



Know Your Rights: What You Can Do in Minnesota if You Are Undocumented



This fact sheet is for people who are undocumented. This means you do not have any immigration status or legal papers to live in the United States. It talks about your rights and things you can do in Minnesota. It has information about:

- Getting a driver's license or state ID
- Getting married or divorced
- Going to court to get custody of your child
- Working and owning a business
- Getting all the money you worked for
- Paying taxes and opening a bank account
- Getting health insurance
- Owning or renting a home
- Going to university
- Interacting with law enforcement

To read this fact sheet in other languages, go to:

lawhelpmn.org

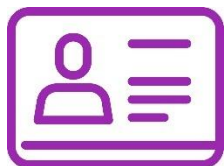


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Driver's Licenses and State IDs

You can get a driver's license or state ID.



If you are undocumented, you can get a driver's license or state ID in Minnesota. **You do not need a social security number to get a driver's license.** Go to a Driver and Vehicle Services (DVS) office to apply for a driver's license. Driver and Vehicle Services will not share information with Immigration and Customs Enforcement (ICE).

To get a driver's license, you must:

- Provide 2 documents that prove your identity. These could include: a passport, consular ID, birth certificate, or marriage certificate
- Take a knowledge test and a driving test
- Pass a vision test
- Have a photo taken **and**
- Pay a fee.



Get more information.

LawHelpMN has a fact sheet that talks about the steps to get a driver's license. Scan the QR code or go to: lawhelpmn.org

You can own a car.



If you have a driver's license, you can buy car insurance. If you have car insurance, you can own a car and have a car title in your name. It is good to have as many things in your name as you can. LawHelpMN has a fact sheet that talks about what to do when buying a used car. Go to:

lawhelpmn.org/self-help-library/fact-sheet/how-buy-used-car-dealer



Marriage, Divorce, and Children

You can get married.



You can get married in Minnesota if you are undocumented. You do not need a Social Security number to get a marriage license. You can marry another person who is undocumented. You can marry someone who has immigration status (legal papers to live in the United States).



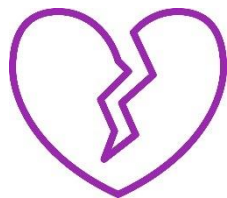
Get more information.

LawHelpMN has a fact sheet that talks about how to get a marriage license and if being married affects your immigration status. Scan the QR code or go to: lawhelpmn.org

Your marriage from another country is legal in the United States.

If your marriage was recognized by the government or legal system of the place where you were married, it is most likely legal in the United States. You might need to show your marriage certificate.

You can get divorced.



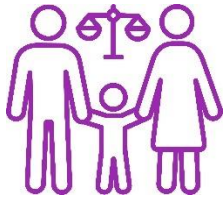
If you got married in the United States, you can get divorced in the United States. If you got married in another country, you can get divorced in the United States. If your spouse filed an immigration petition for you that is still pending, getting divorced may cancel that process. This will NOT cause you to be deported.



Get more information.

LawHelpMN has a fact sheet that talks about what it means to be legally married or divorced in Minnesota. Scan the QR code or go to: lawhelpmn.org

You can go to court to participate in a custody case for your children.



If you have children and get a divorce, you and your former spouse must decide who gets custody of your children. If you do not agree on who should have custody, a judge may decide for you.

Custody is decided in family court, not immigration court. The judges are different. Judges in family court look at the best interest of the child. Judges in family court do not use a parent's undocumented status against them. An ex-spouse who has legal immigration status might try to use your lack of legal immigration status to intimidate you. **You have the right to participate in a custody case in court if you are undocumented.**



Example: Elena and Her Daughter

Elena is undocumented. She is getting divorced from her husband, Eduardo. Eduardo has a Green Card. Eduardo told Elena that if she did not give him full custody of their daughter, he would report Elena to Immigration and Customs Enforcement (ICE). The judge in family court does not work for immigration. The judge thinks about what is best for the daughter. The judge will not report Elena to ICE or use her undocumented status against her. Elena should go to the custody court hearing.



Get more information.

The Minnesota Courts have forms that can help if you are asking for **child custody and parenting time**. There are also forms for changing an existing order for child custody or parenting time. Scan the QR code or go to: lawhelpmn.org



LawHelpMN has a fact sheet that talks about **fathers, establishing parental rights, deciding custody, and what fathers can do to get time with their children**. Scan the QR code or go to: lawhelpmn.org



Working & Owning a Business

You can own a business.



Most businesses in Minnesota will not hire you if you cannot prove that you have permission from the government to work. This is called getting “work authorization.” Not everyone can get work authorization.

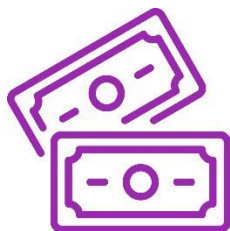
You can start your own business if you are undocumented. You do not need work authorization or a Social Security number to start a business in Minnesota. Depending on the type of business, you might need to apply for special licenses to serve food or use certain equipment.



Example: Carla’s Cleaning Business

Carla is undocumented and wants to work legally. She wants to start a cleaning business. She does not need any special licenses for a cleaning business. She can start the business and work legally for herself. Carla should pay taxes on the money she earns.

You have a right to get all the money you worked for.



Your employer must pay you all the money you worked for. This means:

- They must pay you at least the minimum wage set by law.
- They have to give you your last paycheck if you quit or were fired.
- They must pay you overtime if you work more than 40 hours and are an hourly worker. (LawHelpMN has a fact sheet that explains who can get overtime pay. Go to: lawhelpmn.org/self-help-library/fact-sheet/overtime)
- They cannot steal your tips.
- They cannot ask you to work “off the clock.”

“Wage theft” is when your employer does not pay you all the money you worked for. Ask your employer to pay you money they owe you. If they say no, you have the right to report wage theft and get your money. You can do this if you are undocumented. Your employer may tell you that you will be deported if you report wage theft. **This is not true. Reporting wage theft will not cause you to be deported.** If your employer does not pay you all the money you worked for, your employer is breaking the law. You have not broken the law.

To report wage theft:

- Call the Minnesota Department of Labor and Industry at (651) 284-5075 or
- Call the Minnesota Attorney General's Office at (651) 296-3353.

LawHelpMN has a fact sheet that can help you get money you are owed from an old job. Go to: lawhelpmn.org/self-help-library/fact-sheet/my-old-job-owes-me-money-wage-claims

Taxes & Bank Accounts

You can get an Individual Taxpayer Identification Number (ITIN).

If you do not have a social security number, you can get an Individual Taxpayer Identification Number (ITIN). This is a number you get from the Internal Revenue Service (IRS). **You can use an ITIN instead of a social security number to file taxes and open a bank account.** To get an ITIN, fill out form W-7. (Get form W-7 at: irs.gov/forms-pubs/about-form-w-7) Mail the form and your birth certificate to:

Internal Revenue Service
Austin Service Center
ITIN Operation
P.O. Box 149342
Austin, TX 78714-9342

You can open a bank account and get a credit card.



If you are undocumented, you can open a bank account and get a credit card. Many banks and credit card companies ask you for your social security number. Some banks and credit card companies let you use an Individual Taxpayer Identification Number (ITIN) to open an account instead. If a bank or credit card company says you must have a social security number, talk to other banks. Find a bank that lets you use an ITIN.

You can pay taxes.



If you work, you should pay taxes. File taxes with the Internal Revenue Services (IRS) each year. The IRS does not share information with Immigration and Customs Enforcement (ICE). **You can use an Individual Taxpayer Identification Number (ITIN) instead of a social security number to file taxes, even if it does not match the social security number listed on your paystubs.** If you had taxes taken from your paychecks, you might be eligible for a refund. Filing taxes can be helpful for some immigration cases. There are programs that can help you file your taxes for free. Learn more at: prepareandprosper.org and revenue.state.mn.us/free-tax-preparation-sites.

Health Insurance

You can get health insurance.



Health insurance pays for some or all of your medical care. MinnesotaCare is a program that helps people in Minnesota get health insurance. It helps people with low incomes pay less money for health insurance. Starting in January 2025, people who are undocumented can get health insurance through MinnesotaCare.



Get more information.

The Department of Human Services' website talks about health care coverage for people who are not U.S. citizens. Scan the QR code or go to: mn.gov/dhs/people-we-serve/



Owning or Renting a Home

You can own a home.



You do not need to have legal immigration status to own a home. You can own a home if you are undocumented. If your spouse has legal immigration status and is listed on the title for your house, your spouse can ask the bank to add you to the title.

It may be hard to get a loan to buy a home if you are undocumented. Most banks ask for your social security number. Some banks let you use an Individual Taxpayer Identification Number (ITIN) to take out a loan.

You can rent a house or apartment.



You can have your name on a lease. You do not have to move in with someone else. If a landlord or company says you cannot rent from them, try to rent from someone else.



Get more information.

LawHelpMN has a fact sheet that helps people renting a place to live understand their legal rights. Scan the QR code or go to: lawhelpmn.org

University

You can go to university.



You can go to college or university if you are undocumented. The university will not ask you to share your immigration status when you apply or start school. Universities do not report people to Immigration and Customs Enforcement (ICE).

You might be able to get help paying for university.



The Minnesota Dream Act helps people who are undocumented pay for university. You are eligible for the Minnesota Dream Act if:

- You are undocumented
- Attended high school in Minnesota for at least 3 years and
- Graduated from high school or got a GED in Minnesota.

The Minnesota Dream Act lets you:

- Pay cheaper in-state resident tuition rates at Minnesota public colleges and universities
- Get Minnesota state financial aid
- Get financial aid through Minnesota public colleges and universities and
- Apply for Minnesota state student loans. (You cannot get federal student loans to help pay for university if you are undocumented.)



Get more information.

The Office of Higher Education has a fact sheet about The Minnesota Dream Act. Scan the QR code or go to:

ohe.state.mn.us



Interacting with Law Enforcement

You can call 911 and get help.



If you feel unsafe, have a fire at home, need medical help, or have an emergency, you can call 911. You can get help from the police, fire department, and paramedics. In many cities, it is against the law for emergency responders to ask you about your immigration status.

You can get help from a lawyer.



Criminal laws are the same for everyone, whether you have immigration status (legal papers to be in the U.S.) or not. If you are arrested for any crime, you have a right to a lawyer. If you have a low income, you can get a public defender. A public defender is a free lawyer assigned by the court.

You can ask for an interpreter.



You have the right to talk to the police in the language you are most comfortable using. If the police do not speak your language, ask for a phone interpreter.

You have the right to be treated fairly.



If you are pulled over while driving:

- Tell the police officer your name. Do not tell them a fake name. You could get charged with an additional crime.
- Show them your Minnesota driver's license. If you do not have one, show them a passport or other ID.
- Answer questions about how fast you were driving. Do not answer additional questions or questions you do not understand. Do not answer questions about your immigration status.

- If the police ask to search your car or arrest you, ask to speak to a lawyer.
- **Ask, “Am I under arrest? Or am I free to go?”**

If you are arrested for any reason:

- You can remain silent.
- Do not answer questions about your immigration status.
- Ask for a lawyer.



Get more information.

The ACLU has tips for talking with law enforcement. Scan the QR code or go to: aclu.org/know-your-rights/immigrants-rights

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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