



Immigration Warnings

I am not in the U.S. legally, but I want to apply to stay here legally in the future.

Are there things I can do now to help my chances of getting legal status later on?

If you are in the U.S. without permission, you are breaking the U.S. immigration laws. You are at risk of being arrested by Immigration & Customs Enforcement (ICE) and being deported. If you are not here legally, but hope to try to get legal status someday, there are things you can do that may help your chance of getting legal status in the future.

Know Your Rights and Stay Out of Trouble

Stay Out of Trouble. Do not take part in criminal activity. It can keep you from getting legal status and may get you deported. Avoid contact with police or law enforcement officials unless it is necessary. In some places, local police cooperate with immigration officials, and may call ICE if they think you are not legal.

If you are stopped by the police, you have the right to remain silent. If you want to remain silent, tell the officer. In Minnesota, you must identify yourself, so just give the officer your full legal name and a form of identification.



If you are asked by police about your immigration status, you have the right to remain silent. You do not have to answer questions about where you were born, whether you are a U.S. citizen, or how you entered the United States. If the police take you to jail, you do not have to answer questions about immigration, and you do not have to talk to ICE.

But you should call the police or emergency services when you need them, like to report a crime, or get medical help. Victims of some types of crimes may be able to get special immigration status if they report the crime and cooperate with law enforcement in investigating or prosecuting it.

If you have any criminal history, get advice from an immigration attorney before applying for legal immigration status in the U.S.

Do Not Claim to be a U.S. Citizen and Do Not Vote

If you are not a citizen of the U.S., **never** say that you are for any reason. This is called a false claim to citizenship. If you claim to be a U.S. citizen when you are not, you may never be able to get legal status, and you can be deported.

- Voting or registering to vote is considered a false claim to citizenship
- Using the identity documents of a U.S. citizen or claiming to be a citizen for work or any immigration, or other Federal or State benefit are also seen as false claims to citizenship.

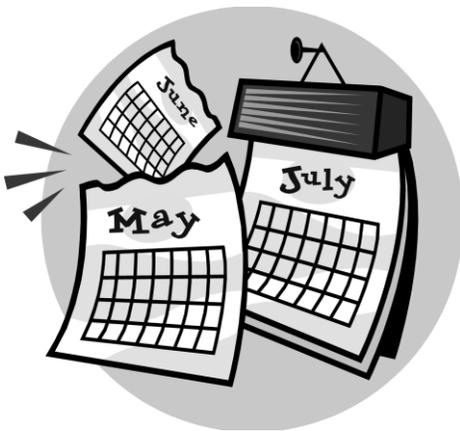


Be Careful If You Leave the U.S.

Immigration law punishes some people who leave the U.S. after they were here without permission. If you entered the U.S. illegally, or you stayed in the U.S. longer than you were supposed to, you have **unlawful presence**.

Unlawful presence only counts against you if it happened after April 1, 1997, and if you were at least 18 years old when it happened.

- If you have been in the U.S. without permission for 6-12 months in a row, and then you leave, you have a **3-year bar**.
- If you have been in the U.S. without permission for 12 months or more in a row, and then you leave, you have a **10-year bar**.



If you have a 3- or 10-year bar, you can't come back to the U.S. lawfully, or get lawful immigration status for a period of 3 or 10 years.

If you have a spouse or parent who is a lawful permanent resident or U.S. citizen, you can apply to "**waive**," or cancel the 3- or 10-year bar. Waivers are not easy to get and are only granted if you can prove extreme hardship to your relative.

Other people with unlawful presence in the U.S. may have a **permanent bar**. You may have a permanent bar if:

1) You were in the U.S. without permission for a period or periods of time that add up to 1 year or more, you left the country, then came back or tried to come back again illegally,

OR

2) You were deported from the U.S. and then came back or tried to come back again illegally.

People who have a permanent bar cannot legally enter the U.S. or get lawful immigration status. You cannot waive, or cancel the permanent bar, but you can apply to come back to the U.S. if you stay outside the country for 10 years.

For the permanent bar, immigration authorities count time in the U.S. even for those under 18. There are some ways to waive this bar. For example, if you qualify for a U visa.

Pay Your Taxes

People who work in the U.S. are taxed on what they earn. Taxes pay for government services and are often taken right from your paychecks.

If you work in the U.S. and earn above a certain amount, you must file both a state and federal income tax return, **even if you did not have legal permission to work**. A **tax return** is a form that figures out whether you owe more tax money to the government.

You might be able to get a **refund** of some of the money that was taken out of your paycheck for taxes. Even if you do not have to file a tax return because you did not earn enough, you can still file to get a refund.

Tax returns must be filed with the government by April 15th of each year.

If you need to file a tax return, but do not have a valid social security number, you can apply for a **Taxpayer Identification Number (ITIN)**. The ITIN lets people who work in the U.S. without permission to file income tax returns.

You can apply for an ITIN with the Internal Revenue Service (IRS), at www.irs.gov/, or by calling 1-800-829-1040. If you apply for lawful immigration status in the future, you may need to turn in copies of your previous tax returns. Not filing tax returns could make it hard for you to get legal status later on.

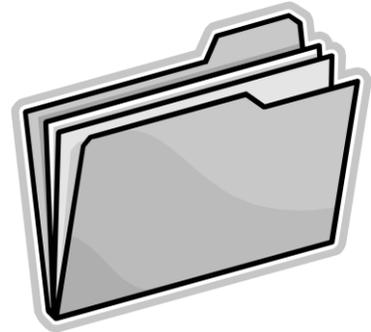


Keep Copies of Your Records

It is important to keep copies of documents and papers which prove that you have lived in the U.S. These documents could be important to a future immigration application.

You should save copies of

- paystubs,
- rent receipts,
- tax returns & W2 forms,
- bills,
- birth & marriage certificates,
- doctor’s records,
- photo IDs,
- government receipts and letters
- documents relating to a criminal case
 - police reports
 - sentencing order
 - complaint
- anything relating to your immigration case, and
- documents that have your name and a date on them.



Be Careful Using Public Benefits

Using welfare or public benefits in the U.S. could affect your future immigration applications. To get permanent residence in the U.S., some people must prove that they will not become a “public charge.” A public charge is someone who will be dependent on government benefits programs in the future.

If you got any public benefits in the past you may have a hard time proving that you won’t be a public charge. The government looks at why you needed the benefits and for how long you used them.

Sometimes it is possible to get past this public charge problem. If it is possible in your case, you may want to get the benefits that you are eligible for. Talk to a lawyer if you have questions.

Refugees and asylees do not have to worry about this. If you are a refugee or asylee, you can safely get benefits if you need to. Be sure to give the county all the information that they ask for when figuring out if you are eligible for public benefits.

Financially Support Your Children

If you have been ordered to pay child support, make your payments, and make them on time. If you are behind on your child support payments, or owe back payments, enter into a payment plan to catch up.

If you do not live with your children, and do not have a child support order, make sure that you help to financially support them. Keep records of how you support your children like receipts and copies of checks. If you do not pay child support or financially help your children in other ways, you might have trouble getting legal status.



Register with Selective Service

Males in the U.S between the ages of 18-25 must register with selective service. There are very few exceptions. If you are between 18 and 25, you must register within 30 days of arriving in the U.S. Undocumented men must also register with the Selective Service.

Information collected from the Selective Service may be used if the U.S. ever drafts people for military service. Information collected from the Selective Service is not shared with ICE.

Register for the selective service on-line at www.sss.gov/ or in person at any U.S. Post Office.

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

© 2021 Minnesota Legal Services Coalition. This document may be reproduced and used for non-commercial personal and educational purposes only. All other rights reserved. This notice must remain on all copies. Reproduction, distribution, and use for commercial purposes are strictly prohibited.