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Undocumented Persons**

UNDOCUMENTED PERSONS

.01 GENERAL STATEMENT

It is the responsibility of Division of Community Corrections staff to work cooperatively with the [United States Department of Homeland Security, Immigration and Customs Enforcement \(ICE\)](#) in regards to undocumented clients who are either on supervision in the community, in custody on an ICE detainer, or deported.

.02 DEPORTEES/ICE HOLDS

If an agent becomes aware that a client is being released to an ICE detainer, the agent should have the client sign amended rules to include the following:

1. Not enter or be in the United States without proper documentation of lawful presence;
2. Report to probation/parole agent within 72 hours of entry, legal or illegal, into the United States;
3. Report any changes in immigration status to probation/parole agent within 72 hours; and
4. Contact probation/parole agent within 24 hours of release from ICE custody within the United States.

Once a client has been released to an ICE detainer, the agent should obtain a copy of the jail/institution release form verifying the release to ICE. The agent should complete a Request for Notification on Criminal Alien Prior to Release from Custody ([DOC-2367](#)) to be forwarded to ICE. Upon the client being taken into ICE custody, the status level should be reduced to Administrative.

As part of the case plan, the agent should contact ICE every six months until a Notice of Deportation is received to confirm that the client has either been deported or is still in custody. Status should be documented in the COMPAS notes. Upon verification by ICE of deportation, the Notice of Deportation shall also be forwarded to the status keeper and the status will be changed to Deported. The agent should notify the sentencing court and the victim/witness coordinator in writing. This notification should indicate the court case number, offense, statute, discharge date, the fact that the client has been deported and is no longer under active supervision within the United States, as well as indicating that active supervision will resume if DOC becomes aware of the client's return to the United States prior to the discharge date. Time may be tolled if a violation occurred prior to the release to ICE. Undocumented persons may be released from ICE custody pending further action. If this occurs and the undocumented person reports to their agent, supervision is resumed by the agent as with any other client.

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.03 NON-COMPLIANT SEX OFFENDER REGISTRANTS

Sex offender registrants who have been deported or are being held by ICE are still required to maintain compliance with the [Sex Offender Registry Program \(SORP\)](#). Failure to maintain compliance is a violation and an Apprehension Request (DOC-58) and subsequent stop time (DOC-e44) may be issued for those clients. The agent and supervisor should staff the case prior issuing a DOC-58 or completing a DOC-e44 stop time, or also prior to the discharge date to discuss appropriate case action.

.04 UNDOCUMENTED CLIENT NOT BEING DEPORTED

If ICE determines that the client is undocumented, but does not plan detain or deport, the client should be supervised as with any other client.