

Living in the United States

A Guide for Immigrant Youth



Table of Contents

Introduction	3
Do You Know Your Immigration Status?	4
10 Things Every Undocumented Youth Should Know	7
11 Things Every Youth with a Green Card Should Know	8
U.S. Citizenship	10
How to Get a Green Card (If You Are Undocumented)	12
DACA (Deferred Action for Childhood Arrivals).....	14
DAPA (Deferred Action for Parents of Americans and Lawful Permanent Residents).....	16
Involvement with Gangs	18
Watch Out for Immigration Scams!.....	19
Deportation and Other Immigration Problems.....	20
Know Your Rights	21
Adoption and Your Immigration Status	23
Helping Family Members Get Immigration Status or Come to the United States	25
Immigrants and the U.S. Military.....	26
Voting	28
Social Security Numbers	30
Working in the United States	31
Paying Taxes.....	33
Receiving Public Benefits.....	35
Getting an ID.....	37
Getting a Driver’s License.....	38
Going to College	39
Banking and Credit Cards	41

Introduction

Immigration issues are tricky. There are many ways in which your immigration status—whether you’re a green card holder or undocumented—can impact your ability to get a job, go to college, or even remain in the United States. That’s why we created this resource especially for immigrant youth. We hope you find it useful.

About the Immigrant Legal Resource Center (ILRC)



The Immigrant Legal Resource Center (ILRC) is a nonprofit organization in San Francisco that provides trainings, materials and advocacy to advance immigrant rights. The ILRC works with immigrants and citizens to make critical legal assistance and social services accessible to all, regardless of income, and to build a society that values diversity and respects the dignity and rights of all people. Find us on the web at www.ilrc.org.

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Do You Know Your Immigration Status?

Most people fall into one of three categories: U.S. citizens, green card holders, or undocumented. There are also other categories, like refugees, TPS, and U Visa holders. Many youth may also be eligible for deferred action status through DACA or DAPA. See the next page for information on those.

People with green cards are often called “LPRs” (legal permanent residents).

For information on getting a green card, see the section “How to get a green card.”
For information on being a U.S. citizen, see the section “U.S. Citizenship.”

	U.S. Citizen	Green Card Holder (Permanent Resident)	DACA/DAPA	Undocumented
Document	U.S. passport or birth certificate	Green card <i>(the color is not actually green)</i>	Work permit, Social Security Card	No U.S. papers
Can You Be Deported?	No	Yes, if you break certain laws or do other things that would allow a judge to deport you	Yes, if the government decides to no longer allow you to remain in the U.S.	Yes, at any time
Can You Legally Work?	Yes	Yes	Yes	No
Can You Vote?	Yes	No	No	No
Do You Have the Right to Education?	Yes	Yes	Yes (but you can't get in-state college tuition in many states. You can in CA under AB540.)	Yes (but you can't get in-state college tuition in many states. You can in CA under AB540.)

Can You Get Federal Financial Aid for College?	Yes	Yes	No (but in CA, you can obtain state aid under the CA Dream Act)	No (but in CA, you can obtain state aid under the CA Dream Act)
Can You Get a Driver's License?	Yes	Yes	Yes for DACA. Probably yes for DAPA.	Depends on the state (in CA, you can under AB60).
Can You Get a Social Security Number?	Yes	Yes	Yes	No
Can You Help Family Members Immigrate/ Get Papers?	Yes	Yes, but with restrictions (you can help fewer people, and the waits are longer than citizens)	No	No
Can You Travel outside the U.S.?	Yes—no restrictions	Yes, but not for long periods	Yes, but only with a special permit you have to obtain in advance	If you leave, you can't legally return

Other Immigration Categories

Special Immigrant Juvenile Status (SIJS): Allows you to stay in the country, work, and get a green card. You must be separated from one or both of your parents due to problems at home. If you have been abandoned, abused or neglected by one or both of your parents and are undocumented, you should try to apply for this.

Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA): Although deferred action does not give you the right to stay in the U.S. permanently, like having a green card, DACA or DAPA will temporarily protect you from being deported and allow you to work in the U.S. See the sections entitled “Deferred

Action for Childhood Arrivals” and “Deferred Action for Parents of Americans and Lawful Permanent Residents” for more information.

Refugee/Asylee: In your home country, you were threatened or face future threats due to your or your family’s religion, political views, race, etc. You can live and work in the U.S and get a green card.

Temporary Protected Status: You do not have papers, but because of problems in your home country (a civil war, earthquake, etc.) the U.S. government allows you to stay until the danger has passed.

U or T Visa: You have been the victim of a crime in the U.S. or trafficking. You can live and work in the U.S. and get a green card (eventually).

10 Things Every Undocumented Youth Should Know

If you do not have legal immigration status in the United States, you are at risk. Keep these points in mind:

- 1. If approached by immigration authorities, do not sign any papers and do not talk to them** unless you check with a lawyer first.
- 2. Stay out of trouble with the law.** In most, if not all places, police and other law enforcement will share your fingerprints with immigration authorities. In some places, police may even hand your name or other personal information over to immigration authorities. If you commit a crime, it will make it harder to get legal status in the future.
- 3. If you are charged with a crime, make sure your lawyer (whether private or a public defender) knows your immigration status.** Your lawyer is required under the Constitution to inform you of the way your criminal case will affect your immigration case. Letting them know your immigration status will allow them to best help you.
- 4. Don't cross the border.** Once you leave the country, you can't legally re-enter the U.S.
- 5. If you are working illegally, you should still pay taxes.** This will improve your chances of getting legal papers in the future.
- 6. If you're male, register for the "Selective Service" when you turn 18.** The immigration authorities will NOT see your information. Like paying taxes, this will make it easier to get legal papers in the future.
- 7. If at all possible, try to become a legal resident.** See the section entitled "How to get a green card."
- 8. Having a child will not help you become legal.** A child can only help his or her parent get a green card if the child is over 21 years old. (Although having a child may help someone qualify for DAPA, DAPA is not a green card, and it is only for people who had U.S. citizen children on or before November 20, 2014. See section entitled "Deferred Action for Parents of Americans and Lawful Permanent Residents").
- 9. Do not lie (to a person or on a form) and say you are a U.S. citizen when you are not.** A false claim to citizenship is taken seriously by the government and could hurt your chances of ever getting a green card or get you deported.
- 10. Do not lie about your age.** People under 18 are entitled to certain protections in immigration law, and if you are under 18, you should say so.

11 Things Every Youth with a Green Card Should Know

A green card gives you many rights, but you still have to be careful. Note these points:

- 1. Stay out of trouble with the law.** Some offenses, even minor ones, can lead to you being deported.
- 2. If you are charged with a crime, make sure your lawyer (whether private or a public defender) knows your immigration status.** Your lawyer is required under the Constitution to inform you how your criminal case will affect your immigration situation. Letting them know your immigration status will allow them to best help you.
- 3. If you change your address, tell the immigration authorities immediately.** You need to do this within 10 days of the move. Go to www.uscis.gov, click on "Tools" and then click on "Change your Address on File."
- 4. You need to get a new green card every 10 years.** Your status doesn't expire, you will just need to replace the card. Look at your green card to find its expiration date.
- 5. If approached by immigration authorities, do not sign any papers and do not talk to them** unless you check with a lawyer first.
- 6. To travel outside the United States, you need a passport from your home country.** If you later become a U.S. citizen, you can use a U.S. passport.
- 7. Don't leave the country for long periods.** If you are gone for six months or longer, you might have complications coming back to the U.S., and if it's more than a year you might not be able to re-enter the United States. If you have a



good reason to be gone for a long time, you can ask for permission, but you need to do this before the trip, if possible.

8. **If you're male, register for the "Selective Service" when you turn 18.** This will make it possible for you to receive certain benefits, and apply for U.S. citizenship.
9. **If you are working, pay taxes if you owe them.** This will keep you out of legal trouble and allow you to become a U.S. citizen later. For more information, see the section entitled "Taxes."
10. **Apply for U.S. citizenship** when you are eligible or encourage a parent who you live with to apply for citizenship before you turn 18 so that you can automatically become a citizen without having to apply later. For more information on why and how, see the section entitled "U.S Citizenship."
11. **Do not lie (to a person or on a form) and say you are a U.S. citizen when you are not.** A false claim to citizenship is taken seriously by the government and could hurt your chances of ever getting a green card or get you deported.



U.S. Citizenship

It's a very good idea to apply for U.S. Citizenship. Once you become a U.S. Citizen, you:

- Can't be deported. (If you have a green card, you can still be deported if you have problems with the law.)
- Can more easily and quickly help family members come to the United States.
- Can get government jobs, and can more easily receive government benefits.
- Can vote!

Are you already a U.S. Citizen? Some people are citizens but don't realize it.

- If you were born in the United States, you are *automatically* a U.S. citizen.
- If you were born in another country, but one of your parents was a U.S. citizen, you *may* be a U.S. citizen.
- If your parent became a U.S. citizen, and at the time you were under 18 and had a green card, you are *probably* a U.S. citizen.

If you are not sure, talk to a lawyer. The laws for this are complicated.

Note: Having a Green Card Does Not Make You a U.S. Citizen!



One of the most common ways to become a citizen for people who were not born in the U.S. is to naturalize. To apply to become a U.S. Citizen through naturalization, you need to:

- Be at least 18 years old.
- Have a green card for 5 years (less if you marry a U.S. citizen or join the military).
- Have lived in the United States for the past 5 years (3 years if you are married to a U.S. citizen).
- Pay all your taxes and child support, if you owe them.

- Stay out of trouble with the law. (Minor crimes may not be a problem; talk to a lawyer.)
- Register for selective service when you are 18. (Males only.) If you are over 18, do it now! It will save you problems later. For more information, see the page entitled “Immigrants and the U.S. Military.”
- Send an application and fee to the U.S. Citizenship & Immigration Services, attend an interview, pass an English and civics test, and take an oath of allegiance to the United States.

WARNING: When you apply for citizenship, you are inviting the government to review all of your records. This could lead them to find something that makes you deportable, such as having committed a crime, lied to the government, etc. Talk to a lawyer first to make sure everything is okay.

How to Get a Green Card (If You Are Undocumented)

Don't wait! Talk to an immigration lawyer to figure out what your options are. The laws are complicated, and it's important to find a lawyer who has experience in this area.

If you are in foster care, in juvenile hall or under juvenile probation, or are before another state juvenile or family court: Ask your social worker, probation officer, and/or lawyer about getting Special Immigrant Juvenile Status (SIJS). This protects you from deportation, allows you to work, and makes it possible to get a green card. To see if you are eligible, ask your social worker, probation officer, and/or a lawyer. If you have a lawyer who doesn't know immigration law, ask your lawyer to get help from a lawyer who does.

To Be Eligible for SIJS:

- You must be under 21 years old and unmarried. (You can have kids of your own.)
- You also need to have or open a case in state court where the judge finds that:
 - You aren't able to be reunited with one or both of your parents because of problems at home (abuse, neglect, or abandonment).
 - It's not in your best interest to go back to your home country.
- Note:
 - If you are adopted, or live with other family members, it may still be possible to get SIJS.
 - If you get SIJS, you cannot help your parents get immigration status or come to the United States later.

Note that you can hurt your chances of getting a green card through SIJS if you commit crimes or lie about your immigration status.

If a family member is a U.S. citizen or has a green card: The relative might be able to help you get your papers. If the relative has a green card, the relative must be your husband, wife, or parent. If you are in a valid same-sex marriage with a U.S. citizen or lawful permanent resident, your spouse may also be able to help you get a green card. If the relative



is a U.S. citizen, he or she can be your husband, wife, parent, or also your brother or sister (as long as the person is over 21). A child can only help a parent immigrate if the child is over 21. Note that aunts, uncles, cousins, and other family members can't help you immigrate unless they have formally adopted you.

If you come from an abusive household: You may have options under the Violence Against Women Act (VAWA). This law helps you if your parent, husband, or wife is a U.S. citizen or a green card holder, but that person won't help you get your immigration papers. If eligible, you can obtain papers without going through your abusive parent or spouse. Even if your parent was abused and you were not, you may still be able to get your immigration papers. You have to have lived with the abusive parent or spouse at some point, and if the abusive person is your parent, you have to be under 25 years old. The abuse does not have to be physical (it can be verbal or emotional).

If you have been the victim of a crime: You may be eligible for a T visa or U visa, and then after a few years for a green card. The T visa is for people who have been trafficked—which usually means being forced to work, such as labor or sex work. If you are under age 18, you can qualify for a T visa based on sex trafficking even if you weren't forced to do the sex work. The U visa is for people that have been a victim of a serious crime in the U.S., such as domestic violence, abuse, physical attack, rape, kidnapping, etc. You have to help the police investigate the crime.

Through an employer: An employer can also petition for an employee to receive a worker's visa and a green card. Talk to an attorney before approaching your employer.

DACA (Deferred Action for Childhood Arrivals)

What Is DACA and What Are the Benefits?

DACA is a program that protects eligible undocumented youth from being deported. DACA protects the youth for two years, but it can be renewed. If you are eligible for DACA, you can apply to legally work in the United States and apply for a valid social security number.

A youth who has obtained DACA can also travel outside of the United States, *but* only with a special permit (called “Advance Parole”) and only for certain reasons. Leaving the United States without first receiving Advance Parole will automatically terminate DACA. Be sure to check with an attorney before leaving the United States.

Who Is Eligible for DACA?

An undocumented youth that is currently living in the United States may be eligible for DACA. The youth can request DACA even if immigration is currently trying to deport him or her or, in some cases, even if he or she was already ordered deported or removed. If the youth is detained by immigration authorities, he or she can ask to be released based on DACA eligibility, and then apply for DACA.



On November 20, 2014, President Obama announced changes to some of the DACA requirements that will allow more undocumented youth to qualify for the program.

A youth can request DACA *now* if he or she:

- Is at least 15 years old at the time of filing his or her request (unless he or she has a case in immigration court, a final order of deportation, or a voluntary departure order);
- Was under the age of 31 as of June 15, 2012 (born after June 15, 1981);
- Came to the United States before his or her 16th birthday;
- Has continuously resided in the United States since June 15, 2007, up to the present time;
- Was physically present in the United States on June 15, 2012, and at the time of making his or her request for DACA;
- Was undocumented on June 15, 2012;
- Is currently in school, has graduated or obtained a certificate of completion from high school, has obtained a general education development (GED) certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- Has not been convicted (as an adult) of a felony, significant misdemeanor, three or more other misdemeanors, and does not otherwise pose a threat to national security or public safety.

There were two main changes announced to DACA on November 20, 2014. The first eliminates the “age cap” that required undocumented youth to have been born after June 15, 1981. This means that undocumented youth cannot be “too old” to request DACA, as long as they meet all the other requirements. The second change allows people to apply for DACA who have been here since January 1, 2010 (instead of June 15, 2007). These changes are currently blocked because of an ongoing court case.

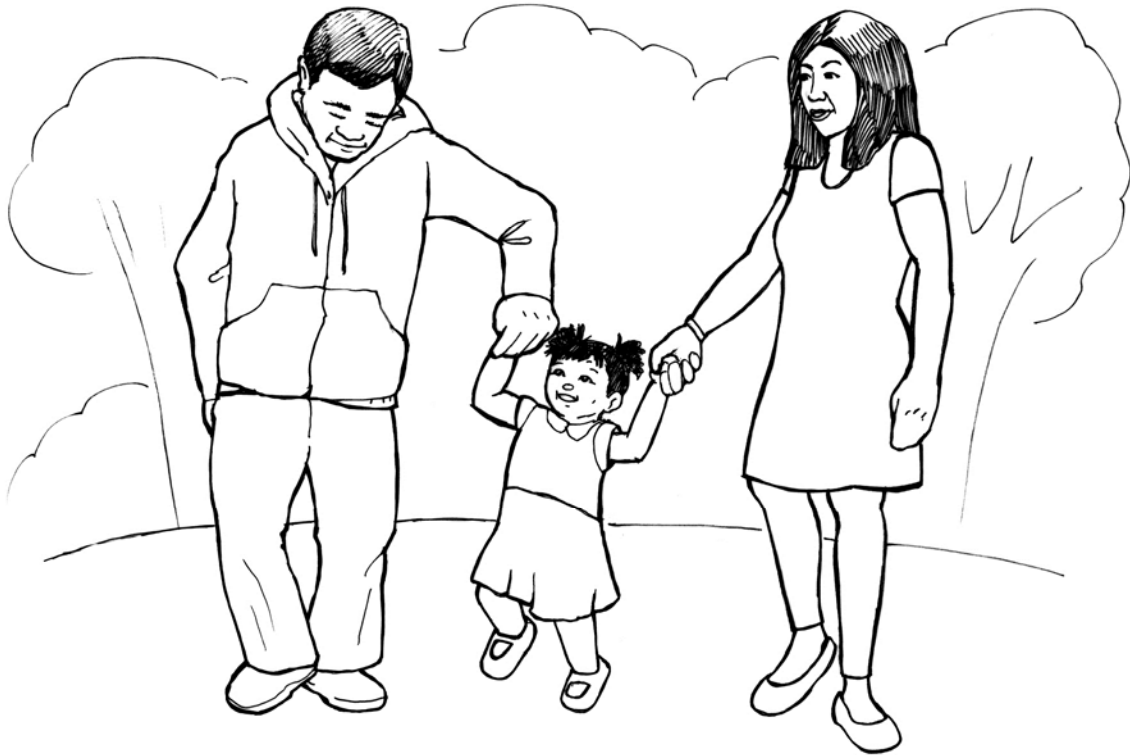
DAPA (Deferred Action for Parents of Americans and Lawful Permanent Residents)

What Is DAPA and What Are the Benefits?

DAPA, also called “Deferred Action for Parents of Americans and Lawful Permanent Residents” is a new program announced by President Obama on November 20, 2014. DAPA protects certain undocumented people from deportation for three years who are parents of U.S. citizens or lawful permanent residents. If you are eligible for DAPA, you can apply to legally work in the United States and apply for a valid social security number.

Who Is Eligible for DAPA?

Undocumented immigrants who are parents of U.S. citizens or lawful permanent residents (green card holders) and have been living in the United States since January 1, 2010, may be eligible for DAPA. An undocumented immigrant can request protection from deportation based on his or her eligibility for DAPA even if immigration is currently trying to deport him or her or, in some cases, even if he or she was already ordered deported or removed. If the person is detained by immigration authorities, he or she can ask to be released based on DAPA eligibility, and then apply for DAPA.



A person can request DAPA if he or she:

1. Is the parent of a U.S. citizen or lawful permanent resident (green card holder), as of November 20, 2014;
 - a. *The son or daughter can be any age, married or unmarried, but must have been born on or before November 20, 2014.*
2. Has lived continuously in the United States since January 1, 2010;
3. Was undocumented on November 20, 2014;
4. Was physically present in the United States on November 20, 2014, and on the date he or she requests DAPA; and
5. Is not considered a priority for immigration enforcement, which means: not convicted (as an adult) of an aggravated felony, a felony, a significant misdemeanor, or three or more other misdemeanors; does not have certain convictions or associations to gangs; does not otherwise pose a threat to national security or public safety; is not a significant visa abuser; is not a recent unlawful border crosser; and does not have a deportation order issued on or after January 1, 2014.

You cannot apply for DAPA yet. The program is currently blocked by an ongoing court case.

To stay informed about this program and the application process, visit: www.uscis.gov/immigrationaction. You can also sign up to receive updates by email at: https://public.govdelivery.com/accounts/USDHSCIS/subscriber/new?topic_id=USDHSCIS_74.

Warning! Once you have been granted DACA or DAPA, immigration authorities can take it away if you commit or are found guilty of certain crimes. For example, an adult conviction for a DUI (driving under the influence) or a felony will not allow you to receive DACA or DAPA, and may also cause you to lose DACA or DAPA. In some cases, you may be taken into custody by immigration authorities if you are convicted after you receive DACA or DAPA.

Involvement with Gangs

Warning! Make sure to talk to an attorney before you apply for any immigration benefit if you think someone such as a school official or police might have put you on a gang list or database for being involved with a gang or for associating with gang members. Some youth are put on a gang list by mistake or even for hanging out with possible gang members. You can be targeted by immigration officials for simply associating with friends or family members that are in a gang. Make sure to talk to an attorney if you have ever been involved in or had ties to a gang, because filing for immigration papers may be risky.

When you talk to an attorney make sure to mention if you:

- Were ever accused of being in a gang or questioned about being part of a gang by police, school staff, immigration, or anyone else
- Were put on a gang list (e.g. by school, the county, police department, etc.) or are named in a gang injunction
- Live in a neighborhood that has a lot of gang activity or have close friends/family members that are part of a gang
- Told immigration officials or police that you are part of a gang
- Were or are involved in any way with a gang
- Were ever arrested, jailed, or appeared in front of a judge in court
- Had or have any gang-related tattoos
- Ever posted anything on social media (e.g. Facebook, Twitter, Instagram, etc.) related to gangs

In addition to hurting your immigration case, gangs can be very dangerous, violent, and carry great consequences for youth that are involved. Gang members risk injury from rival gangs, injury to family members, and even death. Being involved in a gang can also lead to criminal consequences. There are laws that provide for strict penalties for gang-related offenses. Some include larger fines and even longer sentences—15 years or more for gang-related gun crimes, drug sales, and violence.

If you or a friend is involved in a gang, getting out is not impossible. There are things you can do and organizations that can help you get out of a gang. Call the Hopeline (800-442-HOPE): it's open 24 hours a day, seven days a week, and the hotline has people that can speak with you about your situation and help you find local resources to help you leave a gang.

Watch Out for Immigration Scams!

Not everyone who offers immigration services is honest, and you should only go to a legal services provider that you can trust. Choosing someone to help you and your family with immigration papers is a very important decision, and like all important decisions you have to be careful to choose wisely. Don't be fooled by false promises. You could lose your money and potentially be deported from the United States.

There are many different tricks that dishonest immigration consultants, *notarios*, and some lawyers use to make people believe they will get green cards. For example, they may tell you:

- I offer "no risk" immigration.
- I can get U.S. visas for you and your family in a few weeks.
- I can get you a work permit right away.
- I know people at immigration and can get your papers done quickly.

These are lies! Don't trust your immigration situation to anyone who tells you any of these things!

A *notario* is not an attorney in the United States, and is not permitted to give immigration advice! **Only 2 kinds of people are authorized by the U.S. government to give you immigration advice.**

- Attorneys licensed by a state bar, and
- Certain people who work for nonprofit organizations and have been authorized to represent people before the immigration authorities (often called "BIA Accredited Representatives").

Things You Can Do to Protect Yourself from Immigration Scams

- **Never** sign any blank application papers.
- **Never** sign any paper, contract, or immigration form that you do not completely understand. (Get someone you trust to translate it for you.)
- **Always** demand a written contract for any immigration services when you are not working with a recognized agency.
- **Make sure** that you know how much your case will cost from the very beginning.
- **Watch out** for anyone who wants you to pay immediately.
- **Always** get copies of the papers prepared for you.
- **Never** let anyone keep your original documents (example: birth certificates).
- **Get** a receipt for any money you pay. (Make sure it has the amount paid, the date paid, your name, and the name of the person or business that you paid.)
- **Never** work with someone who will not answer your questions, explain things to you, or return your calls. Make sure you understand what must be done, and why, before you go ahead.
- **Get** a second opinion if you're not sure!

Deportation and Other Immigration Problems

When the U.S. government kicks someone out of the United States and forces them to go back to their home country, this is called **deportation** or **removal**.

Who Can Be Deported?

Anyone who is not a U.S. citizen can be deported! This means even people with green cards who have been here since they were babies can be deported. It does not matter if you have lived here your whole life or you cannot speak the language of your home country or you do not know anyone in your home country—if you are not a U.S. citizen, you can be deported.

Why Do People Get Deported?

There are lots of different reasons why people may be deported, only some of which are listed below. Watch out for these!

- Being in the United States without permission (not having papers)
- Saying you're a U.S. citizen when you're not (to vote, to enter the United States, to get a job, or for other reasons)
- Marrying someone just to help them get a green card or so you can get a green card
- Using fake documents
- Drug convictions (including use and possession of marijuana)
- Stealing things
- Violent crimes such as rape, murder, assault, battery
- Domestic violence or violating a protection order
- Gun convictions
- Sex offenses including statutory rape (having sex with someone under 18)



If you are ever arrested for a crime and required to go to court, make sure your public defender or private lawyer knows that you are not a U.S. citizen!! Your lawyer is required to tell you the effect your conviction will have on your immigration status. The lawyer may be able to help you avoid deportation, even if you end up going to jail.

Also, some crimes may make it difficult for you to become a U.S. citizen in the future. It is important for your lawyer to know that you are not yet a U.S. citizen so you can avoid hurting your chances of becoming one later.

Know Your Rights

Who Are Immigration Authorities?

Department of Homeland Security has three different parts: Immigration and Customs Enforcement (ICE), U.S. Citizenship & Immigration Services (USCIS) and Customs and Border Protection (CBP). If you are already within the U.S., you are most likely to come into contact with ICE. If you are near or at the border or an airport, you are most likely to come into contact with CBP. USCIS is the agency that decides immigration applications, like an application for a visa, so you will not come into contact with them unless you apply for an immigration benefit.

If Immigration Authorities Arrest You:

Remain Silent and Do Not Sign Anything!

- Do not answer any questions.
- Do not say anything about where you were born or how you entered the United States. Do not say that you are a U.S. citizen if you are not!
- Do not show any documents, unless you have proof of lawful immigration status. Above all, do not show any false documents!
- Do not sign anything without first talking to a lawyer. You may actually be signing a deportation order, which could result in being deported immediately without a chance to fight your case. Even if officials say you are just signing a “voluntary departure,” beware, this is usually a deportation order!
- Tell the immigration official that you want your hearing in the city closest to where you live where there is an immigration court (so that they do not transfer your case to somewhere far away).

If Immigration Authorities Come to Your Home:

Do Not Open The Door!

You have rights:

- Immigration officials can only come into your home with one of two things, either 1) your permission, or 2) a search warrant. Never open the door or give them permission to enter your home. Ask to see a search warrant. A warrant is a special order signed by a judge. If the officials claim that they have one, do NOT open the door to see it. Ask them to slip it under the door. If the officials do not show you one, you do NOT have to open the door (no matter what they say). If you are shown a warrant, make sure the information about your name and address is correct before letting them in.
- Do not allow the officials to enter your home. If you allow them in, you lose some of your rights.

- Do not sign anything that they give you.
- You have the right to remain silent. Do not say anything, especially about where you were born or your immigration status.
- If the immigration authorities arrest you at your home, follow the advice above about arrests.

If Immigration Authorities come to your workplace:

Do Not Panic!

- Do not run! It is better to remain calm. You can calmly leave an area where immigration authorities have come.
- If you are arrested, follow the advice above about arrests.

Preparing yourself/family for immigration proceedings. *Before you find yourself in one of the situations above, do the following:*

- Find the name of a trustworthy immigration attorney who helps people in immigration court. Always carry around his or her contact information. Make sure the attorney reviews any immigration documents you have and ask the attorney for a written contract before making any payments.
- If you already applied for an immigration benefit or are in deportation proceedings, you will have what’s called an “A number” that will be on all of your immigration-related paperwork. Know your “A number” and leave it in a safe place in your home where your family can find and access it.
- If you have kids of your own in the United States, prepare a document that authorizes an adult to take care of your minor children in case you are picked up by immigration authorities.



Adoption and Your Immigration Status

If you are adopted, you might be able to change your immigration status for the better. The laws are complicated, so talk to a lawyer—but here's some basic information.

If You Are Undocumented

If you are adopted by U.S. citizen or green card holder parents, they can petition for you to become a permanent resident (in other words, get a green card). If one or both of your adoptive parents is a U.S. citizen, the process is much faster. If you are adopted by green card holders, it can take years.

You must meet all of these requirements:

- You are adopted before your 16th birthday. (If the same family adopts your brother or sister earlier, you can be up to age 18 at the time of the adoption.)
- You live with your adopted parent(s) for 2 years (before or after the adoption).
- Your adopted parent(s) have legal custody of you for 2 years (before or after the adoption).

The process will take longer if you are over 21, married, or you come from a country that has signed a certain international treaty called the Hague Convention (because the treaty requires certain additional steps).

If You Already Have a Green Card and Are Adopted

If one or both of your adoptive parents becomes a U.S. citizen, and you are under 18 when adopted, you may automatically become a U.S. citizen too.

If you are over 18 when you are adopted, you can still apply for U.S. citizenship for yourself. You must meet the “normal” requirements—having a green card for 5 years, staying out of trouble with the law for 5 years, etc. See the section entitled “U.S. Citizenship” for more information.



Can You Help Your Birth Parents Get a Green Card or U.S. Citizenship?

Once you are adopted, you cannot help your birth parents for immigration purposes. However, if you legally separate from your adoptive parents and reunite with your birth parents, you might be able to help them. In that case, here's how it works:

If your adoptive parents helped you get an immigration benefit (for example, they helped you get a green card), then you *cannot* help your birth parents.

If you never got any immigration benefit through your adoptive parents, then you *might be able to* help your birth parents. Remember, for this to happen, you must be legally separated from your adoptive parents.

Helping Family Members Get Immigration Status or Come to the United States

You can help family members come to the U.S.—or get immigration status, if they are already here.

To do this, you need to have a green card or be a U.S. citizen. If you have DACA or DAPA, you cannot help your family come here.

- U.S. citizens and green card holders can apply for their spouses (including same-sex spouses) and unmarried children.
- U.S. citizens over 21 can also apply for their married children, parents, and brothers and sisters.

U.S. citizens can bring their spouses or young kids (unmarried and under age 21) fairly quickly. All the other categories may require years of waiting. The number of years depends on the person's country of origin and how the person is related to you.

Also some things like asylum, U visa, T visa, or the VAWA self-petition allow you to help certain family members come here or get papers as well.



If you have Special Immigrant Juvenile Status (SIJS), you can't help your birth parents get papers. For more information on SIJS, see the section entitled "How to get a green card."



Note that your family members will have to show that they don't have any criminal or immigration problems that make them ineligible to get papers.

Having a Child Will Not Help You Get Papers

Kids can only help their parents come to the United States or get a green card if the child is over 21 years old. But if you came to the United States before January 1, 2010 and had a U.S. citizen child on or before November 20, 2014, you may be able to get a temporary work permit. See the section entitled "Deferred Action for Parents of Americans and Lawful Permanent Residents."

WARNING: The process of helping family members get immigration status is complicated, and you could possibly hurt the person you are trying to help, especially if they have a criminal history or past immigration violations. Make sure to talk to a lawyer first.

Immigrants and the U.S. Military

What Is Selective Service?

The Selective Service System is a national database that is used to keep information about men who could be recruited to the military. The U.S. government has not required men to serve in the military since 1973, but men still have to register with the Selective Service.

I'm Not a U.S. Citizen—Do I Still Have to Register for the Selective Service?

If you are a male between the ages of 18 and 26 and you live in the United States, then you must register with Selective Service—even if you are here without papers. In other words, U.S. citizens, green card holders and undocumented men (including DACA recipients) all must register. It's the law. Women and girls do NOT have to register for the Selective Service. Also, men living temporarily in the United States on a valid visa (such as a student visa, work visa, U visa, T visa, or other temporary visa) are NOT required to register.

How Do I Register for the Selective Service?

You can register by filling out a form at any U.S. Post Office or on the Selective Service System website at www.sss.gov. You do not need a social security number to register. The Selective Service does not collect any information to find out what your immigration status is.

What Could Happen if I Don't Register for the Selective Service?

Failing to register for the Selective Service could prevent you from getting federal financial aid for college, a federal job, or federal job training. It could also affect your chances of getting a green card or becoming a U.S. citizen. Failing to register can also (in rare cases) lead to prison time or a big money fine.



Can I Join the Military if I Am Not a U.S. Citizen?

Immigrants with green cards can join the U.S. military if they have lived in the United States. However, jobs in the military are more limited for green card holders than for U.S. citizens because immigrants cannot become commissioned officers or get jobs that require a security clearance. Immigrants who have been granted DACA, temporary protected status, or asylum may also be able to join the military if they have certain language or job skills that the military needs. Undocumented immigrants cannot join the military.

Voting

Who Can Vote?

To vote, you must be 18 years old and a U.S. citizen. This is true everywhere in the United States. Do not try to vote if you are not a U.S. citizen. Doing so could prevent you from getting papers later on.

Some other details vary from state to state. In most states, including California, you can't vote if you are in prison or on parole.

In California, to vote in an election, you need to register at least 15 days beforehand. Once you register, you are covered for all future elections. However, if you move to a new address, you need to re-register.

If You Are Eligible, You Should Register to Vote

Voting is not required by law. However, it is one of the basic rights and responsibilities of U.S. citizenship. If you don't make your voice heard by voting, who else is going to do it for you?

It Is Easy to Register

Voter registration forms are available in schools, libraries, post offices, etc. To get one in the mail, call 1-800-345-VOTE or go to www.registertovote.ca.gov.

You Can Support Any Political Party, or None at All

When you register to vote, you can check a box saying you are a Democrat, Republican, or a member of another party. If you don't support any party in particular, you can also check a box saying you "decline to state a political party."

If you register as a Democrat, you can still vote for Republicans, and vice versa.



If You Are Not a U.S. Citizen, Be Careful to Not Register to Vote Accidentally

As mentioned above, it is easy to register to vote. For example, sometimes you get a voter registration form when you are getting your driver's license. This is nice for U.S. citizens, but sometimes it leads noncitizens to register to vote without realizing what they are doing. *If you are not a U.S. citizen, registering to vote is a serious offense and can lead to your deportation.*

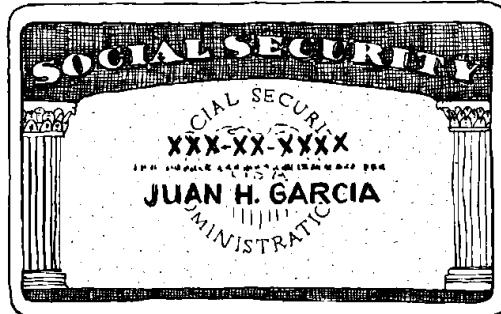
WARNING: If you are not a U.S. citizen, or not 18 years old, do not register and do not vote. Sometimes people do this accidentally and they can get prosecuted and even deported.

Social Security Numbers

What Is a Social Security Number (SSN)?

Your SSN is an important piece of your identity. To work legally, you need an SSN. Many other institutions also use your SSN as an ID number.

Most people born in the United States get an SSN shortly after they are born. If you are older when you apply, you have to show documents proving that you qualify.



Who Can Get an SSN?

U.S. citizens and immigrants who have been granted permission to work can have a legal SSN. If you are not authorized to work, you can apply only if you need an SSN to get a government benefit (such as food stamps, etc.) You must be eligible for the benefit. A driver's license doesn't count as a benefit!

You *Don't* Need an SSN For

- Bank accounts
- Educational tests
- School lunch or low-cost housing
- School
- Certain types of financial aid applications (see section entitled "Going to College" for more information)
- Private health insurance
- Filing taxes
- In CA, a driver's license

Although these programs may ask for an SSN, if you don't have an SSN, just tell them and they can give you another ID number.

If You Can't Get an SSN, You Should Get an Individual Taxpayer Identification Number (ITIN)

Having an ITIN will allow you to pay your taxes, open a bank account, etc. If you are undocumented, applying for an ITIN will *not* get you in trouble with the immigration authorities. To get an ITIN, call 1-800-829-3676 and ask for form W-7.

Warning: It is a crime to use someone else's SSN—don't do it!

Working in the United States

What Do I Need to Work Legally in the United States?

To work legally in the United States, you must:

- be old enough to work,
- have some kind of identification document, and
- have proof that you are eligible to work in the United States.

How Old Do I Have to Be to Work?

If you are 18, you can get any kind of job. If you are 16 or 17, you can only get jobs that are not considered to be hazardous. If you are 14 or 15, you can only get jobs that are not considered to be hazardous and for very limited hours during the school year. Some jobs you can get at any age. They include: delivering newspapers, babysitting in someone's home, performing in television, movie or theatrical productions, and mowing a neighbor's lawn.

What Documents Will I Need to Show to Work Legally?

Once you're hired for a job, you will usually need to fill out a form called an I-9. As part of this form, you will need to provide documentation to show that you can legally work in the United States and documentation to show your identity. Do not say that you are a U.S. citizen if you are not!

Examples of documents that prove both your identity and ability to work in the United States include:

- A U.S. passport
- A foreign passport with a stamp that shows you're a lawful permanent resident
- A green card
- A work permit issued by U.S. Citizenship & Immigration Services (USCIS)



Examples of documents that prove your identity include:

- A California driver's license or ID card
- School ID card with photograph

Examples of documents that prove your ability to work in the United States:

- U.S. social security card (unless it says "not valid for employment" or "valid only with work authorization")
- Original or certified U.S. birth certificate
- A work permit issued by USCIS

Paying Taxes

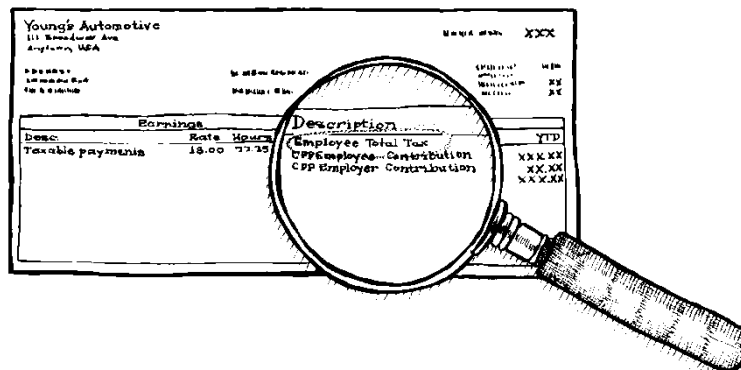
Taxes are the money people must pay to the government for things like public schools, parks, roads, and other services. Taxes can be taken out of your paycheck at the federal, state, and local levels.

Do I Have to Pay Taxes?

Generally, if you are working, you will have to pay taxes, and every year you will have to file paperwork with the government called an income tax return. Only people who make a certain amount of money must pay income taxes. For example, in 2013, you may have only had to pay taxes if you earned more than \$10,000 that year. You have to pay taxes whether or not you have immigration status. Undocumented immigrants are required to pay taxes the same as anyone else. Paying taxes will NOT get you in trouble with the immigration authorities, and in fact could make it much easier for you to get immigration status later if you don't have it already.

If you do not file a tax return or pay your taxes, there could be severe consequences:

- The government could charge you more money.
- You could go to jail.
- It could negatively impact your immigration status, and affect your chances of getting a green card or of becoming a U.S. citizen.



How Do I Pay Taxes if I Don't Have Papers?

If you are working, but do not qualify for a social security number, you should request an Individual Taxpayer Identification Number (ITIN).

ITIN

- You don't need immigration papers to get one.
- The government tax office (also known as the Internal Revenue Service or the "IRS") **will not** give your information to immigration.
- You can use it to pay your taxes.

- It does **not** give you permission to work in the United States legally or provide eligibility for Social Security benefits or other tax-related benefits.
- You **cannot** have both a social security number and an ITIN.

What if I've Been Working, but Haven't Paid Taxes?

If you have a social security number, but you haven't paid your taxes, you should file a tax return right away. You will find out if you owe money, or you will receive a refund if you already paid too much money.

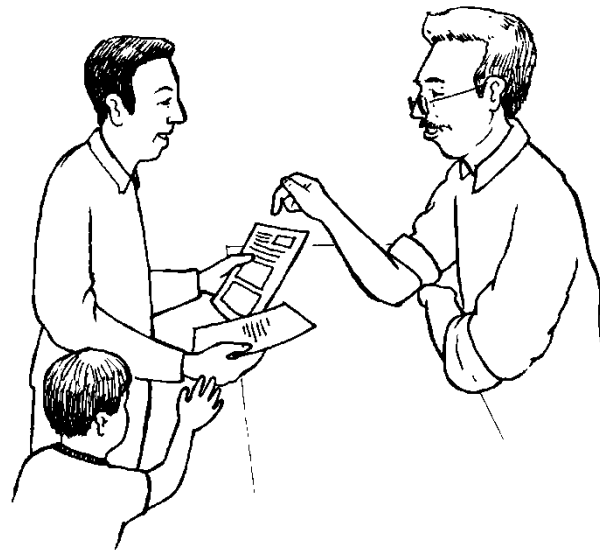
If you don't have papers, you should apply for an ITIN. Then, you will be able to file a tax return for all the previous years. Check with an accountant or tax attorney if you need assistance.

Receiving Public Benefits

The government has many different public benefits programs. Some are run by the state or local government and some are run by the federal government. Some benefits are for people with disabilities or who have been injured at work, and some are for people with low incomes. This section focuses on benefits for low-income people.

If you think you may be eligible for a benefit, be sure to check. Immigrant youth in the foster care system can ask their social workers. Others may want to check with their local legal services agency. Other good resources on immigrant eligibility for public benefits are the materials on the National Immigration Law Center (NILC) website at www.nilc.org.

The information below is specific to California. If you live in another state, some of the information will be the same and some will be different. Even if you live in California, keep in mind that this is just a rough outline of the programs and the rules.



What Kind of Benefit Programs Are There in California?

There are numerous public benefits programs for low-income people who qualify. The more common ones include: **SSI** for people who are seniors, blind or who have a disability; **Cash Assistance Program for Immigrants (CAPI)** in California for certain immigrant seniors and persons with disabilities who can't get SSI; **CalFresh/CFAP (formerly Food Stamps, and also known as Supplemental Nutrition Assistance Program (SNAP))** to buy groceries; **WIC** for pregnant and postpartum mothers and kids under 5 years old to buy nutritious foods; **CalWORKs/TANF** cash aid to families with kids; and **Medi-Cal/Medicaid** for health care.

Who Can Get Benefits in California?

The benefits that California residents can receive depend on their immigration status as well as other eligibility rules. Of course, no matter what, you still need to meet other guidelines—like having a low income.

If you are a U.S. citizen: You are potentially eligible for all of the benefits programs.

If you are a victim of trafficking (being forced to work, being a teen prostitute, etc.): You and your kids are potentially eligible for all of the benefits programs.

Everyone else: It depends on several things. Some programs are available to California residents, regardless of their immigration status; some are available to a broad group of immigrants who are lawfully residing in the U.S.; and some programs are available only to citizens and “qualified” immigrants who meet certain rules.

You are a “qualified immigrant” if:

- You have a green card
- You are a refugee or asylee
- You were granted withholding of removal/deportation
- You are from Cuba or Haiti and meet certain other rules
- You were paroled into the U.S. (and your parole was expected to last at least a year)
- You, your parent, or child were abused by a family member, and have applied for permission to stay in the United States
- You are a survivor of trafficking

Even if you are a “qualified” immigrant, eligibility for some programs depends on when you entered the United States, when you obtained your status, and whether you have a sponsor.

Lastly, even if you are not “qualified,” you may be eligible for other benefits not listed here. For more information on the immigrant eligibility rules in California, see the following NILC webpage: www.nilc.org/benefitsca.html

Getting an ID

It's important to have some sort of identification. You need an ID in many situations, including when opening a bank account or if stopped by the police. If you don't have an ID on you, the police can bring you down to the police station to check your identity—even if you haven't done anything wrong.

The most common form of ID is a driver's license. You can also use a green card, or other documents issued by the U.S. government. If you don't have any of those, consider these two options:

State ID

You can get a state ID card from the Department of Motor Vehicles (also known as the "DMV")—the same people who issue driver's licenses. The DMV generally needs to see the same documents that are required for a driver's license. There is no age limit, and you don't have to take any driving-related tests to get a state ID.



Call the DMV office closest to you to make an appointment. You can't get a state ID over the internet or through the mail.

Matricula Consular for Undocumented People and Legal Residents

Mexico and a number of other countries provide "matriculas consular" to their citizens who are living in the United States. This section will talk about Mexico as an example. The details are similar for other countries that have the matricula.

To get a Mexican matricula, you do not need to show that you have immigration papers; you only need to show that you were born in Mexico and now live here. To prove you are Mexican, you can bring documents like a birth or baptismal certificate, or a Mexican passport (it can be expired). To prove you live here, you can bring things like a student ID or a paycheck from a local company.

Call the consulate from your home country closest to where you live to check on the details of what you need. You could also speak to your consulate about the possibility of applying for a passport from your country of origin.

Not every bank, police department, or other institution recognizes a matricula as a valid ID. However, many do. In some states (including California), you can use a matricula to get a driver's license.

Getting a Driver's License

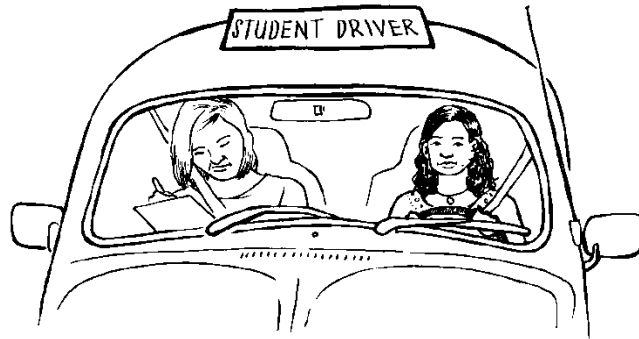
Every state has different driving laws. The following information is for California.

Who Needs to Apply for a License?

If you have a license from another state or country, you can legally drive in California. But people living in California are supposed to get a California license.

If You Are Undocumented, Can You Get a California Driver's License?

As of January 2, 2015, people in California can get a driver's license even if they are undocumented. The license for undocumented people is called an "AB 60 license" after the name of this law.



How to Apply for a License

Please see the DMV website at www.dmv.ca.gov for information in English and Spanish about how undocumented people can apply for a driver's license. In general, you will have to do the following to apply:

1. Provide official identification documents—not copies—that show who you are. This might include a passport, birth certificate, and/or consular ID. See the section entitled "Getting an ID."
2. Show that you live in California. Documents could include leases, bank statements, medical records, school records, utility bills, etc.
3. Pass a vision test, a written test on traffic safety, and a driving test.

If you have any outstanding traffic tickets you should pay them before applying for a license. If you have used false information, such as a fake name or fake social security number, in the past to get a driver's license, you could be referred for criminal prosecution if the DMV thinks that you used that false information for certain bad reasons, like avoiding paying child support or stealing someone's identity. If you used false information in the past solely to get a driver's license, you should be okay.

WARNING: You should talk to an attorney before applying for a driver's license if you are undocumented and:

- have a criminal record (as an adult), or
- have old deportation orders.

Going to College

I Want to Go to College, but I'm Undocumented—Will I Have to Pay More in Tuition?

It depends on the state. California passed legislation called AB 540 that lets undocumented students pay the same in-state tuition as other California students at all of its public colleges and universities. (In many other states, undocumented students must pay out-of-state or foreign student tuition which is much higher.)

If you are undocumented, you may be eligible for in-state tuition in California if you:

- Attended a high school in California for three or more years
- Graduated from high school or acquired a GED
- File an affidavit with your college or university stating that you have or will file an application to fix your immigration status as soon as you are eligible. Most California state colleges and universities have standard affidavits that you just need to sign. The information you provide is confidential and will not be shared with the immigration authorities.
- Are not on a current nonimmigrant visa. This means you do not already have something like a tourist visa or a student visa.

Other States That Let Undocumented Students Pay in-State Tuition

Utah, New York, Oklahoma, Washington, Kansas, Illinois, New Mexico, Nebraska, Texas, Colorado, Minnesota, Oregon, Massachusetts (only for DACA recipients), Connecticut, Maryland, and Rhode Island. The University of Michigan and the University of Hawaii also allow undocumented students to pay in-state tuition at their specific universities.

If I'm Undocumented, Am I Eligible for College Financial Aid?

Undocumented students, including DACA recipients, are not eligible for federal financial aid (FAFSA). However, you may be eligible for state aid. California has the "CA Dream Act" (AB 130 & 131), which allows undocumented students to receive financial aid from the state government and private scholarships. To be eligible for this type of aid in California, you must meet the same requirements listed above for in-state tuition. The CA Dream Act is separate from the federal DREAM Act and doesn't give any type of immigration status to students.



Who Is Eligible to Receive Federal Financial Aid?

To receive federal financial aid, you must be one of the following:

- A U.S. citizen or U.S. national
- A green card holder
- A refugee, asylee, or parolee
- An abused spouse or child of a U.S. citizen or green card holder with a pending or approved immigration application
- A person with a T visa (trafficking survivors)

In addition, you must:

- Have a valid social security number
- Be registered with Selective Service, if required (see section entitled “Immigrants and the U.S. Military” for more information)
- Have a high school diploma or a GED certificate
- Be enrolled or accepted for enrollment as a regular student working toward a degree or certificate
- Be able to show financial need
- NOT have been convicted for certain drug crimes or subject to involuntary civil commitment for a sexual offense

Banking and Credit Cards

Can I Open a Bank Account if I Don't Have a Social Security Number?

Yes, some banks and credit unions will accept an Individual Taxpayer Identification Number (ITIN) instead of a social security number. If you don't have a social security number or an ITIN, the bank may allow you instead to just fill out a form. For all banks, to open a bank account you will also need two forms of identification. Check with the bank first, though, to make sure that they will accept your ITIN or another form if you don't have a social security number.

The Forms of ID That the Bank Will Accept Are:

At least one has to be one of the following:

- Driver's License
- Passport
- State ID
- Military ID
- Matricula Consular
- Green Card

The second one can be one of these:

- Work ID
- School ID
- Credit card
- Debit card from another bank

Warning: *Do not* use a false social security number! If you do, the bank will find out, and it will close your account, return your money, and not let you open another account.

Can I Apply for a Credit Card without a Social Security Number?

It depends on the credit card company. Some will accept an ITIN, and most offer a "prepaid" credit card in which you deposit the money first and use it as your credit limit. These cards are mainly for establishing credit for people who don't have any credit history or have bad credit.

Be careful with credit cards! It is very easy to accumulate debt, and can be very hard to get out of it. Credit cards usually have very high interest rates and high fees for late payments and for going over your limit. This means you may end up owing much more money to the credit card company than you ever charged on the credit card! It is very important to understand how credit cards work, and to pay them off

every month. Beware of unfamiliar credit card companies and those that offer “great deals”—these deals are usually temporary and involve a catch.

