

ILLINOIS SECRETARY OF STATE POLICE

GENERAL ORDER	Effective Date: January 30, 2014	Number: ENF - 26
Subject: Non-Visa Status Person/Temporary Visitor's Driver's License		

I. Purpose:

This policy ensures consistent, professional enforcement and investigation of referrals from the Driver's Fraud Review Unit involving Non-Visa Status Person's (NVSP) seeking a Temporary Visitor's Driver's License (TVDL) who have multiple identities on file.

This policy establishes the procedures to ascertain whether the NVSP has satisfactory documentation to establish their identity and to determine if criminal charges are warranted for their previously issued driver's license(s).

II. Policy Statement:

The Illinois Secretary of State Police (ISSP) understands that fraud in connection with any Driver's License / ID card application is by its very nature a criminal offense. It is ISSP's intent to judge each incident of fraud involving a NVSP on a case by case basis before deciding whether to pursue criminal charges. This policy applies only to NVSP seeking a TVDL.

III. Definitions:

Self Reporting: An applicant or an applicant's attorney contacts the Illinois Secretary of State to report the prior use of a fraudulent Social Security Number or identity during the application process for an Illinois Driver's License.

Non Visa Status Persons (NVSP) – Is a person who is ineligible to obtain a social security number and is unable to present documentation issued by the United States Citizenship and Immigration Services authorizing the person's presence in the United States.

IV. Procedures

A. Origination of Cases: Fraud review will email cases via the Fraud Review Report Form to the respective District Lieutenant and will tell the NVSP to give ISSP 5 working days before calling the District.

If any ISSP employee is contacted by a person wanting to self report, that employee will refer the self reporter to the Fraud Review Unit and supply them with the proper telephone number.

B. Supervisor Responsibilities

1. District Lieutenants:

- a. Will receive referrals on the Fraud Review Report Form from the Fraud Review Unit and ensure that an ISSP case is opened and case number assigned.
- b. Will ensure investigations are conducted in an expeditious manner.
- c. Will ensure that:
 - (1) The ISSP section of the Fraud Review Form and the ISSP case report is completed.
 - (2) They review and approve the ISSP case report and Fraud Review Form.

- (3) The approved case report and Fraud Review Form is forwarded to the Fraud Review Unit.
 - d. Will be available throughout the investigative process to provide oversight and direction as needed.
2. Sergeants and/or District Lieutenant:
- a. Will assign cases in a timely manner and ensure that investigations are conducted in an expeditious manner.
 - b. Will communicate and be responsive to problems encountered by subordinates throughout the Investigative process.

C. Investigations:

- 1. ISSP Objective:
 - a. Will attempt to determine whether the NVSP has presented accurate and sufficient identity documents in the name purported by the applicant.
 - b. The term “accurate” shall be defined as the ISSP employee will use reasonable scrutiny and judgment when examining the document. The term “sufficient” shall be defined as the ISSP employee will use reasonable judgment as to the number of documents presented with the type of each taken into consideration.
 - c. It is important to remember that the TVDL is not an identity document. The ISSP is not proving the identity of the NVSP, just that they have adequate and sufficient paperwork in the name purported by the applicant.
- 2. Investigator or Fraud Analyst Responsibilities:
 - a. Will meet with the NVSP and conduct an interview to ascertain any and all identities used by the NVSP in the past.
 - b. Will examine all identity documents presented by the NVSP in order to verify the person has accurate and sufficient documentation in the name purported by the applicant.
 - (1)Acceptable Documents Include:
 - (a) Unexpired Foreign Passport issued by the country of citizenship.
 - (b) Approved Unexpired Consular Cards
 - (c) Birth Certificate
 - (d) VISA (acceptable if expired)
 - (e) Marriage Certificate
 - (f)Divorce Decree
 - (g) Military ID
 - (h) Mexican Voter Card
 - (i)US Department of Justice Employment Form
 - (j)Other documents as approved by a supervisor
 - c. Will run all names associated with the NVSP through L.E.A.D.S. and N.C.I.C. to check for outstanding warrants. NOTE: Fingerprinting will be conducted on a case by case basis, only with the approval of a Sergeant or above and only if the totality of the circumstances warrant.

d. Criminal Charges:

(1) Cases warranting criminal charges will be referred to the District Lieutenant through their chain of command for review and approval.

(2) Criminal charges will be determined on a case by case basis. Factors to be considered include but are not limited to:

(a) Was the Identity used to obstruct justice in any jurisdiction?

(b) Was the Identity used for any criminally fraudulent act?

(c) Did the applicant obtain more than one Driver's License or Identification Card?

(d) Has the NVSP been untruthful or unresponsive in any portion of this investigation?

(e) Are there any unresolved court issues on any of the identities associated with the NVSP?

(3) In all cases a supervisor will review the circumstances before criminal charges are requested.

e. Will complete the Fraud Report Form and ISSP case report and forward to their immediate supervisor for closure.

f. Cases warranting criminal charges will only be handled by sworn personnel.

D. Completion of Investigations:

1. All case reports and the Fraud Review Report Form will be forwarded to Fraud Review at the same time.

2. If arrests are made or warrants received, a command center notification shall be performed.