

.05 Indefinite Detainee

REVISION 09
(07/01/09 – 09/30/09)

Indefinite Detainee status includes noncitizens who have served time in the U.S. for a criminal conviction and have been given formal orders to leave the U.S.

Indefinite Detainee status is granted by USCIS when the noncitizen is allowed to indefinitely remain in the U.S. because neither their home country nor any other country will accept them.

An Indefinite Detainee applicant can be identified by an Order of Supervision (I-220B) USCIS form which should include both of the following:

- The applicant's alien registration number
- A notation regarding U.S. exclusion, deportation, or removal

NOTE Indefinite Detainee applicants may also have an Employment Authorization (I-688B) form displaying 274a.12(c)18.

An Indefinite Detainee may be eligible for NA and CA but due to their previous detention status, the [VIS process](#) no longer includes documentation of their original noncitizen status. The following process has been established to replace the VIS query for Indefinite Detainees:

Obtain as much of the following information as possible from the applicant:

- Name and Date of birth
- Alien registration number
- Social Security Number
- Home country
- I-94 number
- Parent's names
- Driver's license number
- Copies of ANY immigration documents (I-220B, I-688B, etc.)

Call the [Office of Refugee Resettlement](#) (ORR) to request an Indefinite Detainee eligibility determination and inform ORR that the collected information will be faxed.

Fax the information collected from the applicant to ORR. The fax must include the name, telephone number, and fax number of the worker requesting the determination.

Document the [case file\(g\)](#) with all actions and the dates the actions were taken.

Do not take action on the application pending the detainee's status confirmation from ORR.

ORR submits the faxed information to USCIS and notifies the worker of the applicant's status and potential eligibility by fax.

ARCHIVED (Valid until 04/12/21)