

.02 Nonqualified Noncitizens without USCIS Documentation

REVISION 48
(01/01/20 - 12/31/20)

A nonqualified noncitizen without USCIS documentation, also known as an [undocumented noncitizen\(g\)](#), may or may not have entered the U.S. without the knowledge or permission of USCIS.

WARNING

Once it has been determined that a noncitizen participant does not have USCIS documents, do not question the participant further regarding their noncitizen status.

For NA and CA, when a noncitizen has no documents, key DI in the PT field on the SEPA screen.

When a noncitizen has no documents, key the following:

- OT in the CI field on the IDCI screen
- NS in the STAT field on the NOCS screen

EXCEPTION

Citizens of either the Marshall Islands or the Federated States of Micronesia may work and establish residence in the U.S. These noncitizens do not need USCIS permission to legally enter and live in the U.S. and may not have USCIS documentation.

A nonqualified noncitizen who is residing in the United States without the knowledge or permission of USCIS, may do one of the following:

- Voluntarily self declare that they are residing in the U.S. illegally
- Provide Immigrations and Customs Enforcement (ICE) documents verifying violation of USCIS law

When either of these occurs, complete the following:

- Obtain an electronic OSI referral e-form at the following link: <http://intranet.azdes.gov/iceforms.aspx> (Internal use only)
- Complete the OSI referral
- Place a copy of the completed OSI referral form in the [case file\(g\)](#)
- Send the OSI referral form to OSI by clicking on the submit button at the bottom of the page

NOTE Do NOT document the case file.

WARNING

Failure to report confirmed violations of immigration law is a class 2 misdemeanor toward the employee.

When the employee's supervisor knows of the failure to report and fails to instruct the employee to make the report, the supervisor is also guilty of a class 2 misdemeanor.

[Deferred Action for Childhood Arrivals \(DACA\)](#) is a U.S. immigration policy that allows children who are brought to the country as minors and are still residing in the U.S. unlawfully to apply for a deferral from deportation.

These young men and women, sometimes referred to as Dreamers, are nonqualified noncitizens who are residing with the knowledge of the USCIS. Do not refer these individuals to OSI.