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 and TPS; see the bottom of this page for information on those.

People with green cards are often called “LPR’s” (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.”

<table>
<thead>
<tr>
<th>Document</th>
<th>U.S. Citizen</th>
<th>Green card holder (permanent resident)</th>
<th>Undocumented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Can you be deported?</td>
<td>No</td>
<td>Yes, if you break certain laws</td>
<td>Yes, at any time</td>
</tr>
<tr>
<td>Can you legally work?</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Can you vote?</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Do you have the right to education?</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes (but you can't get in-state college tuition in many states)</td>
</tr>
<tr>
<td>Can you get financial aid for college?</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Can you get a driver’s license and social security number?</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Can you help family members immigrate/get papers?</td>
<td>Yes</td>
<td>Yes, but with restrictions (you can help fewer people, and the waits are longer)</td>
<td>No</td>
</tr>
<tr>
<td>Can you travel outside the U.S.?</td>
<td>Yes – no restrictions</td>
<td>Yes, but not for long periods</td>
<td>If you leave, you can't legally return</td>
</tr>
</tbody>
</table>

OTHER IMMIGRATION CATEGORIES

Special Immigrant Juvenile Status: This category is for foster youth; it allows you to stay in the country, work, and eventually get a green card. You must be separated from your parents due to problems at home. If you are in foster care and are undocumented, you should try to apply for this. For more information, see the section titled “How to get a green card.”

Refugee / Asylee: In your home country, you were threatened due to your family’s religion, political views, etc. You can live and work in the U.S.

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.
9 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 some places, police will hand your name over to immigration authorities. In many places, the police will not do that – but if you commit a crime, that will make it harder to get legal status in the future.

3. If you are charged with a crime, make sure your lawyer knows your immigration status. That 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. See the section “How to get a green card” for more info.

6. If you’re male, register for the “Selective Service” when you turn 18. The immigration police 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 “How to get a green card.”

8. Having a child will not help you become legal. Some people believe this, but it is not true. A child can only help its parent get papers if the child is over 21 years old.

9. Do not lie and say you are a U.S. citizen when you are not. This could hurt your chances of ever getting a green card or get you deported.
HOW TO GET A GREEN CARD  
(IF YOU’RE 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 have a lawyer who doesn’t know immigration law, ask for a new one.

If you are in foster care:

Ask your social worker and 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 and lawyer.

To be eligible for SIJS, there are some requirements, which must be accepted by a judge.

- You can’t be reunited with either 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.
- You must be under 21 years old and unmarried. (You can have kids of your own.)
- 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 come to the United States later.

You cannot get SIJS once you are emancipated or married. Also, you can hurt your chances if you commit crimes or lie about your immigration status.

If a family member is a U.S. citizen or has a green card:

They might be able to help you get your papers. If they have a green card, the relative must be your husband, wife, or parent. If they are a U.S. citizen, they can also be your brother or sister (as long as they are over 21). Note that aunts, uncles, etc. can’t help you.
If you are working, you should pay taxes. Immigration authorities will not see your tax information.

Paying taxes now will improve your chances of becoming legal in the future. By law, your tax info is not shared with the immigration police. You will need an Individual Tax Identification Number (ITIN); to get one, call 1-800-829-3676 and ask for form W-7.

WARNING: Having a child will not help you get papers! For a child to help its parent, the child must be at least 21 years old.

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:

Once 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.)
- 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).
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 feel like you’ve 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 almost any other reason)
- Marrying someone just to help them get a green card or so you can get a green card
- Drug convictions
- 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 who is under 18)
- Prostitution

If you are ever arrested for a crime and required to go to court, make sure your public defender knows that you are not a U.S. citizen!! They 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 public defender 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

REMAIN SILENT!

If the Immigration Service arrests you:
• Do not answer any questions.
• Do not say anything about where you were born or how you entered the United States.
• Do not show any documents, except a letter from a lawyer. Above all, do not show any false documents!
• Do not sign anything, especially an Order of Voluntary Departure, without first talking to a lawyer.
• Should tell the Immigration Service 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).

DO NOT OPEN THE DOOR!

If the Immigration Service comes to your home:
• Ask to see a Search Warrant. If the official does not show you one, you do not have to open the door.
• Do not sign anything, especially an Order of Voluntary Departure, without first talking to a lawyer.
• Do not answer questions. Do not tell them anything about where you were born or how you came to the United States.
• Do not show any documents if the officials do not show you a Search Warrant.
• Do not allow the official to enter your home. If you allow them in, you lose some of your rights.

DO NOT PANIC!

If the Immigration Service comes to your workplace:
• Do not run! It is better to remain calm. You can calmly leave an area where the Immigration Service has come.
**IMMIGRANTS AND THE U.S. MILITARY**

**What is Selective Service?**

The Selective Service System is used to keep information about men who could be recruited into the military. The U.S. government has not required men to serve in the military since 1973.

**I’m not a U.S. citizen. Do I still have to register for the Selective Service?**

If you are a man 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 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 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](http://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 lead to prison time or a big money fine – but this is really rare.

**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 a residence 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. Undocumented immigrants cannot join the military.
SOCIAL SECURITY NUMBERS

What is a Social Security Number (SSN)?

To work legally, you need an SSN. Many other organizations also use your SSN as an ID number.

Most people born in the United States get a SSN when they are born.

Who can get an SSN?

U.S. citizens, and immigrants who are legal to work, can have a legal SSN.

You don’t need an SSN to apply for...

* A bank account * Educational tests * School lunch or low-cost housing
* School * Private health insurance

These things usually use your SSN to identify you. However, if you don’t have an SSN, just tell them and they can give you another ID number. For a bank, you will need an ITIN. (See below.)

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 police.

To get an ITIN, call 1-800-829-3676 and ask for form W-7.
Paying Taxes

What are 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 incomes taxes. For example, in 2006, you may have only had to pay taxes if you earned more than $5,150 that year. You have to pay taxes whether or not you have immigration papers. Undocumented immigrants are required to pay taxes the same as anyone else. Paying taxes will NOT get you in trouble with the immigration police, 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.
Can I open a bank account if I don’t have a Social Security Number?

Yes, most banks 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 to instead 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 they 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.
Airport Travel Tips

Dress nicely and smartly.

Avoid any fancy metallic-embedded clothing that might set off detectors and subject you to a strip-search.

Ideally, do a web-check in 24 hours ahead of time so you don’t have to stand in line.

There are 3 checkpoints

1- A TSA agent that checks your valid government-issued photo ID and flight ticket. If you are a student you can fly with your student ID, but if you are over 18 be ready with your government-issued passport in case they ask for a second form of ID. TSA is not immigration and not supposed to look for a visa but they have time to waste sometimes. It also makes sense for this reason to fly during heavy traffic hours.

Open up your passport to the valid ID page so the agent doesn’t have to flip through the passport and see any expired visas. They usually do not check for a visa of any sort, even on foreign passports. DO NOT EVER answer immigration questions that may reveal your status. You have a right to a lawyer if you are detained.

(If you are flying with checked-in bag that would be your first checkpoint—checking in the baggage. Airlines now charge $25 for this. If you have a short itinerary, skip the checked baggage and simply get two small carry-on items on the airplane like a backpack and a laptop bag).

2- Then you will move on to the main security checkpoint where you are subjected to a metal detector search.

You do not need your ID for this checkpoint but just a boarding pass.

After smiling nicely and speaking politely to the first TSA agent, prepare to take some empty tubs and take off your shoes, watch, belt, cell phone and anything else that may set off metal detectors. Laptops, electronic items such as video games and toiletry bags must be taken out of bags and screened separately in a tub. Toiletries should be in a separate clear ziplock bag with your liquids separated. Water bottles and food items from outside would probably be trashed but you can buy food at the gates (last checkpoint) to take on the plane trip.
It goes without saying that after passing the second checkpoint; you should gather all belongings and head to camp out in your gate.

3- And finally, handing over your airline ticket to the agent at the gate, you do not need to show your ID at this point.

On the plane you’ll get a complimentary beverage. Snacks are $$.