



Immigration Warnings

Can I do things now to help my chances of getting US legal status later?

If you are in the U.S. without permission, you are breaking the U.S. immigration laws. You are also breaking the law if a judge or ICE officer ordered you deported and you have a “removal order. 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

Don't 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. Make sure you have a driver's license. Make sure any vehicle you drive has current insurance. Also make sure you know exactly where that proof of insurance is when you are driving. Make sure it is easy to grab. In some places, local police cooperate with immigration officials and may call ICE if they think you are not here legally.



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 have a state ID or driver's license, give that to the officer. That's better than using a passport or other ID from your home country. Do **NOT** use false documents.

If you are asked by police about your immigration status:

you have the right to remain silent. You **don't** have to answer questions about where you were born, whether you are a U.S. citizen, or how you entered the United States. You have the right to ask for an interpreter if you need one. You have the right to refuse a search. Even if you refuse, the police may be able

to pat down your clothing if they suspect you have a weapon. The police can search your car if they see evidence of a crime. It is still a good idea to refuse a search to help limit the evidence that can be used against you later. You have the right to ask, “Am I free to go?” You can also ask that question using an interpreter if you need one. If the police don't have enough information to make an arrest, they have to let you go. If the police take you to jail, you **don't** have to answer questions about immigration, and you **don't** have to talk to ICE. You do have the right to call a lawyer and to make one local call to a trusted family member or friend.

But you should call the police or emergency services when you need them, like to report a crime, get help in a fire, 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 lawyer before applying for legal immigration status in the U.S.

Do Not Use, Possess, or Sell Drugs - Including Marijuana

Using any illegal drugs can cause problems for you with immigration. It is very important to avoid using or buying drugs, **including marijuana (cannabis)**. In Minnesota it is legal for people over the age of 21 to have and use a limited amount of marijuana for personal use. **BUT** federal law still prohibits having and using marijuana. Federal law also prohibits employment in the cannabis industry. It is very important for anyone who is not a citizen to avoid using, selling, or possessing cannabis, marijuana, etc. Even though it's legal in MN the immigration penalties can be severe.

If police arrest you or give you a ticket after finding drugs in your possession, talk to an immigration lawyer before paying the ticket or resolving any court case.

If the police or ICE come to your home or place of business:

You do NOT have to let them come in unless they have a signed, valid warrant. A warrant is a document **signed by a judge** that lets police or ICE arrest someone. It may also give permission for them to search a place or part of a place. If someone comes to your door saying they are the police or ICE, ask if they have a signed, valid warrant. If they say yes, have them slip it under the door and take a picture.

- If it is NOT signed,
- If it is signed but NOT by a judge
- If it does not list your address (and apartment number, if you have one) OR
- if it does not have the name of someone who lives in your home on it,



you do NOT have to let the police or ICE into your house.

Do Not Miss a Hearing in Immigration Court

If you get a notice saying you have to go to Immigration Court, it is very important that you go. The notice lists the **time, date, and address of your hearing**. If you miss a hearing in immigration court, it is almost certain they will order that you be deported. But if you go to your hearing, you can explain your situation to the judge and get answers to your questions. Also, the judge will explain the next steps in your case. For example: you want to hire a lawyer to help you defend yourself from deportation. But have not yet found a lawyer to go to court with you. At the hearing you can explain to the Judge that you would like more time to find and hire a lawyer.

You can keep going to your hearings even if you do not find a lawyer. If you cannot find or cannot afford a lawyer, the Judge will explain to you how to present your case on your own and how to ask the Court to not deport you.

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 or if they are convicted of certain crimes. If you entered the U.S. illegally, or you stayed in the U.S. longer than you were supposed to, you have **unlawful presence**. ***If you have any criminal history, get advice from an immigration lawyer before you travel outside the United States.***

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 can't legally enter the U.S. or get lawful immigration status. You can't 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 don't 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 don't 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.

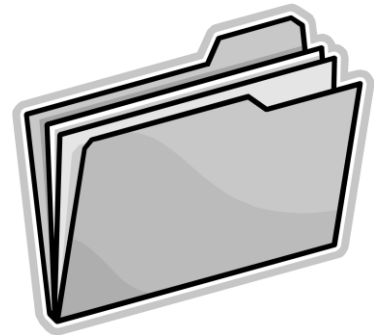


Keep Copies of Your Records

It is important to keep copies of documents and papers which prove that you have lived in the U.S. and that prove that you have U.S. citizen or permanent resident close relatives, like parents, spouses, or children. These documents could be important to a future immigration application. Keep copies of documents for the whole time you have lived in the U.S., even if you entered a long time ago.

You should save copies of

- paystubs,
- mortgages or rental contracts and 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.



Using Public Benefits

Using welfare or public benefits in the U.S. can be fine, but it could affect your future immigration applications. To get permanent residence in the U.S., some people must prove that they won't become a "public charge." A public charge is someone who ends up being dependent on government benefits programs in the future.

You can always get benefits for your U.S. citizen children in their names, no matter what immigration benefits you are applying for.

There are many people who don't need to worry about public charge and some that do. This can be so different depending on the type of application and who it is for. So, it is important to talk to a lawyer if you have questions.

Refugees, asylees and people who are applying for U Visas, T Visas and Special Immigrant Juvenile Status don't usually have to worry about this. If you are in one of these categories, you can safely get any public benefits that you legally qualify for. But if you are applying for any of these **and also** applying for a different immigration benefit at the same time you are subject to public charge.

Be sure to give the county all the information that they ask for when figuring out if you are eligible for public benefits. You could have problems with immigration if you:

- give the county wrong information when you apply for benefits. This includes not giving complete information about the income of everyone in your family or
- don't let them know about changes to your income or number of people in your household

See our fact sheet [Understanding Public Charge](#).

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 don't live with your children, and don't 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 don't 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.

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