

This checklist is designed to help you prepare if you are concerned that you may have to leave the country without warning. Below are tips on your financial rights and steps to take for your financial security.



## 1. FILE A POWER OF ATTORNEY

You can give someone you trust the power to handle your financial matters, also known as a “power of attorney.” To do that:

- ❑ Write a document giving another adult—a family member or person you trust—the power of attorney to make financial decisions on your behalf. Don’t forget to include the following:<sup>1</sup>
  - State how long the power of attorney should last.
  - List all the accounts and assets you want the person to manage with detail, including the financial institution(s) name, retirement and bank account numbers, car registration, and location of assets.
  - Ask the person to keep clear records of all the actions taken as your power of attorney.
- ❑ You might need witnesses to the document signing or you may need to get the letter notarized. Find out the power of attorney requirements in your state by visiting your state attorney general’s website or office.
- ❑ If you have already left the United States, the power of attorney can be coordinated abroad.<sup>2</sup>



## 2. KEEPING YOUR HOME

You have the right to keep any property you own in the United States, but you must determine the best way to manage your mortgage and/or the property.

You must pay your mortgage on time to avoid foreclosure. This is something that your power of attorney can ensure is done (see “File a Power of Attorney” section) or you can do it from abroad (see “Making Sure Bills Get Paid” section).

If you need assistance managing your property or selling your property, you can have someone you trust, who will remain in the United States, do it on your behalf as your power of attorney (see “File a Power of Attorney” section).

If you own a home with someone else, like a spouse, and would like to transfer the home to them:

- ❑ You can transfer your share of the property to your co-owner or co-mortgager. To do this, you must:<sup>3</sup>
  1. Resolve Mortgage. Your existing mortgage will detail whether someone can take over the mortgage. Some mortgages prohibit transferring the mortgage to another party; other mortgages require the lender’s consent. You must contact your lender to see if your mortgage is transferable, and, if so, what forms are needed to complete the mortgage. The lender will decide whether you can transfer the mortgage depending on if the recipient would qualify for that mortgage.  
  
If you do not have a mortgage on a property, make sure you have the mortgage satisfaction forms to prove you do not need the lender’s permission to transfer or gift the property.
  2. Execute a deed. You must execute a new deed in your spouse’s name only. You should contact your city or county clerk’s office about what should be included in the new deed.

3. Prepare Tax Forms. You will be subject to state taxes for transferring the property. You must fill out a state income tax filing. Check to see if your local county or city charges an additional tax.
4. Transfer utilities, insurance, and other services. After the home is fully transferred, you must put all the utility bills, insurance, and other services in the recipient's name.

If you own a home and want to give someone your home as a gift, follow the same four steps listed above.

### Rental Property

If you have a residential lease and have family who needs the rental property while you are no longer in the United States, you have three options:

- Continue the lease with the landlord's consent.<sup>4</sup>
- End the original lease and enter into a new lease with the landlord's consent.<sup>5</sup>
- Establish automatic bill payments to have rent withdrawn from your account.



## 3. ACCESSING FUNDS

**You have the right to access money in your checking and savings account. Determine how best to access your money in your home country or if you need to close your bank account.**

If you want to keep your bank account open:

- Check to see if your financial institution has branches or ATMs in your home country and make sure you have a debit card. Most financial institutions participate in payment systems or networks that enable their customers to access funds abroad.  
If able, let your bank know you are relocating so they don't freeze your account, and ask them about any fees for withdrawals outside the United States or fees for exchange rate differences.<sup>6</sup>  
Find out if your financial institution's ATM card works in your home country.
- Ensure that a spouse, family member, or trusted friend who will remain in the United States is listed as a joint account holder. This person can access and help you manage your account(s).
- Sign up for online banking or download your bank's mobile app if available. You can move money using these online and mobile tools no matter where you are.
- Sign up for direct deposit with your employer and set up automatic bill pay for ongoing expenses.

If you want to close your bank account:

- Tell the financial institution how you would like to receive your remaining funds, which is usually a check or transfer.  
If you choose a check, it will be made out to the primary account holder. You can have the check sent to you abroad, but it will take 45–60 days to clear.  
If you choose to transfer, your funds can be deposited into a new account in your home country. Call your bank and find out what their process is. This can be done by bank draft or wire transfer.<sup>7</sup>
- Find out if your financial institution provides money remittance services. If it does, learn about the process to initiate a transaction remotely (online, call center, or smartphone app).

**Be careful about how much cash you carry; while cash has advantages, it can be easily lost or stolen.**



#### 4. FILING TAXES

You can receive a tax return for any overpaid taxes or tax credits you are owed from your earnings in the United States. Even if you are not a lawful permanent resident, you may be eligible for a tax refund.

- ❑ Get an Individual Tax Identification Number (ITIN) or renew your ITIN, because it can substitute a Social Security Number (SSN) for taxes and other financial purposes. Any dependents you intend to claim must also have an ITIN or SSN. Visit the [IRS website](https://www.irs.gov) for instructions, or see [nclr.us/ITIN](https://nclr.us/ITIN).
- ❑ A resident spouse can file his or her taxes jointly with a deported spouse. The deported spouse would have to include any income they earn outside the United States on the return.<sup>8</sup>
- ❑ If you have lived in the United States for 30 consecutive days or 183 cumulative days in the last three years, you should complete Form 1040.
- ❑ If you have NOT lived in the United States for 30 consecutive days or 183 cumulative days in the last three years, you should complete Form 1040NR or Form 1040NR-EZ to receive a refund.
- ❑ If you've already left the country, send your tax forms to this address if you are NOT including a check or money order:

**Department of the Treasury**

Internal Revenue Service  
Austin, TX 73301-0215  
U.S.A.

Or

Send your tax returns to this address if you ARE including a check or money order:

**Internal Revenue Service**

P.O. Box 1303  
Charlotte, NC 28201-1303  
U.S.A.

- ❑ Contact the IRS if you have any questions. The International Taxpayer Service Call Center is operational Monday through Friday, 6 a.m.–11 p.m. EST. Phone: (267) 941-1000 (not toll free), fax: (267) 941-1055.

**Filing your taxes will not make you a target with law enforcement. All tax return information has privacy protections under federal law and cannot be shared with government officials for immigration enforcement.<sup>9</sup>**

**Filing taxes can be useful in future immigration cases if an ITIN holder is able to adjust his or her status. ITIN filings can serve as proof of income, residency in the United States, and good moral character.**



## 5. MAKING SURE BILLS GET PAID

You are still responsible for any debt or bills you owe in the United States after you leave the country. Plan for how to settle your payments.

Consider signing up for direct deposit; this will give you more options for how to manage your money, including setting up automatic bill pay from this account for all ongoing expenses (see “Accessing Funds” section).

### Car

If you still owe money on your car and want to sell it:

- Contact your lender(s) to figure out how much you need to pay off the car. If you do not have enough money, make sure you sell the car at a price that will be enough to pay off your balance to the lender(s).<sup>10</sup>
- Put the sale terms in writing and get the payment from the buyer in cash or a certified check.<sup>11</sup>
- After you sell the car, immediately tell your auto insurance company to cancel your policy and file forms at your local Department of Motor Vehicles (DMV) to transfer the title of the car to the buyer.<sup>12</sup>

If you still owe money on your car and want to keep it for your family:

- Set up automatic bill pay and have your car payments automatically withdrawn from your account.

### Credit Cards or Loans

- If you have time before you leave the United States, contact your credit card company or lender immediately and notify them of your situation.<sup>13</sup> Give the company your new address in your home country where they can send your bills.
- If you are immediately deported, contact the lender after arriving in your home country and update your mailing address with them.
- Sign up for automatic bill pay to have credit card or loan payments withdrawn from your account.

OR

- Send all payments from your home country by certified mail with return receipt requested so you can keep a record of payment.



## 6. COLLECTING UNPAID WAGES

You have the right to collect wages for any work you have done. It does not matter if you do not have work authorization or a Social Security Number.<sup>14</sup>

- Tell your employer of your new address abroad and have them to send your paycheck there.
- If your employer does not give you your last paycheck, file a complaint with the U.S. Department of Labor (DOL) or your state labor office. Visit the DOL [website](#) to find the wage and hour division of your state labor office. You can also visit your consulate for assistance with filing a complaint.



## 7. MANAGING YOUR BENEFITS

Your dependents have the right to continue receiving Social Security benefits if they are U.S. citizens.

- ☐ If your dependents are U.S. citizens, they will continue receiving benefits as they have before.

If you receive your dependent's benefits via direct deposit, make sure the dependent or the dependent's caretaker has access to your account (see Section 2 above).

If you receive your dependent's benefits on a prepaid debit card, make sure the dependent or the dependent's caretaker contact the Social Security Administration to get a new card in their name.
- ☐ If your dependents do not have legal status in the United States, they cannot receive benefits for any month that they are not in the United States.<sup>15</sup>

For additional recommendations regarding your financial rights in the face of deportation, please visit the following resources:

- [Protecting Assets & Child Custody in the Face of Deportation, A Guide for Practitioners Assisting Immigrant Families](#) by Appleseed
- [Financial Handbook for Families Facing Detention and Deportation](#) by Families for Freedom

## ENDNOTES

- 1 Appleseed, *Protecting Assets & Child Custody in The Face of Deportation*, <http://appleseednetwork.org/wp-content/uploads/2015/10/Protecting-Assets-And-child-Custody-In-The-Face-Of-Deportation-A-Guide-for-Practitioners-Assisting-Immigrant-Families-2012.pdf>.
- 2 Appleseed, *Protecting Assets*.
- 3 Appleseed, *Protecting Assets*.
- 4 Families for Freedom, *Financial Handbook*.
- 5 Appleseed, *Protecting Assets*.
- 6 Families for Freedom, *Financial Handbook for Families Facing Detention and Deportation*, [http://familiesforfreedom.org/sites/default/files/resources/FFF%20\\_Financial%20Handbook%20for%20Families%20Facing%20Detention%20and%20..pdf](http://familiesforfreedom.org/sites/default/files/resources/FFF%20_Financial%20Handbook%20for%20Families%20Facing%20Detention%20and%20..pdf).
- 7 Families for Freedom, *Financial Handbook*.
- 8 Appleseed, *Protecting Assets*.
- 9 "Confidentiality and disclosure of returns and return information." Legal Information Institute, Cornell University Law School, accessed February 22, 2017, <https://www.law.cornell.edu/uscode/text/26/6103>.
- 10 Appleseed, *Protecting Assets*.
- 11 Appleseed, *Protecting Assets*.
- 12 Appleseed, *Protecting Assets*.
- 13 Appleseed, *Protecting Assets*.
- 14 Appleseed, *Protecting Assets*.
- 15 Appleseed, *Protecting Assets*.