interest agency requests notification of all hits, this agency should place a Y in the Notify Investigative Agency (NIA) Field. Refer to the Other Transactions chapter of this manual for additional information on investigative interest supplemental records.

SECTION 6--LOCATE

There are no locate procedures for Immigration Violator File records.

EXL	Extradition Limitation	Mandatory Blank.
ADD	Address Type	Mandatory Blank.
COU	County	Mandatory Blank.
CTY	City	Mandatory Blank.
DDA	Date of Documented Address	Mandatory Blank.
SNA	Street Name	Mandatory Blank.
SNU	Street Number	Mandatory Blank.
STA	State	Mandatory Blank.
ZIP	ZIP Code	Mandatory Blank

The Wanted Person File chapter contains other pertinent message field codes and edits.

1.8 INVESTIGATIVE INTEREST

The Other Transactions chapter of this manual contains information regarding investigative interest supplemental records in NCIC.

SECTION 2--ENTRY

The ICE is the only agency authorized to enter and maintain records in the Immigration Violator File. The mandatory fields for Immigration Violator File records are the same as those for Wanted Person File records. The entry procedures are the same as those for Wanted Person File records which are detailed in the Wanted Person File chapter.

SECTION 3--MODIFICATION

The ICE is the only agency authorized to make any modifications to an Immigration Violator File record. The modify procedures are the same as those for Wanted Person File records which are detailed in the Wanted Person File chapter.
