Immigration Warnings

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

If you have temporary permission to be in the U.S., or you are in the U.S. without permission, there are things you can do that may help your chances of getting permanent legal status in the future.

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 Immigration & Customs Enforcement (ICE) officer ordered you deported and you have a "removal order." You are at risk of being arrested by ICE and being deported.

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. See our fact sheet, *How to Apply for Your Minnesota Driver's License (Driver's Licenses for All)*.



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.

You do NOT have to let the police or ICE into your house if:

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

If you are detained by ICE, call your lawyer or a person you trust as soon as they let you make a call. If you are afraid to return to your home country, tell the immigration officers. If you say you are afraid to return to your country, they usually have to give you a "Credible Fear Interview" or a "Reasonable Fear Interview." Lean more about this process and whether it is available to you by reading A Path to Asylum.

Be Careful About Tattoos

The U.S. government may see your tattoo as evidence that you are in a gang or involved in criminal activity. If you already have one or more tattoos, be prepared to explain when you got the tattoo and what it means to you. Think about whether there is a way to prove what the tattoo means. For example, if you have a tattoo of the date your child was born, have your child's birth certificate available.

If you are thinking about a tattoo, be very careful and consider waiting until you are a citizen. Sometimes the government misinterprets even very innocent tattoos.

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 you 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.

For more information, see our fact sheets:

- *What to Do If You Get a Notice to Appear for Immigration Court*
- *What to Expect the First Time You Go to Immigration Court in Minnesota*.
- *What to Do If You Miss Your Immigration Hearing (How to File a Motion to Reopen)*
- *How to Move Your Immigration Hearing to a Different Court (Change Your Venue)*

Immigrant Registration Rules

Beginning in April 2025, the U.S. has a new rule that some undocumented immigrants must register with the government. To learn more about this rule, read the National Immigration Law Center's fact sheet: Know Your Rights: Noncitizen Registry.

If You Have Temporary Protected Status (TPS)

The U.S. government decides which countries are on the TPS list and when to take a country off the list. If you have TPS and the government takes your home country off the list, talk to a lawyer right away! You might be eligible for other kinds of immigration relief. A lawyer can talk to you about your options. Your lawyer can also tell you if there is any litigation that delays or stops the end of TPS for your country. For more information about Temporary Protected Status, see our fact sheet, *How to Apply for Temporary Protected Status*.

If You Have Parole

If you have parole and United States Citizenship and Immigration Services (USCIS) sends you a letter that your parole is "revoked" (cancelled), talk to a lawyer right away. You might be eligible for other kinds of immigration relief. A lawyer can tell you about your options.

If you have parole under the **Cuba, Haiti, Nicaragua, and Venezuela (CHNV) Parole Program**, talk to a lawyer right away! A lawyer can give you the latest updates about the CHNV Parole Program and explain your options.

If you got **"humanitarian parole" through the CBP One app**: the government can "revoke" (cancel) your parole. Talk to a lawyer to find out if you are eligible for other kinds of immigration relief.

What happens if you leave the country when they revoke your parole?

- If you leave while the government is trying to deport (you are in "removal proceedings"), the government probably orders you deported "*in absentia*" (without you being there). This usually means you can't return legally to the U.S. for 10 years.

- If you leave while your immigration application is still under review, the government says you "abandoned" your application. You do not get the type of immigration status you applied for.

If you are thinking about leaving the country, talk to a lawyer right away! They can explain your options, let you know if you are eligible to apply for immigration status, and tell you about the risks of leaving and staying.

Be Careful If You Leave the U.S.

If you have legal status

Even if you have legal status (like asylum or a green card), it can be risky to leave the country right now. The government might not let you back into the U.S.

Your risk is higher if you have ever been charged with or convicted of a crime or involved in political activism. To understand your risks, talk to a lawyer before you make plans to leave. For more information, see the ACLU's Know Your Rights: Enforcement at the Airport.

If you are in the U.S. without permission

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. There is a waiver for the permanent bar but it is rarely granted. You can find Form I-212 and instructions on the USCIS website. You can also 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.

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.

Paying 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***. 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.

In April 2025, the Internal Revenue Service (IRS) said it would start sharing certain information with ICE. If you are undocumented, ICE might use your tax information to find you and try to deport you.

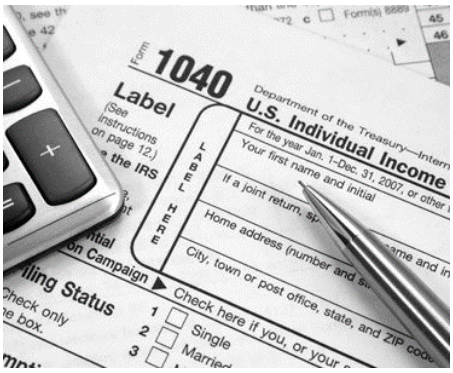
- If you have **NEVER filed taxes** in the U.S. before: talk to an immigration lawyer before you file.

- If you **HAVE filed taxes** in the U.S. **AND** you are under **criminal investigation** or have a **final deportation order:** talk to an immigration lawyer before you file.

- If you **HAVE filed taxes** in the U.S. but you are **NOT under criminal investigation** and you **do NOT have a final deportation order**: filing your taxes again probably does not increase your risk of being deported.

How do I file my taxes?

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 don't want to use your home address in your tax forms, you can use a U.S. Postal Service PO Box instead. The PO Box has to be at a post office. It cannot be a private mailbox service.

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 don't want to use your home address on your ITIN, you can use a U.S. Postal Service PO Box instead. The PO Box has to be at a post office. It cannot be a private mailbox service.

When you apply for an ITIN, you have to send documents that prove who you are (like a passport). The IRS returns these documents to you by mailing them to the address or PO Box you list. Make sure you can get your mail at the address you list in the application!

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.

If you don't have permanent legal status (like a green card): If you cannot prove you have been in the U.S. for **at least 2 years**, the government may be able to deport you without a hearing (Expedited Removal). If you can show you have been in the U.S. for at least 2 years, you can tell an immigration judge why you are eligible to stay in the U.S.

To prove how long you have been in the U.S., 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.

**© 2027 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.**