

FIRST STEPS

An LIRS Guide for Refugees,
Asylum Seekers, and Migrants
Released from Detention

ANGELA EDMAN



LIRS

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LIRS

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DEDICATION

"This guide is dedicated to those who have fled persecution, torture, and violations of basic human rights and dignity. To the countless refugees, asylum seekers, survivors of torture and persecution, and migrants who have exercised courage most humans will never be able to comprehend: may you find safety, the freedom to direct your own lives, and a spirit of welcome here in America."

—*Angela Edman, LIRS Staff Attorney*

"To all the survivors out there, I want them to know that we are stronger and more resilient than we ever knew. We survived, that should be enough but it isn't. We must work hard to become whole again, to fill our soul with love and inspiration, to live the life that was intended for us before it was disrupted by war and horrors, and help rebuild a world that is better than the one we had just left."

—*Loung Ung, Cambodian-American Human Rights Activist*

Started by Lutheran congregations in 1939, Lutheran Immigration and Refugee Service (LIRS) is a national organization walking with migrants and refugees through ministries of service and justice, transforming U.S. communities by ensuring that newcomers are not only self-sufficient but also become connected and contributing members of their adopted communities in the United States.



PREFACE

By Selena Besirevic

Home. It takes only four letters to write the word, but for some, it takes a lifetime to find its meaning. The word has caused me, as a former refugee, much pain, confusion, and uncertainty. When I finally found its meaning, I found peace. Home for me was Bosnia and Herzegovina. The bloody aggression and genocide inflicted upon Bosnia in the 1990s forced me and my family to run to save our lives. America opened its doors and welcomed us to its shores. With LIRS's help, we got back on our feet. My journey, as you will find with any former refugee, has been nothing short of interesting.

When my parents, older brother, and I resettled to America in 1995, I was 13 years old. We not only experienced culture shock, but we also did not know where to go from there. Lutheran church volunteers did all they could to help us, but we didn't know many of the basic steps we needed to take to begin our new lives. We didn't have a guide or a step-by-step explanation of how to build our future in a new country. My parents, who are chemical engineers and are well-educated people, felt helpless and unable to guide their two teenage children out of this confusing time.


We encountered many roadblocks; some were presented by life itself, and some by people who did not accept us. Only through true resilience did we overcome these obstacles and gain the ability to call America our home. My fellow migrants: you too will

encounter obstacles and people who will not accept you. You will be judged by the community, as well as by people who come from the same place as you. This is inescapable. You must remember one thing: you are in America now, where the only person who can stand in your way is you. Other roadblocks and people can stop you only if you let them. That is the beauty of this country. You have the freedom to shape your own life and build your own future.

Be proud of where you come from. Respect your culture and remember your heritage. Then take all of that pride and respect and use it to move forward in this great country. Do not miss opportunities by remaining stuck in the past and the "what-ifs." When I let go of my past, my present came to light and suddenly, I had a future.

I wish that my family and I had a guide like First Steps to tell us how to move forward and take advantage of America's great opportunities; what benefits were available to us; where we could turn for help and find legal, social, medical, and community resources; and what important laws and procedures we needed to understand and utilize. I am certain if we had, we would have started calling this country "home" much sooner, and spent fewer years living in uncertainty. We spent enough time living in uncertainty and darkness in our birth countries, and no one should have to live that way here too.

Finally, just as it is important to be proud of where you come from, it is also important to feel American. It does not mean you are forgetting your heritage; it simply means you have a place you can once again call home. We come from a place where other people got to write our books of life and dictate our faith. America is giving you a chance to start over, a chance to write your own book of life. I am still writing mine; it includes all my mistakes, all my regrets, all my successes; but it's MINE. From this day forward, start writing the chapters of your book of life. I hope First Steps can be part of your first chapter, and will guide you to a place where you will no longer feel like a refugee, but a person who can smile and say, "I am home."



Selena Besirevic is a former refugee from Bosnia and Herzegovina, and arrived in the U.S. in 1995. She earned her law degree, and is now a practicing attorney in Denver, Colorado. Selena has been a leader in LIRS's Refugee Academy, an opportunity for former refugees to build advocacy, community organizing, and leadership skills. She hopes to use her experience as a refugee and her law degree to help others like her.

WELCOME

Lutheran Immigration and Refugee Service (LIRS) has created this guide to assist the newest Americans, as well as those assisting others on their journeys to safety and permanence. If you have recently been released from immigration detention, this guide will help you find support and assistance while you build a new life in the United States (U.S.). If you fled from your home country to seek protection in the U.S., this guide will help you find legal and community support during the final part of your journey to safety. If you are a lawyer, case manager, or provide other services to newcomers, this guide will provide information that will empower your clients to understand and access their rights.

This guide aims to provide information and resources to help you make your way from your home country--possibly through immigration detention--to a situation of safety and security in the U.S. It includes important information on your rights, responsibilities, and eligibility for basic services and benefits such

as healthcare, education, and other necessities. It also provides information on community and cultural groups that will help you feel more at home in America. This guide has many details, so if you do not understand something, take it to your lawyer or case manager, and ask them to explain it to you.

This version of First Steps is an update to the main volume, first published in 2014. This guide provides information about rights, responsibilities, services, and benefits in general, and it provides specific information for those who fled to the U.S. to escape persecution or torture in their home countries, including: refugees, asylees, asylum-seekers, and those seeking withholding of removal or protection under the Convention Against Torture. More information on statuses, and how to obtain information for those holding or seeking other statuses, can be found in [Chapter 2](#).

Please note that this guide provides information about the law; however, you should always consult with a lawyer if you have legal questions. Do not rely on this guide instead of seeking legal advice. [Chapter 3](#) includes information about how to find a lawyer. Be sure to ask a lawyer or a resettlement agency for help with your questions, especially if your case is still pending and even if you have already won your case.

This guide also lists many telephone numbers and websites to help you. The final section provides a list of websites of resettlement agencies for refugees, torture-treatment programs, immigration legal services providers, and more. The information in this guide may change, but these websites will contain the most current contact information for these organizations.

It is important to know that the U.S. immigration system is always changing. The Department of Homeland Security (DHS) is the federal agency that oversees immigration. Within DHS, U.S. Citizenship and Immigration Services (USCIS) is in charge of immigration benefits and services; Immigration and Customs Enforcement (ICE) enforces immigration laws within the U.S., and Customs and Border Protection (CBP) enforces immigration laws at the border. The Executive Office of Immigration Review (EOIR) is within the Department of Justice (DOJ) and is in charge of the

immigration court system. Call the phone numbers or go to the websites provided to get current information

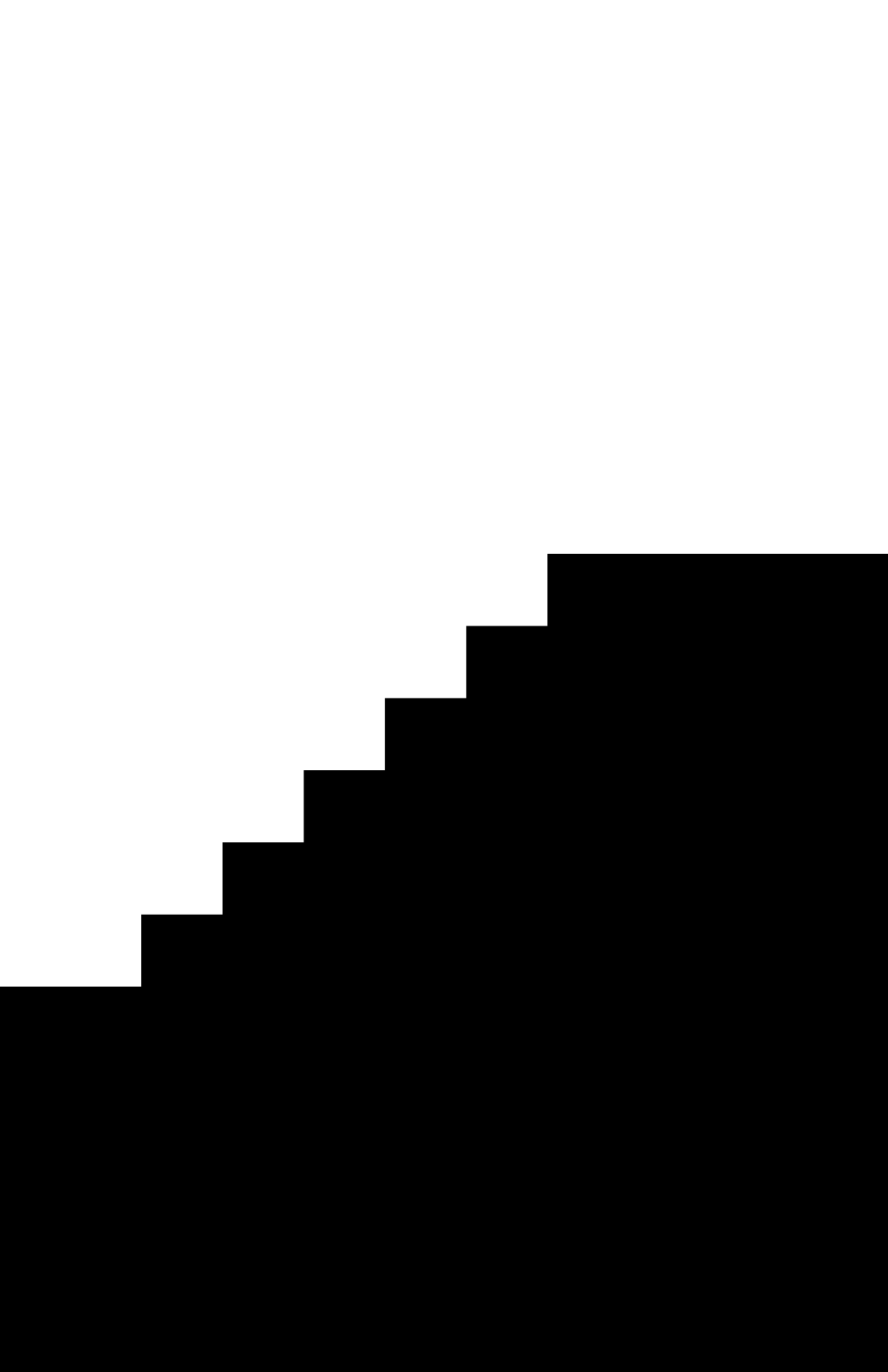
If you are a provider of legal, social, medical, or community services, please utilize this guide to help your clients find more detailed information and resources. Please also share with other service providers.

If you are a church or faith-based organization, please use this guide to help migrants you serve understand their rights. Please share the link to this guide with other churches and religious groups, ethnic community groups, and organizations in your communities and networks, particularly those which attract asylum-seekers and migrants. Please also assist us in distributing the link to homeless shelters, colleges, and other institutions or organizations in your communities that may attract asylum-seekers and migrants.

First Steps is available online at www.lirs.org/first-steps. It was accurate as of December 2018, but note that the accuracy of this information may change over time. Please see the website for updates.

We hope that you will find First Steps useful and share it with others. Be patient and persistent if you currently have or will have an immigration application or pending court case. The U.S. immigration system is often slow and confusing, and this book will help you find the information you need. Good luck!

First Steps is available online at www.lirs.org/first-steps. It was accurate as of December 2018, but note that the accuracy of this information may change over time. Please see the website for updates.



CONTENTS

Section One: Introduction and Important Information

[Chapter 1: Important General Tips](#) 17

Section Two: Legal Rights and Responsibilities

[Chapter 2: Immigrants Covered in this Guide.....](#) 27

[Chapter 3: Legal Services and Immigration Court](#) 37

[Chapter 4: What are the Immigration Consequences of Criminal Convictions?.....](#) 45

[Chapter 5: What are Your Rights If You Have Been Arrested? ..](#) 53

[Chapter 6: How to Get Your Personal Property After You Are Released From Detention.....](#) 61

[Chapter 7: Case Status and Proof of Status](#) 65

[Chapter 8: What You Must Do When You Change Your Address](#) 71

[Chapter 9: How to Reunite Your Family](#) 75

Chapter 10: How to Get Your Green Card (Adjustment of Status)	79
Chapter 11: How to Become a U.S. Citizen	87
Chapter 12: Traveling Outside of the United States	99
Chapter 13: Voting, the Selective Service Requirement, and Joining the Military	105
Chapter 14: Right to Work	109

Section Three: Basic Services and Needs

Chapter 15: How to Get a Work Permit: Employment Authorization Document (EAD)	113
Chapter 16: How to Get a Social Security Number	125
Chapter 17: How to Get a State ID Card	133
Chapter 18: How to Get Public Benefits and Financial Support	137
Chapter 19: How to Access Health Care	157
Chapter 20: How to Access Housing	173
Chapter 21: How to Access Education and Childcare	179

Section Four: Integration, Interpersonal Connections, and Community Support

Chapter 22: How to Keep Your Money Safe and Make It Grow	187
Chapter 23: How to Get Emotional Support	197
Chapter 24: Religious, Cultural and Community Groups	203
Chapter 25: Important Phone Numbers and Websites	207

Glossary	217
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Important Deadline: If you were granted asylum, refugee status, or Special Immigrant Visa (SIV) status, in the last 90 days and are not yet participating in the Voluntary Agencies Matching Grant program, please see Chapter 18: How to Get Public Benefits and Financial Support first. This opportunity to sign up for this valuable help expires after just 90 days!

SECTION ONE

INTRODUCTION AND IMPORTANT INFORMATION

CHAPTER ONE

**Introduction
and Important
Information**

There is a glossary and list of acronyms at the end of First Steps, which will explain some of the words and abbreviations used in this guide.

Ask for Help

If you have questions about anything, ask someone you trust for help. This might be a family member, a close friend, your lawyer, your case manager, or your religious leader.

What to Do in an Emergency

An emergency includes any situation that poses an immediate threat to someone's life, physical health, or personal property. First, dial "911." The operator who answers will ask you for information about the emergency. The operator will then contact the fire department, police, or medical professionals to help you. You will not need to give your name or any personal information when you call about an emergency. You will only need to give the address where the emergency is happening.

Poison Control

Many things in your home can be poisonous if swallowed. These include cleaning products, medicine, paint, alcohol, cosmetics, and even some plants. Keep these things away from young children. If someone swallows a poisonous substance, call Poison Control right away at 1.800.222.1222. You will be connected to a local poison control center, which can help 24 hours a day, seven days a week. If possible, have the poisonous substance with you when you call so you can tell the operator what it is. If you do not speak English, tell the operator so an interpreter can help you. Calls to poison control centers are confidential and free.

Privacy and Identity Safety

Important! Your social security number, identification documents, financial records and court records are private. Only share these documents with people you trust, and/or a professional who is working directly on your case.

How to Make a Phone Call

You can find a list of important phone numbers in [Chapter 25](#), “Important Phone Numbers and Websites.”

- A phone number is ten digits; for example, 123.456.7890. The first three digits are the area code. The area code tells you where in the country the person is calling from. If you are calling from a landline (not a mobile phone) and are in a different area code than the number you are calling, you will likely need to dial a “1” before the 10-digit number. When using a mobile phone, just dial the ten digits, no matter where you are calling in the U.S. Ask someone how the phone system works in your area.
- Toll-free phone numbers do not cost anything. The person you are calling pays the charges. Numbers that begin with area codes 1.800, 1.888, 1.877, 1.866, or 1.855 are all toll-free.
- Collect calls are also free, but only if the person you are calling agrees to pay for the call. To make a collect call, dial “0” before the area code instead of “1” (for example, 0.123.456.7890). The operator will ask you for your name and will ask the person you are calling if they are willing to accept the call (and pay the charge).
- To find a phone number, you can often search online by typing in the name of the organization or business you are looking for in a search engine. You may also look in a phone book called the White Pages for people or Yellow Pages for businesses. The local phone company provides phone books to each home, business, and public library. If you cannot find a phone book, you can call 411 for help, but you may be charged for the call. You can also go online to www.whitepages.com or www.yellowpages.com.

Connecting with Others

As you meet new people, you may wish to reach out to them in the future.

- You can ask them for their business card. A business card is a piece of paper with a person’s name, email address and phone number.
- You should ask them if it is okay to text them at that number. If your mobile phone allows free texting, this is a typical way to communicate.
- You may also wish to set up your own email address. See how and where to do this in the “Public Library” section below.
- Appointments are the way many people and businesses in the U.S. make plans. You will agree on a time and place to meet. Be on time for all appointments. If you think you might be even five minutes late, call or text the person you are going to meet right away. This shows respect to the person, and it will also help them respect you.

How to Send Mail

Post offices are places to send and receive mail. Ask someone where the nearest post office is. You will use the post office to send many of the important forms discussed in this guide. Be sure to always request a return receipt when you send out your immigration forms. A return receipt will cost a small fee, but it assures that you will receive a postcard in the mail as proof that the government official received your mail. Keep this postcard with your other important documents.

At the post office, you can also pay to have a post office (P.O.) box, where you can receive mail if you do not have a stable home address.

Public Library

Public libraries are helpful resources. They have a wide collection of books, movies, newspapers, and magazines. All materials are free and available for everyone to use while in the library. If you would like to borrow a resource, or take it home for a few days, you must apply for a free library card. Generally, to be eligible for a library card you must show proof that you live in or own property in the state where the library is located. To apply you must show

identification with your name, signature, and current address, but most libraries will accept a combination of documents, including a valid driver's license, valid state identification, passport, utility bill or lease document dated within the past thirty days, current employee identification, etc. Ask your local librarian for more details, as every library is different, but nearly all librarians are eager to help.

Libraries often offer community classes and literacy programs. Many also offer free computer and internet access. If you do not have an email account, go to one of the following websites to set one up: www.yahoo.com, www.gmail.com, or www.hotmail.com. The library staff can help show you how to use the computer and the internet. Ask your library for a complete list of programs and classes that it offers.

Parks & Recreation

Local parks provide picnic areas, playgrounds, and sports fields to the public. Many parks have regulations about what visitors can and cannot do. Some parks are free, but others charge an admission fee. Parks are a great place to get exercise and a great way to get out of your home.

Religious Organizations and Community Centers

Visiting religious organizations and community centers is a great way to meet people in your community, to make connections, and to learn about resources available in your neighborhood. Use the phone book or internet to research local centers, or ask your neighbors or library staff. See [Chapter 24](#), "Religious, Cultural, and Community Groups," for more resources.

Important Federal Government Agencies

Immigration benefits, such as permission to remain and work in the U.S., are provided by the U.S. Citizenship and Immigration Services (USCIS) and the immigration courts, or Executive Office of Immigration Review (EOIR). USCIS and EOIR are U.S. government agencies. Applying for immigration benefits can be difficult, and

not everyone who applies for the benefits will receive them. Many legal service agencies and law firms have immigration experts who can help you decide whether you qualify for benefits. If you qualify, the experts can help you complete the forms. Work with immigration experts whenever possible. See [Chapter 3](#), “Legal Services and Immigration Court,” for more information.

These government websites may be useful:

- U.S. Citizenship and Immigration Services (USCIS): www.uscis.gov
- Office of Refugee Resettlement (ORR): www.acf.hhs.gov/programs/orr
- Social Security Administration (SSA): www.ssa.gov

Obeying the Law

There can be very serious consequences if you are caught breaking the law in the U.S. Not only can you go to jail, but many crimes in the U.S. that may not seem serious can also get you deported. Some acts that are not illegal in other countries may be illegal in the U.S. Examples of illegal acts in the U.S. include physically harming a child or spouse, following someone who does not want to be followed, or having sexual interactions with a person under the age of 18 if you are older. If you are not sure if something is legal, ask! [Chapter 4](#) includes more about how your immigration case and status can be affected by criminal activity.

Important:

Keep with you at all times the name and phone number of an immigration lawyer who can help you. If you need to find a lawyer, check the following websites or call one of the following phone numbers:

Immigration Advocates Network (IAN)

www.immigrationadvocates.org/nonprofit/legaldirectory/

Asylum Seeker Advocacy Project

www.asylumadvocacy.org/resources/

National Lawyers Guild, National Immigration Project

www.nationalimmigrationproject.org/find.html

617.227.9727

AILA (American Immigration Lawyers Association) Immigration Lawyer Referral Service

www.ailalawyer.com

202.216.2400

EOIR Free Legal Service Provider List

www.justice.gov/eoir/probono/states.htm

(search by state)



SECTION TWO

LEGAL RIGHTS AND RESPONSIBILITIES

CHAPTER TWO

Immigration Statuses Covered in This Guide

Refugees, Asylees, Asylum Seekers, SIV holders, Withholding of Removal, Withholding under the Convention Against Torture (CAT), and Deferral under CAT

This guide contains information specific to two general groups of people fleeing persecution or torture in their home countries:

1. Those who have sought protection from persecution and have already been granted status as a refugee or asylee
2. Those who are currently seeking asylum (“asylum-seekers”)

Important Note:

This guide also contains specific information for those who have been granted or who seek “withholding of removal,” and those who have been granted or who seek protection under the Convention Against Torture (CAT). This is because “withholding of removal” is a lesser form of protection that asylum seekers can--and generally should--apply for at the same time they seek asylum to increase their protection options. Similarly, asylum-seekers who have experienced torture should also apply for protection under CAT while applying for asylum.

More information about these groups is listed below. Specific information for each of these statuses is included in the chapters that cover topics related to rights or benefits specific to status.

Important Note:

This guide contains information for migrants in any status (or without any status at all), so if you do not fit into a category, you can still use this guide for information.

What is a Refugee?

You are a refugee if you cannot return to your home country because you have suffered persecution or have a well-founded fear of future persecution based on your race, religion, nationality, political opinion, or membership in a particular social group. Your government must also be unwilling or unable to protect you.

In this guide, the term “refugee” refers to those who have already proven this fear and had their status as refugee determined, either in another country by the United Nations High Commissioner for Refugees (UNHCR) or by another international organization and the United States government. Refugees have already been resettled in the U.S. Refugees can eventually become U.S. citizens, and have many rights and access to benefits, which are explained in detail later in this guide.

What is an Asylee?

Like a refugee, you are an asylee if the government has officially determined that you cannot return to your home country because of past persecution or a well-founded fear of future persecution based on race, religion, nationality, political opinion, or membership in a particular social group. Your government must also be unwilling or unable to protect you.

In this guide, the term “asylee” refers to those who have had their status approved in the U.S., either by an asylum officer at USCIS (U.S. Citizenship and Immigration Services), an immigration judge in immigration court, or the Board of Immigration Appeals upon appeal. In contrast, refugees have been resettled after having their status approved abroad.

Asylees can eventually become U.S. citizens, and have many rights and access to benefits, which are also explained in detail later in this guide.

What is an Asylum-Seeker?

You are an asylum-seeker if you have: (1) applied for asylum, (2) indicated a plan to apply for asylum, or (3) indicated an intent

to apply for withholding of removal (WOR). Asylum is a form of protection available to people who meet the definition of a refugee, but are already in the U.S. If you are applying for asylum, you must prove that you have suffered past persecution or are in fear of future persecution in your home country because of your race, religion, nationality, political opinion, or membership in a particular social group.

You can apply “affirmatively” with USCIS only if you came into the U.S. legally on another type of visa, or were paroled at a point of entry and are not in removal proceedings in court. You will submit an application and be interviewed by an asylum officer from USCIS. You must apply “defensively” with an immigration judge in immigration court if you are in removal proceedings, either because you entered the U.S. without a valid visa (and were likely placed in immigration detention until passing a credible fear interview, discussed below), or because you were arrested for a crime or your immigration status expired.

To apply for asylum, you must file Form I-589, Application for Asylum and for Withholding of Removal, located at: www.uscis.gov/i-589. You will answer questions about your identity, history, family, and list reasons why you left your country. You will also write a “personal declaration” that focuses on why you left your country and why you fear returning. The declaration also shows how you fit into the definition of a refugee. You will be asked to provide evidence or documentation of your identity and the persecution you have suffered or that you fear.

It is highly recommended that you consult an immigration attorney for help applying for asylum. The application process is very complicated, and your chances of success are much higher with an immigration attorney. This is especially true if you have an arrest or criminal record. If you need to find a lawyer, check the following websites or call one of the following phone numbers:

- **Immigration Advocates Network (IAN)**
www.immigrationadvocates.org/nonprofit/legaldirectory/

- **Asylum Seeker Advocacy Project**
www.asylumadvocacy.org/resources/
- **National Lawyers Guild, National Immigration Project**
www.nationalimmigrationproject.org/find.html
617.227.9727
- **AILA (American Immigration Lawyers Association) Immigration Lawyer Referral Service**
www.aialawyer.com
202.216.2400
- **EOIR Free Legal Service Provider List:**
www.justice.gov/eoir/probono/states.htm (search by state)
- If you are a detained asylum-seeker, you can also call the toll-free number for UNHCR for a list of attorneys and other resources. Dial #566 within detention facilities.

If you cannot find a lawyer, please see the Florence Immigrant and Refugee Rights Project's guide on how to apply for asylum, at: www.firrp.org/media/Asylum_WOR_CAT-Guide-2013.pdf. UNHCR also provides updated resources at help.unhcr.org/usa/.

Immigration Detention for Asylum-Seekers and Credible/Reasonable Fear Interviews

Unless you entered the U.S. on a valid visa, you were likely arrested at the border or a port of entry to the U.S. and placed in immigration detention to wait for a "credible fear interview" (CFI). An asylum officer likely asked basic questions to determine whether or not you have a real fear of being persecuted if returned to your home country. If you were previously removed and came back to the U.S., were ordered removed but never left, or were convicted of an aggravated felony, you will undergo a similar process called a "reasonable fear interview" (RFI), but you must wait longer for that.

Those who pass the CFI or RFI interview must then apply for asylum "defensively" in immigration court. It is important to remember that asylum-seekers who pass their interview have not

been granted asylum; they have simply been given the chance to apply for asylum and are still in removal proceedings.

If you do not pass your CFI or RFI, you may appeal to an immigration judge. Immigration judges work for the EOIR, which is part of the Department of Justice. If the judge disagrees with the asylum officer and decides there is the possibility of persecution upon return to your home country, you will be allowed to proceed with your application. If the judge decides that you do not have a credible or reasonable fear of persecution, you will be returned to immigration officials for removal. There is no appeal of the immigration judge's decision on your CFI or RFI.

If you were arrested while entering the U.S. at a port of entry and passed your interview, you may request to be released "on parole," which means you are asking the government to release you from detention while your immigration case goes forward. You must have identification documents, and you must show immigration authorities that you have a sponsor or tie in the community who will agree to provide food and shelter if you are released. You must demonstrate that you will show up to all your immigration hearings in court and that you are not a danger to the community. Unfortunately, there is no way to appeal a negative parole decision. If you have been detained for longer than six months, however, contact an immigration attorney.

If you were arrested somewhere other than a port of entry to the U.S., have not been convicted of certain crimes, and passed your credible or reasonable fear interview, you may request to be released "on bond." This means you are requesting that an immigration judge release you from detention while your immigration case goes forward and allow you (or a sponsor) to pay a "bond," or a large sum of money, to guarantee you will show up to your immigration hearings if you are released. If you show up to your hearings and obey the judge's order, the bond will be returned when the case is over. To be released on a bond, you must prove who you are, convince the judge you are not a danger to the community, and prove that you will show up to your immigration court hearings. If your bond request is rejected, you

may appeal to the Board of Immigration Appeals, which is part of EOIR.

For more information, see the Florence Project's bond guide at www.firrp.org/media/Bond-Guide-2013.pdf. For information on appealing a negative bond decision, see the Florence Project's guide on appeals, *Appealing Your Case to the Board of Immigration Appeals*, starting at page 12 for bond appeals: www.firrp.org/media/BIA-Appeal-Guide-2013.pdf.

Many asylum-seekers wish to be released as soon as possible, as it is easier to find a lawyer and focus the case without having to deal with the stresses of detention. On the other hand, some prefer to stay in detention, because cases for detained asylum-seekers move more quickly than for those who have been released.

If you are not sure what to do, or have been waiting for your CFI for more than 14 days, check the websites or call the numbers provided earlier in this chapter to find an immigration attorney. You may also ask immigration detention officials for a list of free or low-cost immigration lawyers. Unfortunately, those awaiting RFI must often wait several months.

For more information on the credible and reasonable fear processes, see the Florence Project's *Guide to Credible & Reasonable Fear Proceedings*: www.firrp.org/media/CF-RF-Guide-2013.pdf.

What Can Make You Ineligible for Asylum

You will be ineligible for asylum if you missed the one-year filing deadline (with the rare exceptions mentioned above); have committed or been convicted of an aggravated felony; have committed or been convicted of a "particularly serious crime" in the U.S. and are a danger to the community; have strong ties to another country and have been firmly resettled there; have ever persecuted another person based on their race, religion, nationality, political opinion, or particular social group; have committed a serious, non-political crime in your country; or are considered a terrorist or otherwise dangerous to the U.S.

Important:

You must file for asylum within one year of entering the U.S. If you have been in the U.S. for more than one year, you are not eligible for asylum. There are only two exceptions to this rule, and they are very hard to achieve: (1) circumstances in your country have changed such that you are now at risk for new or increased persecution, or (2) extraordinary circumstances kept you from applying within one year. For instance, you hired an attorney who failed to file your case or you had a life-threatening illness. If you missed your deadline, see an attorney for help.

You have limited rights and access to benefits while you are an asylum-seeker. Details are provided in this guide. If your application is approved, you become an asylee.

What is Withholding of Removal?

If you are ineligible for asylum, you may still apply for Withholding of Removal, a form of relief similar to asylum, but with fewer rights. To win withholding, you must prove you are “more likely than not” to suffer persecution in your home country on account of your race, religion, nationality, political opinion, or membership in a particular social group. To apply, you must fill out form I-589, “Application for Asylum and Withholding of Removal,” located at www.uscis.gov/i-589. Most people apply for asylum and withholding at the same time. Asylum Officers cannot grant withholding, however. Only immigration judges can. Your status will therefore be decided in immigration court, so it is highly recommended that you seek a lawyer’s help.

Withholding is a lesser form of protection than asylum, so you may be granted withholding of removal if you are ineligible for asylum. Certain crimes may also make you ineligible to receive withholding, but the requirements are less strict. If you were convicted of an

aggravated felony, for example, and were sentenced to fewer than five years, you will be ineligible for asylum, but may still be eligible for withholding. If you were sentenced to more than five years for a very serious crime, however, you will not be eligible for either.

Withholding of removal allows you to stay in the U.S. instead of being deported and provides some rights, like the right to work and the right to receive some health benefits. But you can never apply for a green card or U.S. citizenship and cannot bring your family to the U.S. This guide includes details of your eligibility for other benefits.

This guide may also refer to “withholding of removal” as “withholding under the INA,” as opposed to “withholding under CAT,” which is explained below. “INA” stands for “Immigration and Nationality Act,” which is the large body of law that governs immigration in the U.S.

What Does Withholding or Deferral Under the Convention Against Torture (CAT) Mean?

Foreign citizens who have been tortured or who fear torture by their government in their home country can apply for protection under CAT, a form of protection that prevents the U.S. government from deporting you back to a country where you are likely to be tortured. Unlike asylum and withholding, the torture does not have to be for reasons related to your race, religion, nationality, political opinion, or membership in a particular social group.

Like withholding, CAT is a lesser form of protection than asylum. You may be eligible to apply for a work permit and will not be deported as long as you face torture in your home country. Note that you can never apply for a green card or U.S. citizenship, cannot bring your family to the U.S., and have limited rights, which are detailed in this guide.

Some of these rights depend on which type of protection you receive. There are two types of protection under CAT:

1. **Withholding of removal under CAT:** Also referred to as “withholding under CAT,” this offers more protection and more rights, and you will receive this if you have not been convicted of a particularly serious crime. You can only lose your status if DHS reopens your case and proves you no longer face torture in your home country.
2. **Deferral under CAT:** This is a temporary form of protection against deportation that is granted if you likely face torture, but are ineligible for asylum, withholding under the INA, or withholding under CAT because you were convicted of a particularly serious crime; are accused of terrorism, persecution, or other international crimes; or are otherwise a danger to the U.S. Your status will end when the government can show you are no longer likely to face torture, and the government may detain you until that point. You have very limited rights, which are detailed in this guide.

CHAPTER THREE

Legal Services and Immigration Court

If you are being released from immigration detention, it is important to know what legal services are available. Legal service providers can give you advice about your immigration case. They can tell you what immigration benefits you are eligible for and which you can apply for. You may see a lawyer (also called an attorney), or a representative accredited by the Executive Office for Immigration Review (EOIR), which will be explained below. Applying for immigration benefits can be difficult. Many legal services providers have immigration experts who can help you understand whether you qualify for immigration benefits. If you qualify, the experts can help you complete the forms. These legal experts can also help represent you if your immigration case is still pending.

What Are Immigration Court Proceedings?

If you are in deportation or removal proceedings, the U.S. government is trying to remove you from the country. Your case will likely be heard in front of an immigration judge who works for a part of the Department of Justice (DOJ) called the Executive Office for Immigration Review (EOIR). The government will be represented by an Immigration and Customs Enforcement (ICE) attorney, who will argue that you do not have a legal right to remain in the U.S. You will have to explain why you should be allowed to stay. You should try to get an attorney who can help you in court. It is hard for anyone without a law degree to represent themselves against a trained ICE attorney, especially, let alone someone from another country.

It is very important that you try to find an immigration lawyer who can represent you in court. Your lawyer will ask you questions about your background, history, and why you came to the U.S. It is very important that you tell your lawyer the truth and answer all of your lawyer's questions fully, because your lawyer will use that information to determine what kind of legal relief you are eligible for. ("Legal relief" here means what kind of status or visa you might be eligible for, depending on your circumstances.; This could include asylum or withholding of removal as discussed in [Chapter 2.](#)) Your lawyer will then argue in court and on your behalf

that you are eligible to stay in the U.S. based on that type of legal relief.

What Can I Do If My Rights Were Violated in Immigration Court Proceedings?

If you have a complaint about how an immigration judge treated you in court and believe there may have been abuse, mistreatment, discrimination, or other types of violations, you may write a letter to the EOIR . Do not submit a complaint if you simply disagree with the judge’s opinion.

In your complaint, include your name, your A-number, your contact information, the name of the judge, the date and location of the event, and a description of what happened. You may submit your complaint by email to EOIR.IJConduct@usdoj.gov, or you may mail the complaint to the Assistant Chief Immigration Judge for Conduct and Professionalism or the appropriate supervisory Assistant Chief Immigration Judge (ACIJ). You can find the contact information for the ACIJ in charge of your court system or issue at <https://www.justice.gov/eoir/acij-assignments>. Please see [Chapter 25](#) for additional resources.

How to Find Good Legal Services

Be careful. Some people say they are experts, but instead charge you a lot of money and do not provide help for your case. They may even harm your case. Make sure the person helping you is either an immigration lawyer or a representative accredited by the DOJ, which is explained below.

How to Avoid Hiring a Bad Lawyer

You can go online to www.uscis.gov/avoidscams for tips on how to avoid seeking help from people who are not experts. You can also check www.justice.gov/eoir/discipline.htm for a list of lawyers who have been disciplined by EOIR for bad practice of immigration law. You can also check with your state’s bar association (the body that oversees lawyers and allows them to practice) to make sure your lawyer is licensed and has not been disciplined for bad practice.

What to Do If You Have Been the Victim of Immigration Fraud or Scams, or Poor Lawyering

If you have been the victim of immigration fraud or scams, you should submit a report to the Federal Trade Commission at www.ftccomplaintassistant.gov/#crnt&panel1-1. Also see USCIS's page on reporting scams to find out where to report the fraud in your state at www.uscis.gov/avoid-scams/report-immigration-scams. Make copies of these reports, and take the records to a new lawyer.

If you saw a lawyer who made a mistake, failed to file something on time, or failed to correctly advise you on your case, you may be able to take steps with a new lawyer to save your case. It is always helpful to keep your own records, including copies of documents you gave to your lawyer, records of visits and phone calls, filings made (or filings your lawyer promised to make), and receipts for money you paid your lawyer. If you have any of these, bring them to your new lawyer. He or she may be able to help you file an "ineffective assistance of counsel" claim, which shows that you took all the proper steps to file your case, but that a previous lawyer made mistakes. If successful, you will be allowed to proceed with your case.

How to Find a Lawyer or Representative

There are different ways to find an expert to help with your immigration case. Many organizations provide free or low-cost representation to immigrants who cannot afford a lawyer.

If you need to find a lawyer, check the following websites or call one of the following phone numbers:

- **Immigration Advocates Network (IAN)**
www.immigrationadvocates.org/nonprofit/legaldirectory/
- **Asylum Seeker Advocacy Project**
www.asylumadvocacy.org/resources/

- **National Lawyers Guild, National Immigration Project**
www.nationalimmigrationproject.org/find.html
 617.227.9727
- **AILA (American Immigration Lawyers Association) Immigration Lawyer Referral Service**
www.aialawyer.com
 202.216.2400
- **EOIR Free Legal Service Provider List**
www.justice.gov/eoir/probono/states.htm (search by state)

If you are a detained asylum-seeker, you can also call the toll-free number for UNHCR and they will send you a list of attorneys and other resources.

In addition to lawyers, federal regulations allow non-attorney “Accredited Representatives” to represent immigrants before the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR), which includes the immigration courts and the Board of Immigration Appeals (BIA). These representatives are accredited through the Recognition and Accreditation (R&A) Program at EOIR, which aims to increase the availability of competent immigration legal representation for low-income and indigent persons. Accredited Representatives may only provide immigration legal services through recognized organizations.

Most recognized organizations can help you for a lower fee than a lawyer. You can find a list of accredited representatives and organizations near you by visiting www.justice.gov/eoir/recognition-accreditation-roster-reports, www.uscis.gov/avoid-scams/find-legal-services, or by calling your local resettlement agency (see [Chapter 25](#)).

If you cannot find an immigration expert, you can use the pro se materials developed by Florence Immigrant and Refugee Rights Project. “Pro se” means to represent yourself in court, instead of using a lawyer. The pro se packets explain how to apply for immigration benefits by yourself or how to represent yourself in

court. You can find the packets on the Florence Project website at www.firrp.org/resources/prose.

You can also find materials that explain if you might qualify for immigration benefits--such as permission to work in the U.S.--and how you can apply. Find more information and immigration forms in one of the following ways:

- Call USCIS at 1-800-870-3676 and request the appropriate forms.
- Get the forms from the USCIS website online at www.uscis.gov/forms.
- Call the USCIS National Customer Service Center at 1.800.375.5283 with questions about immigration forms.

Important:

Make sure that you get your immigration forms from USCIS. Many non-USCIS websites offer immigration forms, some of which may be fake and designed to trick you into giving money. Even if they are providing legitimate forms, non-USCIS sites may not have the current versions of the forms. USCIS may deny or delay your petition if you use outdated forms. You may even lose the money you paid in fees and have to pay again when you submit the correct form.

Following Your Case

It is very important that you follow the status of your immigration case if it is still pending. Failure to show up in court or to follow the immigration process will harm your ability to get legal protective status to stay in the U.S. If you have a case in immigration court, check the date of your next hearing, case status, or other information by calling the EOIR's Case Information System at 240.314.1500 or 1.800.898.7180. You will need your A-number.

You can check the status of your asylum or other applications before USCIS at egov.uscis.gov/casestatus/landing.do or call the USCIS National Customer Service Center's automated system at 1.800.375.5283. You will not talk to a person, but you will get information on your case by pressing numbers on the phone. You will need your A-number, any receipt number issued by USCIS, and the last notice you received about your case on the phone. Your A-number is an eight or nine-digit number that starts with "A." It is written on all of your immigration papers. The service center provides specific information about the status of an individual application by phone if you electronically filed, or filed at a service center and have a receipt/tracking number. Otherwise, use the online system.

CHAPTER FOUR

**What Are the
Immigration
Consequences of
Criminal Convictions?**

Interacting with the U.S. criminal justice system is always a stressful experience. Noncitizens face additional challenges, since the outcome of their criminal proceedings can affect their immigration status, even leading to their deportation--or removal--from the U.S. Fortunately, immigrants have a constitutional right to know if a criminal plea will have immigration consequences. The following information will help you exercise this important right, as well as provide other guidance. This guidance is not meant to replace legal advice, and you should talk to an immigration lawyer if you have specific questions about your case.

What to Know Before Dealing with Criminal Issues

MYTH: Because the U.S. has given me refugee/asylee status, they would never send me back to the same country where I was persecuted, no matter what.

FACT: The U.S. regularly strips people of their immigration status and deports them to their country of citizenship, even if they are or were refugees or asylees, often as a result of criminal convictions. Even a minor offense like shoplifting could result in your removal from the U.S. Therefore, it is important to exercise your right to be informed about the immigration consequences of any potential criminal pleas or convictions.

MYTH: If I have lawful permanent resident (LPR) status, I can't be removed from the U.S.

FACT: LPR status is not always "permanent." A condition of your LPR status is that you obey the laws and not receive certain convictions. Thousands of immigrants with LPR status, including refugees and asylees, are removed each year because of criminal convictions. Unless you have obtained U.S. citizenship, you could be removed because of a criminal conviction.

MYTH: Since the U.S. is not actually sending people back to my country of origin, it doesn't really matter if I am ordered removed or not.

FACT: It is true that at any given time, the U.S. may not be physically able to remove people to their country of citizenship because of war, problems in diplomatic relations, natural disasters, or other reasons. This is not a permanent guarantee of safety, however. At any time, the U.S. might be able to remove you and you will have to leave the U.S., sometimes in as little as two weeks. Even if the U.S. does not physically remove you, living with an order of removal is difficult. You have to check in with USCIS on a regular basis, and if you fail to do so, you could be detained. You will have to apply and pay for a separate work authorization document, and you will lose important rights, such as the right to bring family members into the U.S. or receive certain federal benefits.

MYTH: Any criminal conviction will result in removal, so there is no point in trying to find a safe alternative.

FACT: Your criminal attorney may be able to get you a “safe plea,” which will prevent you from suffering any negative immigration consequences, or at least find a plea that will allow you to fight in immigration court for your right to stay in the U.S. Finding a safe plea might be quite simple. You need to tell your criminal attorney that you are concerned about immigration consequences so you can get proper advice.

MYTH: My criminal attorney does not need to know details about my immigration status or prior criminal history.

FACT: This information can drastically change what pleas would be safe for you to take. DHS has different rules for different types of immigration statuses, such as LPRs vs. refugees. In some cases, a prior conviction can affect whether a plea to a current charge is safe, because some removal charges depend on having two or more convictions.

MYTH: If my criminal attorney says I’m fine and that she doesn’t need to do any research into my options, I can trust that she is right.

FACT: Law dealing with immigration consequences is extremely complicated and constantly changing. Your criminal attorney may never know that you are not a U.S. citizen unless you tell her. Even if your criminal attorney is aware of your immigration status, she may not have the necessary knowledge of immigration law required to give you the best advice. Don't be afraid to ask your attorney whether she has experience in immigration law. If she does not, ask her to find an immigration lawyer to assist her. Remember that you have a constitutional right to receive this information from your criminal attorney.

MYTH: Only a private attorney will be able to handle these complicated issues.

FACT: The Supreme Court specifically mentions public defenders as attorneys who are required to inform clients about potential immigration consequences of any criminal plea. Your public defender should have resources available to assist him. It is your right to have this information, and public defenders must provide it. You should never agree to a plea if you are uncertain about how it will affect your immigration status.

MYTH: If the state in which I face criminal charges doesn't assign me a public defender--or if the crime is not a misdemeanor or felony--the conviction isn't serious enough to cause immigration problems for me.

FACT: Many states have a category of criminal convictions known by terms such as "summary offenses," "infractions," or "violations" that are considered less serious than misdemeanors under state law. Depending on the state, you may not be assigned a public defender for these cases. For many non-immigration purposes, these dispositions may not count as a conviction, but they may still affect your immigration status, and you should talk to an attorney who understands these issues.

What You Need to Know While You are Facing Criminal Charges

MYTH: If I pay a criminal bail, I will be free while my criminal case is pending, no matter what.

FACT: If you are arrested for a criminal charge, the Department of Homeland Security (DHS) may issue a “detainer” against you. If this happens, paying your criminal bond may only result in your being transferred into immigration custody, which could mean being detained hundreds of miles away from your family and from the criminal court handling your case.

Once you are in DHS custody, you may be given an immigration bond. This must be paid in addition to your criminal bond. Unlike criminal bonds, 100% of the immigration bond must be paid before you can be released, though there are some bail bond companies that might allow you to provide property to guarantee a loan. Many individuals in immigration custody are not even allowed to apply for a bond. If you fall into this category, you could be held in DHS custody until your immigration case ends. Any time spent in immigration detention during your criminal proceedings will not count for “time served” or other types of credits that can reduce the overall time you spend incarcerated for a criminal sentence, unlike time in criminal custody. This could mean that you are better off not paying a criminal bond. There is also a possibility that the detainer was issued by mistake, meaning that you may get to leave custody after paying a criminal bond.

Things to Know After Your Criminal Proceedings

MYTH: If I am convicted of a crime and DHS begins removal proceedings against me, I am doomed.

FACT: Even if a conviction has immigration consequences and you end up in removal proceedings as a result, there are often forms of relief available, as well as other remedies for which you may be eligible. Before you give up, talk to an immigration lawyer or legal services provider who can evaluate your case, ideally in

cooperation with a criminal defense attorney who understands the immigration consequences of criminal convictions.

MYTH: Once I have a criminal conviction, there is no changing it.

FACT: Depending on your case, you may be able to obtain post-conviction relief (PCR). PCR is a process in which a criminal attorney goes into court and seeks to have your sentence reduced or your conviction changed.

If you pleaded guilty because your criminal defense attorney instructed you to, but failed to tell you there would be immigration consequences to your guilty plea, you may be able to have your conviction changed, and your removal order reevaluated. For more information, see the Florence Project's posted resources at firrp.org/resources/prose/.

MYTH: If my conviction does not have immigration consequences, I do not need to list it on any immigration forms.

FACT: You must follow the instructions on all immigration forms.

Those forms usually request that you list all contacts with law enforcement, including arrests, citations, and convictions. Not listing a conviction puts you at risk of being accused of lying. DHS will discover your conviction even if you don't tell them. Your failure to disclose your conviction will be viewed negatively. This could prevent you from obtaining certain immigration benefits, including U.S. citizenship. In most cases, it is much better to list everything and explain it, rather than omit it and wait for USCIS to confront you with it.

MYTH: If I get an expungement or pardon of my conviction, it no longer exists for immigration purposes.

FACT: Many states have expungement programs that will remove a conviction from your record for state purposes. DHS often does not treat these expunged convictions as erased, however, so you must still disclose them, and they may still affect you. A pardoned

conviction may not have immigration consequences, but it still might need to be disclosed.

MYTH: I can travel outside of the U.S. without worry after a criminal conviction.

FACT: The U.S. uses different legal rules for immigrants entering the country than for immigrants already living here. Even if you leave the country for just a short trip, the U.S. will apply the same rules upon your return as it does for immigrants coming to the U.S. for the first time. This means that a conviction that did not cause you problems within the U.S. might get you placed in removal proceedings after a trip abroad. As technology improves, even people with older convictions who have traveled abroad several times sometimes have immigration problems upon returning, because it is easier for USCIS to find the information. You should ask your criminal lawyer if a plea will affect your right to travel.

MYTH: If I'm not convicted of a crime in criminal court, I won't have any immigration problems related to that incident.

FACT: In most cases, it is true that DHS cannot remove you based on alleged criminal conduct if you weren't convicted. There are some exceptions to this rule, however. The most common exceptions relate to drug-trafficking and alien-smuggling. If you are accused of this type of crime, you may have to defend yourself in immigration court, even if you weren't convicted. Unfortunately, while in criminal court, charges against you must be proved beyond a reasonable doubt. In immigration court, the standard of proof is only "clear and convincing evidence." Thus, evidence that is insufficient to prove your guilt in a criminal court may be enough in immigration court.

CHAPTER FIVE

**What Are Your Rights
If You Have Been
Arrested?**

No matter your immigration status, you have certain U.S. constitutional rights, including:

- The right to remain silent
- The right to be free from unfair arrests and searches
- The right to talk to a lawyer if you are arrested

More About Your Rights in a Criminal Matter

1. The Right to Remain Silent

If the police, Immigration and Customs Enforcement (ICE), Federal Bureau of Investigation (FBI), or any law enforcement agent approaches you for a criminal matter, you have the right to remain silent. This means that you do not have to answer any questions until you talk to a lawyer. Some states have laws that require you to give them your name or show identity information if you are detained. Check with a lawyer or accredited representative about your state’s laws.

Important:

Although you have the right to remain silent, you do not have the right to lie to police or immigration officials. This is a crime and could result in your deportation and inability to return to the U.S. If you do not want to reveal your immigration status or answer any other questions, it is very important that you do not lie, but instead remain silent and wait to speak to a lawyer before answering questions.

2. The Right to Be Free From Unfair Arrests and Searches

Be sure you always have the phone number of a lawyer’s office that you can call. A lawyer can explain how you can best protect your rights. If you do not have the number of an immigration

lawyer who will take your call, the following agencies can help you find one:

- **Immigration Advocates Network (IAN)**
www.immigrationadvocates.org/nonprofit/legaldirectory/
- **Asylum Seeker Advocacy Project**
www.asylumadvocacy.org/resources/
- **National Lawyers Guild, National Immigration Project**
www.nationalimmigrationproject.org/find.html
617.227.9727
- **American Immigration Lawyers Association (AILA) Immigration Lawyer Referral Service**
www.aialawyer.com
202-216-2400
- **Executive Office for Immigration Review (EOIR) Free Legal Service Provider List**
www.justice.gov/eoir/probono/states.htm (search by state)

If you have valid immigration papers, carry them with you and be prepared to show them to officers. Examples of immigration documents include your I-94, green card, visa, border-crossing document, or even court documents showing you are in proceedings if you have no other papers. (See [Chapter 7](#), “Case Status and Proof of Status,” for more information on how to show your status.) Make sure you have a copy of your immigration papers in a safe place at home in case your originals are lost or stolen. If you do not have valid immigration papers, you can choose not to answer questions about your status or papers, but you may be arrested.

You do not have to answer any other questions if an officer stops you on the street, visits where you work or live, or calls you on the telephone. Instead, you can ask to speak to a lawyer. If you have been stopped for reasons related to criminal activity, you have the right to request a government-appointed lawyer.

Important:

Never show false papers, or claim you have U.S. citizenship or another valid immigration status if you do not. This is a crime, and may result in your deportation and inability to return to the U.S.

3. The Right to Be Free From “Unreasonable Searches and Seizures”

If the police stop you on the street, an officer can frisk you, which means pat your clothing to see if you are carrying anything illegal. But that is all. If they stop you in your car, they can search without a warrant if they have a good reason to suspect illegal activity.

Usually to search or enter your house, however, the police must show you a warrant. If police come to your house, ask to see their warrant. If they do not have one, you do not have to let them in. Even if they have a warrant and enter, you still have the right to remain silent.

If ICE agents come to your home, they must have a search warrant to enter. The fact that you have a removal order is not enough for the agents to enter your home. Ask the ICE agents to slide the search warrant under the door. If they do not have one, you can tell them that you will not open the door or talk to them.

To help you remember and communicate your rights, the Immigrant Legal Resource Center has created a “red card” that you can carry with you. Information about these cards is located at www.ilrc.org/red-cards.

Your Rights When Facing ICE Detention and Deportation

A USCIS or ICE official may ask to see your immigration papers. If you have valid immigration papers, it is a good idea to show them to the official. If you do not show them, the official may arrest you. Again, do not lie, or present fake papers or papers that belong to someone else.

Important:

You do not have to answer any questions about where you are from, how you got to the U.S., or your immigration status (whether you are undocumented) without talking to a lawyer, even if you are arrested. Do not sign anything, especially an "Order of Voluntary Departure" or anything admitting that you used false identification or travel documents, without talking to a lawyer first. Doing so could cause you to lose rights to stay that you might otherwise have.

If ICE detains you, ICE officials may decide to do one or more of the following:

- Begin the immigration proceedings to remove you from the U.S.
- Activate an old removal order without going through immigration court
- Hold you in custody
- Release you

Typically, they must make this decision within 48 hours. If they have not decided after you have been in detention for 48 hours, talk to your lawyer. If you have no lawyer, ask ICE for a list of pro bono (free) and low-cost lawyers. In immigration proceedings, unlike criminal proceedings, you do not have the right to a government-appointed attorney; however, ICE is required to provide you with a list of immigration legal services providers.

If ICE starts removal proceedings, or if you have a final order of removal, ICE may either continue to hold you in custody or release you. If ICE decides to keep you detained, you should ask the immigration judge if you are eligible for a bond hearing. You should also ask an attorney for help with this.

You have the right to contact your home country's consulate or the consulate of the country where you have your citizenship. You have the right to refuse to talk to your home country's consulate. It is your choice.

Usually, you have the right to a hearing in front of an immigration judge. ICE usually cannot deport you unless you have a hearing. If you accept "voluntary departure," you will not have a hearing. If you accept "voluntary departure" or removal, you have given up your rights and may never be able to enter the U.S. again.

Important:

If you are released, it does not mean your case is over. Make sure you understand the next steps in your case and when you next need to be in immigration court. Failure to show up to your court hearings may lead to your deportation and inability to return to the U.S.

Important:

Your constitutional rights rarely change, but immigration laws and regulations do change. If you are not sure about your rights or if you fear that your rights may have been violated, call the National Lawyers Guild at 617.227.9727 or the American Civil Liberties Union at 212.549.2660.

What Can I Do If My Rights Were Violated in Detention?

There are a number of steps you can take if your rights were violated while in detention:

1. ICE Community Hotline

You or your relatives may call the toll-free ICE ERO Detention Reporting and Information Line at 1.888.351.4024. Live, trained operators are available Monday through Friday (excluding holidays) from 8:00 a.m. to 8:00 p.m. (Eastern Time) to respond to inquiries from those in ICE detention and from community members. Language assistance, including Spanish operators, is also available.

2. Office for Civil Rights and Civil Liberties

If you experienced any type of abuse; civil rights or human rights violations; or discrimination based on your race, ethnicity, national origin, gender, or a disability; you can file a report with the Office for Civil Rights and Civil Liberties (CRCL). CRCL is a division of the Department of Homeland Security (DHS) that investigates reports of such violations.

Information on how to file a complaint are located at www.dhs.gov/file-civil-rights-complaint. Copies of the complaint form are available at www.dhs.gov/publication/file-civil-rights-complaint and in detention centers. Keep a copy of the form for your records, and mail, fax, or email a copy to:

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security
Building 410, Mail Stop #0190
Washington, D.C. 20528
Phone: 202-401-1474 | 1-866-644-8360 (toll free)
TTY: 202-401-0470 | 1-866-644-8361 (toll free)
Fax: 202-401-4708
E-mail: crcl@dhs.gov

You can also call, fill out an online form, or send a letter or email with a description of what happened to the following two departments, both of which also conduct investigations into ICE:

DHS Office of Inspector General

Online: Allegation Form (Recommended) found at:

<https://hotline.oig.dhs.gov/hotline/hotline.php>

Call: 1-800-323-8603 toll free

TTY: 1-844-889-4357 toll free

Fax: 202-254-4297

U.S. Mail:

DHS Office of Inspector General/MAIL STOP 0305

Attn: Office of Investigations - Hotline

245 Murray Lane SW

Washington, DC 20528-0305

CHAPTER SIX

**How to Get Your
Personal Property
After You Are
Released From
Detention**

This section is for those who have been released from immigration detention.

Check-In Process

When you came to the detention center, an officer took your property. The processing officers gave you receipts for your property. They should return your property when they release you. You should have two receipts:

- Form G-589: a white paper describing personal property, including documents and cash (money).
- Form I-77: a ticket for luggage and a description of contents.

Check-Out Process

When you left detention, you and the officer should have checked that you received everything written on the G-589 and I-77 forms. There are three reasons why you might not leave with all your property:

1. You already gave a shipping address for large luggage. The address where your luggage was sent and the date it was sent should also be written on the appropriate I-77 form.
2. ICE reserved the right to appeal the immigration judge's decision and is keeping your original documents in your A-file—the folder with your case information.
3. Something was lost.

If ICE Appeals

ICE may reserve the right to appeal the judge's decision in your immigration case. ICE must appeal within 30 days. If you have not been notified of an appeal within 30 days, you can retrieve your documents.

To find out if your case is being appealed, call the EOIR hotline number: 1.800.898.7180. You will be asked to enter your A-number. Then press 4.

To retrieve your documents, call the detention center and ask for help. If you remember the name of your deportation officer, ask for him or her directly. If you do not remember the officer's name, ask for the processing unit.

If ICE Sent Your Documents Somewhere Else

If your deportation officer sent the documents to another ICE office, it may be more difficult to find them again. But it is still your right to have your property returned to you. Ask your deportation officer to give you the address of the ICE office where your documents were sent.

Call USCIS at 1.800.870.3676 and ask for form G-884 or go online to www.uscis.gov/forms. This form is a request to retrieve your original documents. Photocopy your completed G-884 form and keep a copy for your records. Send the completed original form by mail with a return receipt, available at the post office, to the ICE office that holds the documents you want back. Keep the receipt in a safe place with a copy of the form. Call the USCIS National Customer Service Center at 1.800.375.5283 if you do not know the address of the ICE office that holds your documents.

Note on Identification Documents (IDs)

ICE attorneys, unfortunately, often will not return your passport or other forms of identification until after your case is over. This is because they want to use your identification as evidence in your immigration court case. This can make it difficult for you to access basic services, such as public benefits, or to drive if ICE has kept your driver's license. Lawyers are sometimes able to convince ICE to agree to make copies of documents for their records and return the originals. Ask your lawyer for help with this.

Get a Copy of Your Medical Record

If you saw the detention center's doctor for any health problems while you were in detention, you should ask for a copy of your medical record. If you were receiving medical care when you were released from the detention center, they should have given you a discharge plan to ensure continuity of medical care. This discharge plan is a written copy of your medical records and what you will need to do to still receive care after you are released. If you were getting prescription medications at the time of your release, they may have given you up to a 30-day supply of the medication.

If you do not have your medical record, call the detention center and ask how to get a copy. Ask them to send the copy to you, to your resettlement agency if you have one, or to your lawyer. You must sign a Freedom of Information Act (FOIA) form to let the detention center send a copy to the resettlement agency. This form is used when asking for your confidential records from a government office.

If you need help locating the detention center in which you were held, visit the ICE detainee locator system at www.ice.gov/detention-facilities.

If you cannot find the detention facility, contact an immigration lawyer or accredited representative for assistance.

CHAPTER SEVEN

Case Status and Proof of Status

If you came to the United States as a refugee or have been granted asylum in the United States, you should have a document that shows your immigration status. This U.S. government document is your “proof of status” and will be important when you apply for immigration benefits. These documents can also be used as forms of identification to apply for the various benefits described in this guide.

Case Status

If you entered the United States as a refugee, that is your status. If you have applied for asylum with either U.S. Citizenship and Immigration Services (USCIS) or with the Executive Office for Immigration Review (EOIR)-- before an immigration judge in immigration court or on appeal with the Board of Immigration Appeals (BIA)-- you can check your case status in one of the following two ways:

1. **USCIS:** If you do not know the status of your asylum case with USCIS, check the status of your case at egov.uscis.gov/cris/Dashboard/CaseStatus.do. You can also call the USCIS National Customer Service Center at 1.800.375.5283. You will likely be asked for your name, date of birth, A-number, and a receipt number for your pending application. If you have questions about your case, you can make a free Infopass appointment to speak with a USCIS representative at my.uscis.gov/en/appointment.
2. **EOIR:** If you have a case in Immigration Court or on appeal at the BIA, and wish to check the date of your next hearing, case status, or other information, call the Executive Office for Immigration Review’s Case Information System at 240.314.1500 or 1.800.898.7180. You will need your A-number.

Documents that Demonstrate Status

1. Refugee

The following documents prove your immigration status as a refugee:

- I-94 Identification Card: Also known as an “Arrival and Departure Record,” immigration officials gave this to you upon your arrival in the U.S. It is usually a white card with a stamp that states your status, A-number, name, and country of origin. In May, 2013, many I-94s became automated, so instead of receiving an actual card, you may have received an annotated I-94 stamp affixed to your passport. This stamp is the same thing as the old I-94 card and can also be used as identification.
- Employment Authorization Document (EAD): As a refugee, you should be issued your EAD, or work permit, soon after you arrive in the U.S. It should have the code (a)(3), which is the code for “refugee.”

The following documents support, but do not prove, your immigration status as a refugee:

- The resettlement documents you received from the International Organization for Migration (IOM) in your IOM bag before you departed your home country.
- Your promissory note from your travel loan.
- Medical exam forms from your refugee medical exam. (It is highly recommended that you **not** share these forms.)
- IOM card given to you at the port of entry (the U.S. airport where you arrived) that contains your basic information and emergency contact information.

2. **Asylee**

The following documents prove your immigration status as an asylee:

- **USCIS Asylum Office Grant Letter:** This is the letter you received from USCIS if you were granted asylum by an asylum officer, and not in immigration court. This letter should have an I-94 attached at the bottom. If it does not, contact the USCIS office where you had your interview.
- **Immigration Judge Court Order:** This is the document you received if you were granted asylum in immigration court by a judge. If the immigration judge’s order says that the Department of Homeland Security or the Immigration

and Customs Enforcement (ICE) “reserves its right to appeal,” you will have to wait 30 days to know if you were granted asylum. Call the phone number above if you have not received a notice from ICE that they have appealed your case. If it was not appealed, you have been granted asylum.

- **I-94 Identification Card:** All asylees must obtain an I-94 card, indicating their asylee status. Once the final order of asylum is granted, you will schedule an appointment with USCIS using InfoPass. InfoPass appointments are scheduled online at my.uscis.gov/en/appointment. You should bring the following documents to your appointment:
 - ▶ the InfoPass appointment confirmation,
 - ▶ a copy of the final order granting asylum, and
 - ▶ your identity documents.
- **Employment Authorization Document (EAD):** As an asylee, you do not need an EAD, or work permit, to work. You may choose to get one for convenience (see [Chapter 14](#), “Right to Work” and [Chapter 15](#), “How to Get a Work Permit.”) It should have the code (a)(5), the code for “asylee.”
- A family member who receives asylum through you may prove his or her status with an I-730 Approval Letter.

Asylum-Seeker

You will receive a receipt after filing a petition for asylum status, which serves as proof of your application for asylum while your case is reviewed.

If you file your petition in court, you unfortunately will not receive a receipt, and it is harder to prove your status as an asylum-seeker. If you need to prove your status to immigration officials, you can use your A-number or any court documents or orders from immigration judges, including your Notice to Appear (NTA), which is the document explaining why you are being called to court for removal proceedings.

Some asylum-seekers will also be able to get an EAD, or work permit, which is covered in [Chapter 14, "Right to Work,"](#) and [Chapter 15, "How to Get a Work Permit."](#) If you get a work permit, your permit will have the code (c)(8) for "Asylum Applicant," and you should use this as identification. You may also be eligible for a limited Social Security number, which is discussed in [Chapter 16, "How to Get a Social Security Number."](#) If so, you will receive a Social Security card, although this will not have your photo on it. Some asylum-seekers will be able to get a state ID card, which is briefly discussed in [Chapter 17, "How to Get a State ID Card."](#)

Note: Sometimes you will not be allowed to enter a government building without a photo ID, which can make it difficult to apply for certain benefits. You may want to try to get a state ID to avoid this difficulty.

Withholding of Removal, Under the INA or Under CAT (Convention Against Torture)

Unfortunately, there is no official way for you to prove your status. Like asylum-seekers, your A-number, NTA, or the order from the immigration judge found on the court document you received after your court hearing may be the only documents that show proof of your status.

Some people granted withholding or CAT protection may be eligible for an EAD, or work permit, which is also covered in [Chapters 14](#) and [15](#). If you get a work permit, your permit will have the code (a)(10) for "Withholding of Removal," and you should use this as ID. You may also be eligible for a limited Social Security number, which is discussed in [Chapter 16](#). If so, you will receive a Social Security card, although this will not have your photo on it. Some states may permit you to get a state ID card or driver's license, which is discussed in [Chapter 17](#).

Can I Lose My Legal Protective Status?

Until you become a U.S. citizen, you can lose your protective status under certain circumstances. The law says that refugee, parolee, asylum status, Withholding of Removal (WOR), and protection

under the Convention Against Torture (CAT) are indefinite. Indefinite does not mean permanent. Indefinite means your protective status will not end on a set date. The U.S. government may start a process to end your protective status for these reasons:

- Things have changed in the country you fled, and you no longer have a well-founded fear of persecution.
- Another country grants you legal protective status.
- You commit certain crimes.

Tip:

Your proof of status is a very important document. Keep your proof of status protected in a safe and dry place to prevent it from getting torn or destroyed. You may want to keep it in a lock box or a bank safe. Make a photocopy to keep with you until you get a work permit or state ID card.

CHAPTER EIGHT

**What You Must Do
When You Change
Your Address**

Notifying U.S. Citizenship and Immigration Services (USCIS) and the Executive Office for Immigration Review (EOIR) about your change of address is very important!

EOIR is part of the Department of Justice (DOJ) and oversees immigration courts and the Board of Immigration Appeals (BIA). USCIS, on the other hand, is part of the Department of Homeland Security.

Notifying EOIR

If your immigration court case is not finished--or if you were given a conditional grant of asylum by the Board of Immigration Appeals--you must provide the immigration court or BIA with your new address within five days after you move. You can get the change of address form, EOIR-33, from the immigration court or online at www.usdoj.gov/eoir/formslist.htm. You may also need to change your case to a new court. For more information on how to change the venue (location of court), talk to an immigration attorney or DOJ-accredited representative, or go online to the EOIR's website at www.usdoj.gov/eoir. See [Chapter 3](#) for information on finding an immigration attorney or DOJ-accredited representative.

If you won your immigration case and the government did not appeal after 30 days, then your court case is final, and you do not have to provide the immigration court or BIA with your new address.

Notifying USCIS

All non-citizens must tell USCIS when they move, even if you won your immigration case. USCIS still needs to send you important documents. You must tell USCIS your new address within ten days

after you move. To avoid trouble, tell USCIS before you move, and give USCIS the date that your new address becomes effective.

If you do not tell USCIS when you move, one of these things may happen:

- You may have to pay a large fine.
- You may have to go to prison for 30 days.
- You may be deported.

If you have no pending petitions or applications, you can change your address in one of three ways:

1. Go to www.uscis.gov and click the "Change Your Address Online" tab under "Tools" and "Self Service" to fill out and submit the form online.
2. Call the USCIS National Customer Service Center at 1-800-375-5283 and follow the instructions for an address change.
3. Request the most recent version of form AR-11, the Alien's Change of Address Card, by calling USCIS at 1-800-870-3676 or retrieving it online at www.uscis.gov/forms.

You must change your address on each pending application. We therefore recommend that you change your address online, as the online system will allow you to easily update any pending applications at the same time.

Remember these important points:

- If you use the online change-of-address method, you do NOT need to file a paper Form AR-11.
- All forms must be completed in English.
- If you call for the AR-11 form, you may want to request it as soon as you know you are going to move, since it may take more than ten days to arrive.
- Keep a copy of the completed form for your records. Send the form via certified mail with a return receipt, available at the post office. Keep the proof of mailing, and store it in a safe place, along with the copy of the completed form.

- To be on the safe side, send a copy to each USCIS service center where you have sent immigration paperwork or applications.

USCIS may request the filing date and a copy of the cover page for any applications you have pending with a service center (an EAD or I-730, for example). To confirm where to send the AR-11 form or to learn what else you should submit, call the USCIS National Customer Service Center at 1.800.375.5283.

Other Places to Notify About Your Change of Address

You may move a few times while you are getting settled in the U.S. It is important that you always maintain a reliable postal address. You must inform any social services and refugee agencies you have been working with when you move, as well as any local, state, or federal government agency with which you have pending business. You should also notify banks, credit card companies, doctors, and other places with whom you conduct business, so they can send bills, mail, or other communication to the correct place.

If you move, go to the post office to update your address. They will have you fill out a form with your name, old address, and new address. You can ask them to forward your mail for up to six months. This means that mail sent to your old address will go to your new home instead. No government documents will be forwarded, so make sure to communicate your current address to the government.

CHAPTER NINE

How to Reunite Your Family

For many people who have fled their home to seek protection, leaving their families behind is the most painful part of the journey.

A family reunification process allows refugees and asylees to bring some family members to join them in the United States. It is a long and complicated process. We encourage you to ask your local resettlement agency or an accredited representative familiar with the process for help. Find information on these in [Chapter 25](#), “Important Phone Numbers and Websites.”

There are different rules and options based on your status and each relative’s relationship to you. If you have refugee or asylee status, you may be able to apply for certain immediate family members to join you. This section also outlines how asylum-seekers can add family members to their asylum applications. Following are status-specific details.

Refugees and Asylees

Derivative Follow to Join: Visa 92/93

If you have been in the U.S. as a refugee for fewer than two years--or if you were granted asylum within the past two years--you may be able to apply for your spouse (husband or wife) and any unmarried children under the age of 21 to join you here. It is very important that you apply for visas for your spouse and children within two years of the time you were granted asylum or entered the U.S. as a refugee. If you miss this deadline, check with a local resettlement agency to see if you fit into one of the limited exceptions for missing the two-year application window.

Fill out an I-730, Refugee/Asylee Relative Petition, found at www.uscis.gov/i-730. You must fill out a separate I-730 for each family member you wish to bring. There is no fee for the application. Family members of asylees will each need to purchase their own plane ticket. Family members of refugees may be eligible for the International Organization for Migration (IOM) travel loan. Do not buy plane tickets for your family members until you receive authorization for them to come to the U.S., however. Once

granted, your family members will usually have to use the visa to come to the U.S. within a few months.

You should get help from an accredited organization or immigration lawyer to help you file this form. Be sure to carefully read all the instructions. Here are a few things to keep in mind:

- You will need proof that the people you want to bring to the U.S. are your relatives. Photographs, birth certificates, and marriage certificates will help you prove this.
- Make sure you include copies of all necessary supporting documents mentioned in the form's instructions. The U.S. government may delay or deny your application if these supporting documents are not included.
- After you file your immigration form, USCIS may write a letter telling you that your relative will need to have a biometrics appointment. This means they will take your relative's fingerprints. They may also ask for a signature and take a picture. USCIS will give you details on where your relative must go for their biometrics appointment. Sometimes, a DNA test may be required for you and for the relative you are applying to bring. You may have to pay for these tests.
- Keep a photocopy of the completed form for your records. Send the form via certified mail with a return receipt, which is available at the post office.

Priority 3 (P-3) Family Reunification Program

There is another process you may be able to use called the Priority-3 (P-3) Family Reunification Program, or Affidavit of Relationship Program. This process is only for family members with certain nationalities. The decision for which nationalities qualify is made each year by the president and the administration. These applications are done by refugee resettlement agencies, which will assist you with this process. The application is free of charge. If your family is accepted through this program, they must first pass a refugee interview, because they will be brought into the United States as refugees. Check with a local resettlement agency to find out if the P-3 program applies to you.

Asylum-Seekers

You cannot bring your family to the U.S. while you wait for your asylum claim to be decided, but you must still list your spouse and children on your I-589, Application for Asylum and for Withholding of Removal, when you apply for asylum. If your spouse and unmarried children under 21 are already in the U.S., you can add them, and they will be included in your application. If your spouse and unmarried children under 21 are not in the U.S., you may apply to bring them within two years of the date you are granted asylum, within two years of receiving asylum. You can apply by filling out an I-730, Refugee/Asylee Relative Petition, found at www.uscis.gov/i-730. Follow the instructions under the section above for refugees and asylees.

Visit UNHCR's website for more information: www.unhcr.org/en-us/us-family-reunification.html.

Withholding of Removal and CAT

Unfortunately, you cannot bring your family members to the U.S.

Once you become a lawful permanent resident, you can apply for other immediate family members, and once you become a U.S. citizen, you can apply to bring even more categories of family members. We encourage you to check with an immigration attorney or accredited representative to understand all of these options.

CHAPTER TEN

How to Get Your Green Card

What is Lawful Permanent Residence?

Lawful permanent resident (LPR) is the same as “legal permanent resident,” “permanent resident alien,” and “green card holder.” If you are an LPR, the U.S. government allows you to live permanently in the U.S., as long as you do not commit particular crimes or otherwise violate the terms of your status. You can work anywhere in the U.S. (except for certain jobs that require U.S. citizenship), travel in and out of the country with some restrictions, and have protection under all U.S. laws.

As an LPR, you are required to obey all laws of the U.S., file income taxes, and report income to the federal and state government. If you are a male between the ages of 18 and 25, you must also register with the Selective Service. You are not allowed to vote in federal elections. Although a few states and communities allow you to vote, it is very uncommon. Failure to abide by these requirements can threaten your immigration status and make you subject to deportation. See [Chapter 13](#), “Voting, the Selective Service Requirement and Joining the Military,” for more information.

The process of gaining lawful permanent residence is also called adjustment of status (AOS). Green cards used to be printed on green paper, but they no longer are. Being an LPR is a necessary first step to become a U.S. citizen. You can apply for U.S. citizenship only after meeting certain conditions for five years as an LPR.

Who is Eligible to Become a Lawful Permanent Resident?

To be an LPR, first figure out whether you are eligible. For detailed information, see uscis.gov/greencard/adjustment-of-status. The four eligibility requirement categories are very strict:

1. Family sponsorship
2. Employment sponsorship
3. Adjustment from refugee or asylee status
4. Other special provisions

Family Sponsorship: Some people may be able to adjust through their U.S. citizen or LPR family member. There are many categories within the family sponsorship track, which have different processes and wait times.

- Immediate relatives: These relatives of U.S. citizens do not have to wait for a visa to become available, and there is no limitation on the number available each year:
 - Parents of a U.S. citizen who is at least 21,
 - Spouse of a U.S. citizen,
 - Unmarried, under 21 children of a U.S. citizen.
- Qualified relatives: These relatives of U.S. citizens or LPRs will have to wait for a visa to become available before they can apply, and the wait time depends on the preference category (shortest wait time for the first preference, and longest for the fourth):
 - First Preference: Unmarried, adult (21 or older) sons and daughters of U.S. citizens
 - Second Preference A: Spouses and unmarried children (under 21) of LPRs
 - Second Preference B: Unmarried children (21 or older) of LPRs
 - Third Preference: Married children of U.S. citizens, their spouses, and their minor children
 - Fourth Preference: Siblings (brothers and sisters) of adult U.S. citizens, their spouses, and their minor children

If you think you might be eligible to adjust through a family member, see a lawyer or DOJ-accredited representative. Also see USCIS's page on adjustment through a family member at www.uscis.gov/greencard/eligibility-categories.

If you need to find a lawyer, check the following websites or call one of the following phone numbers:

- Immigration Advocates Network (IAN)
www.immigrationadvocates.org/nonprofit/legaldirectory/

- Asylum Seeker Advocacy Project
www.asylumadvocacy.org/resources/
- National Lawyers Guild, National Immigration Project
www.nationalimmigrationproject.org/find.html
617.227.9727
- AILA (American Immigration Lawyers Association) Immigration Lawyer Referral Service
www.ailalawyer.com
202.216.2400
- EOIR Free Legal Service Provider List
www.justice.gov/eoir/probono/states.htm (search by state)

Most accredited organizations can help you for a lower fee than a lawyer. You can find a list of accredited representatives and organizations near you by visiting:

- www.justice.gov/eoir/recognition-accreditation-roster-reports
- or by calling your local resettlement agency (see [Chapter 25](#))

Employment Sponsorship: Some people become eligible to adjust through employment in various ways, including an offer of permanent employment, substantial investment in an enterprise that creates new jobs in the U.S., extraordinary ability or national-interest waiver, or another special employment category, such as religious workers, translators, or medical professionals from specific countries. For more information, see USCIS's page on employment sponsorship at www.uscis.gov/greencard/eligibility-categories.

Adjustment from Refugee or Asylee status: Refugees must apply to adjust status one year after admission to the U.S. as a refugee, and asylees are eligible to adjust one year after they are granted asylee status.

Other Special Provisions: You may also be eligible to adjust through other special provisions. This category includes the ability to adjust through other humanitarian protection-based categories, such as the Violence Against Women Act (VAWA) for battered

spouses, children, or parents; a T-visa for trafficking victims; and a U-visa for immigrant victims of crime. Please see USCIS's page on other ways to get a green card at www.uscis.gov/greencard/eligibility-categories.

How to Become a Lawful Permanent Resident

The steps to becoming an LPR vary by status and by which options are available to you. Specific instructions for refugees and asylees are available below. Regardless of status, everyone must fill out an I-485, Application to Register Permanent Residence or Adjust Status. Request the most recent version of form I-485 by calling USCIS at 1.800.870.3676 or get the form online at www.uscis.gov/i-485. If you can, get help from an accredited representative or a lawyer as described above.

Note on Maintaining, Renewing, and Replacing Your Green Card

Most green cards are valid for ten years, and you must renew your green card before it expires. Those with "conditional permanent residence" must take steps to remove the condition and renew after two years. You also must replace your green card if it is lost, stolen, damaged, or if your name or other biographical information changes.

Once you get your green card, you must remember that it can still be taken away if you commit certain crimes, fail to pay taxes, or stay out of the U.S. for a lengthy period of time.

For more information on how to renew or replace your green card, and how to make sure you do not lose your LPR status, see www.uscis.gov/green-card/after-green-card-granted.

Refugees

As a refugee, you are required to apply to adjust your status one year after being admitted to the U.S. as a refugee. Note: When permanent residency is granted, you will have your adjustment of status date recorded as the day you entered into the U.S. as a refugee, not the date you actually adjusted. This is helpful

because in order to become a U.S. citizen, you must have been an LPR for five years (among other requirements). As a refugee, your first year in the U.S. will count towards that five-year requirement if you file your green card application on time. In other words, refugees and asylees may apply to naturalize after having a green card for four years, instead of five.

The best place to find up to date instructions on how to apply for a green card as a refugee is on the USCIS website: www.uscis.gov/i-485. Pay close attention to the first 18 pages of general instructions located in the "Instructions for Form I-485," as these explain the process and evidence required by anyone applying for an adjustment of status. In addition, there are specific instructions in this document for refugees.

Where you send your application depends on the state in which you live. Read the instructions on the I-485 page or call the USCIS National Customer Service Center at 1.800.375.5283 and ask where to send the I-485 form.

Asylees

Although it is not required, it is highly recommended that you apply to adjust your status as soon as one year has passed from the date you were granted asylum.

The best place to find up to date instructions on how to apply for a green card as a refugee is on the USCIS website: www.uscis.gov/i-485. Pay close attention to the first 18 pages of general instructions located in the "Instructions for Form I-485," as these explain the process and evidence required by anyone applying for an adjustment of status. In addition, there are specific instructions in this document for refugees.

Note: Unlike refugees, asylees must pay the I-485 fee and the fingerprint fee. It is expensive, so start saving! If you cannot afford the fee, you may be eligible for a "fee waiver," which means you may not have to pay. Do not let the high cost discourage you from applying, however. Instead, check out USCIS's information on fee-waivers at www.uscis.gov/feewaiver. Be sure to read the instructions which explain who is eligible and how to apply.

Refugees and Asylees

Be sure to read the detailed instructions carefully on the USCIS website related to applying for a green card, and remember these things:

- Did you leave the country during the first year after you got refugee or asylee status? If so, those days do not count as part of your 365 total days. For example, if you left the country for ten days, you cannot apply for a green card until 375 days after you were granted refugee or asylee status.
- Keep a photocopy of the completed form for your records. Send the form via certified mail with a return receipt, which is available at the post office.
- If you have a criminal record, you must submit copies of all court documents, as well as a completed Form I-602, Application by Refugee for Waiver of Grounds of Excludability (if applicable). It is highly recommended that you see an attorney to apply if you have criminal convictions. Otherwise you may find yourself in removal proceedings.

Where you send your I-485 depends on the state in which you live. Visit www.uscis.gov/i-485 or call the USCIS National Customer Service Center at 1.800.375.5283 and ask where to send the I-485 form.

Asylum-Seekers

You cannot apply for a green card until one year from the date you are granted asylum.

Withholding of Removal and CAT

Under current law, you cannot apply for a green card or become a lawful permanent resident.

CHAPTER ELEVEN

**How to Become
a U.S. Citizen**

Excellent Resource

There are a lot of details involved in the process of becoming a naturalized United States citizen. The U.S. government has created a very detailed guide about the process titled "A Guide to Naturalization," which can be found on the USCIS website at www.uscis.gov/sites/default/files/files/article/M-476.pdf. We recommend that you and your attorney or accredited representative refer to this guide for questions not answered by First Steps.

What is Naturalization?

Naturalization is the process by which certain non-U.S. citizens can apply to become U.S. citizens. To "naturalize" means to take the required steps to become a U.S. citizen.

What Are the Benefits of Naturalizing?

When you naturalize, you will become a U.S. citizen and have almost all the same rights and protections as U.S.-born citizens. U.S. citizens have more rights than lawful permanent residents (LPRs). There are many things only U.S. citizens can do in America, some of which may be very important to you. It is very important for you to try to naturalize when you are eligible, so you may receive these rights and protections. As a naturalized U.S. citizen, you will be able to:

- **Keep your lawful status in the United States and no longer be in danger of deportation**

This is very important. Even if you have adjusted your status to become an LPR (have your green card), you can still have your green card taken away and be deported for committing certain crimes, traveling outside the U.S. for too long, or failing to file your income taxes. When you are an American citizen, you cannot be deported.

- **Bring family members to the U.S.**

U.S. citizens can bring more family members to the U.S. other than refugees, asylees, and LPRs. For example, as a refugee or asylee, you can apply for your spouse (husband or wife) and any unmarried children under the age of 21 to join you. As an LPR, you may apply to bring your spouse or unmarried children of any age. But as a U.S. citizen, you may apply to bring your spouse and children of any age, whether they are unmarried or married. And as a U.S. citizen, you may also apply to bring your parents and siblings (brother and sisters) once you are over 21 years old.

- **Get more government benefits**

Immigrants have many restrictions on access to government benefits and healthcare. (See [Chapters 18](#) and [19](#) for details on immigrants' access to benefits and healthcare.) After you naturalize, however, you will no longer be subject to immigration-related restrictions, and will have access to benefits and healthcare according to the same rules as U.S. citizens.

- **Vote**

Only U.S. citizens can vote in federal elections. Many states also only allow U.S. citizens to vote in state elections. Voting to elect officials like the president and members of Congress is an important political right to many U.S. citizens.

- **Serve on a jury**

Only U.S. citizens can serve on a federal jury, and many states also only allow U.S. citizens to serve on a local jury. Juries help judges make decisions in court cases.

- **Travel abroad with a U.S. passport**

You will be able to travel abroad without restrictions on how long you can stay outside the U.S. You will also be able to get help from the U.S. government when you are abroad if you need it.

- **Get U.S. citizenship for children under 18 years of age**

Generally, a child born abroad to a U.S. citizen automatically becomes a U.S. citizen. Any children you previously had who

were born abroad and were under 18 at the time you become a citizen may also be eligible to become a U.S. citizen. See a lawyer for help with either of these situations. (Children born inside the U.S. also automatically become U.S. citizens.)

- **Apply for more federal jobs**

Some federal jobs require U.S. citizenship.

- **Become an elected government official**

Only U.S. citizens can run in federal elections for the U.S. Senate or House of Representatives, and most state and local governments have similar rules for state and local government positions. Unfortunately, only those born in the U.S. can run for president.

- **Become eligible for more federal grants and scholarships**

Many financial aid grants, including college scholarships, are available only to U.S. citizens.

Note: Before you decide to apply to naturalize, you should first determine if you might already be a U.S. citizen. If you were born in the U.S. or a U.S. territory, or if at least one of your parents is a U.S. citizen, you may already be a U.S. citizen. If either of these situations apply to you, see an immigration lawyer immediately to find out whether you may already be a citizen.

Am I Eligible to Become A U.S. Citizen?

You must meet all of the following criteria to apply for naturalization:

- Be at least 18 years old, AND
- Have been admitted as lawful permanent resident (LPR) for at least five years (with some exceptions, explained below), AND
- Have “continuous residence” (explained below) in the U.S. for at least five years after receiving your LPR status (green card), AND
- Have been physically present in the U.S. for at least 30 months of the five-year period before applying for naturalization, AND

- Have lived in the state in which you plan to apply for at least three months before applying, AND
- Live in the U.S. continuously from the time of application for naturalization to the time of admission as a U.S. citizen, AND
- Have good moral character (explained below), AND
- Can demonstrate knowledge of civics and English, and pledge allegiance to the Constitution.

Five Years of Lawful Permanent Residence

Typically, naturalization requires five years of status as a green card, or lawful permanent resident. There are, however, some exceptions:

- Refugees and asylees who adjusted their status and got their green card (LPR status) after one year may count that one year as part of the five. In other words, refugees and asylees may apply to naturalize after having a green card for four years, instead of five.
- If you are applying to naturalize based on your marriage to a U.S. citizen, you may apply after having your green card for three years, instead of five.
- If you have qualifying experience as a U.S. military member, you may be eligible to apply earlier. See USCIS's page on Citizenship for Military Members at www.uscis.gov/military/citizenship-family-members and ask a lawyer.

Continuous Residence

"Continuous residence" means that you have lived in the U.S.--and maintained the U.S. as your place of residence (and no other country)--on a continuous basis for five years. You can travel and still maintain continuous residence, but there are important restrictions:

- Traveling outside the U.S. and staying outside for a period of six to twelve months in a row may interrupt this period of "continuous residence," meaning you may have to start over.

- Traveling outside the U.S. for a continuous period of one year or longer will most likely interrupt your period of “continuous residence,” and you will have to start over.

It is highly recommended that if you travel outside the U.S., you stay abroad for fewer than six months; otherwise, you could lose your period of continuous residence and have to start your five-year waiting period over. There are a few exceptions if you stayed out between six months and one year, but you should see a lawyer for help if that is the case.

“Continuous residence” also means you must file and pay your taxes every year as a lawful permanent resident (LPR). You may not claim “nonresident alien status” on your tax forms to avoid paying your taxes, or you will lose your continuous residence.

Good Moral Character

To become a U.S. citizen, you must demonstrate that you have “good moral character.” Generally, this means someone who is honest, pays their taxes, does not commit crimes, and pays their debts.

If you have committed certain crimes, you will never be able to establish good moral character, and will never be able to apply for citizenship. These crimes include murder and any “aggravated felony” of which you were convicted after November 29, 1990. Other crimes may temporarily prevent you from proving you have good moral character and applying for citizenship, but after a period of time, you will be able to apply. If you have been arrested or convicted of any crimes and wish to naturalize, it is important to see a lawyer to help you determine whether your crimes will permanently or temporarily prevent you from showing good moral character and naturalizing.

Some examples of crimes that might prevent you from showing good moral character include any crime committed with intent to harm someone, using or selling drugs, being married to more than one person at a time, failing to pay court-ordered child support or alimony payments, and lying to gain immigration benefits, among others.

How Do I Become A U.S. Citizen?

To apply for U.S. citizenship, you must first determine whether you are eligible according to the above criteria. The USCIS website has a wide variety of helpful information available at www.uscis.gov/us-citizenship. In addition to the guide mentioned at the beginning of this chapter, the “Citizenship through Naturalization” section also explains how to determine if you are eligible. It also includes a step-by-step process to apply.

File Form N-400, Application for Naturalization

If you are eligible, you must file Form N-400, Application for Naturalization. This form is available on the USCIS website at www.uscis.gov/n-400. Before you fill out the N-400, you should:

- Read USCIS’s Citizenship through Naturalization section and consider hiring a lawyer or accredited representative to help you. (See [Chapter 3](#) for resources on hiring a lawyer or accredited representative.)
- Read the N-400 instructions found at www.uscis.gov/n-400.
- Download the N-400, Application for Naturalization at www.uscis.gov/n-400.
- Fill out your N-400 carefully in blue or black ink. Be sure to put your A-number at the top right corner of each page. Check your information for accuracy, and sign it. Before you file, make sure you check--then check again--that you have all the required documentation. (See the instructions above and the documentation checklist at www.uscis.gov/n-400).

Note: The N-400 form asks questions about crimes. It is very important that you answer honestly and report all crimes, even ones you may have been expunged (removed) from your record. If you do not tell USCIS about these crimes, they will find out and may deny your application, even if the crime you failed to report was not a crime that would have caused your application to be denied.

Where Do I Mail My Application?

Where you should mail your application depends on where you live, so check USCIS's instructions on where to mail your application at www.uscis.gov/n-400. Be sure to make copies and always ask for a certified mail receipt.

When Can I File My Application?

You may file your application up to 90 days before you have met the eligibility requirements above, which is generally 90 days before you've had continuous residence as an LPR for five years (or for a refugee, four years) and met the other specific requirements. Check the instructions for more information.

What Must I Do After I File My Application?

There are still several steps you must take after you submit your application. These were explained in greater detail in [Chapter 5](#), "A Guide to Naturalization.". A brief overview includes:

Biometrics Appointment

After USCIS receives your application, they will contact you to let you know when you should go to your local USCIS Application Support Center (ASC) for your biometrics (fingerprinting) appointment. USCIS will take your fingerprints and conduct a criminal background check.

Naturalization Interview

USCIS will schedule an interview for you. Be sure to attend this interview on time, and let USCIS know immediately if you have to reschedule. You must bring the following to your naturalization interview:

- A copy of your green card (LPR card)
- A valid state ID (a form of identification, like a driver's license, issued by your state)
- Your passport and any travel documents

- Other relevant documents, depending on your situation. For example, if you were arrested or convicted of a crime, you must bring arrest or court documents. If you had to serve probation, you should bring proof that you completed your probation.

Several things will happen at your naturalization interview.

- Interview: USCIS will ask you questions about what you wrote on your N-400. You should bring a copy so you can look at it.
- Civics and English Tests: You will take two tests: an English test and a civics test. You should dedicate a lot of time to studying before the test. You can access study materials for both tests at: my.uscis.gov/prep/test/civics and www.uscis.gov/citizenship/learners/study-test.

Many local community groups that help immigrants offer classes to help you prepare. You can find classes and resources at www.uscis.gov/us-citizenship/uscis-citizenship-outreach-partnerships. If you fail, you will be able to retake it only once. If you fail twice, your application will be denied.

- The English test consists of three parts: tests on speaking ability, reading ability, and writing ability.
- The civics test tests your knowledge of American history and government. There are 100 questions, and the USCIS officer will pick ten to ask you. You must get six questions correct to pass. Note: Remember the answers to certain questions about elected officials may change with elections, so make sure you have the most up-to-date information.

Exceptions to the Test Requirements:

You may not have to take the English test if you are over 50 years old and have lived in the U.S. as an LPR for over 20 years, or if you are over 55 years old and have lived in the U.S. for over 15 years. You may not have to take the civics test if you have certain physical or mental disabilities. For more details, see www.uscis.gov/us-citizenship/citizenship-through-naturalization/exceptions-accommodations. If you are seeking such an exception, you must submit a Form N-648, Medical Certification for Disability

Exceptions, along with your N-400, Application for Naturalization. You may find it at www.uscis.gov/n-648.

USCIS will usually provide you with a notice of your results the same day. USCIS will sometimes not be able to make an immediate decision, and may need to continue your case. The officer may then require a second interview or ask for additional evidence. If USCIS does not need further information, they will either approve your application if you provide evidence that establishes your eligibility, or deny it if your interview, test results, and evidence do not show you are eligible to naturalize.

What Can I Do If USCIS Denies My Application?

If your application is denied, USCIS will provide a written explanation with the reasons for denial. If you think USCIS incorrectly denied your application, you may request a hearing to appeal. You must file a Form N-336, Request for a Hearing on a Decision in Naturalization Proceedings, available at www.uscis.gov/n-336. You must file this appeal, along with the filing fee, within 30 days of your denial, or the decision will be final.

What Happens After USCIS Approves My Application?

USCIS will mail you a notice to take the Oath of Allegiance, with the date, time, and location of your oath ceremony. Occasionally, you may be able to take the Oath of Allegiance the same day your application is approved after your interview. If you cannot attend your ceremony, return the notice and explain why you cannot attend, and request a rescheduled ceremony.

During your ceremony, you will take an Oath of Allegiance to the U.S. Remember to bring your green card, because you will turn it in after the ceremony and receive a Certificate of Naturalization, which certifies that you are a naturalized American citizen. Congratulations!

How Do I Prove My Status When I Get Citizenship?

You will receive a Form N-550, Certificate of Naturalization, after you take your Oath of Allegiance to the U.S. This proves your

status as an American citizen. If you lose this certificate, you must submit Form N-565, Application for Replacement Naturalization/Citizenship Document, available at www.uscis.gov/n-565.

Important:

You must still notify USCIS if you change your address after you submit your N-400 application and while you are waiting to complete the process and become a citizen. You must call USCIS customer service at 1.800.375.5283 (TTY: 1.800.767.1833) and fill out an AR-11, Alien's Change of Address Card, and submit it to USCIS within ten days of your move. See [Chapter 8](#), "What You Must Do When You Change Your Address," for more details.

What Should I Do When I Naturalize?

Update Your Social Security Record

After you naturalize, you must update your Social Security record. It is important for Social Security to have updated records on your citizenship. This will make it easier for you to access the benefits and rights to which you are entitled as a U.S. citizen, including Social Security and other government benefits. Wait at least ten days after your naturalization ceremony, then call Social Security at 1.800.772.1213 or visit www.socialsecurity.gov to make an appointment. Remember to bring your Certificate of Naturalization or U.S. passport.

Register to Vote

You may now register to vote if you wish to vote in elections. You may do this in person, by mail, in person at public assistance offices, or when you apply to renew your driver's license. Visit the U.S. Election Assistance Commission online at www.eac.gov.

Apply for a U.S. Passport If You Wish to Travel Abroad

After you naturalize, you are also eligible to apply for a U.S. passport, which will allow you to travel abroad as a U.S. citizen and receive help from U.S. embassies or consulates abroad if you need it. Visit www.travel.state.gov to download the application forms and find the passport acceptance facility near you.

Apply on Behalf of Your LPR Children Under 18

If you have any children who were born abroad, are lawful permanent residents, and are under 18 on the day you naturalized, they may have automatically become U.S. citizens as well, and you may want to apply for proof of their status. You may apply for a U.S. passport for your child, or apply for a Certificate of Citizenship using Form N-600, Application for Certificate of Citizenship, available at www.uscis.gov/n-600k.

Apply to Sponsor Relatives Abroad to Come to the U.S.

You may now also apply to sponsor additional relatives to come to the U.S. You will be applying for these family members to get green cards. As a U.S. citizen, you may apply to bring your immediate relatives. The “immediate relative” category includes your husband or wife, unmarried children under the age of 21, and parents (as long as you are over 21). These applications are processed immediately and there is no waitlist.

You may also apply to bring other family members who fit into a “family preference” category. This category includes unmarried sons or daughters over the age of 21, married children of any age, and brothers and sisters (as long as you are over 21). The government has a limited amount of visas available for these family members each year, and family members go on a waitlist for family members in each category. The waitlist can be quite long, and it can take years. For more information on how to bring your family members who are still abroad to the U.S., please see USCIS’s website on sponsoring family members, at www.uscis.gov/greencard/eligibility-categories and see an immigration lawyer for help.

CHAPTER TWELVE

Traveling Outside of the United States

It is important that you know the risks of traveling outside of the U.S. if you are not a U.S. citizen. Most people reading this guide should not travel outside the U.S. without first talking to a lawyer, because you will risk losing your status.

Important:

- For anyone planning to “naturalize,” or become a U.S. citizen, you should not travel outside the U.S. for more than six months at a time.
- If you have committed a crime, you will likely not be able to reenter the U.S. if you leave. Even if your crime did not make you “deportable,” it could make you “inadmissible,” which means Immigration will not let you enter the U.S.

Refugees and Asylees

USCIS issues refugee travel documents to people with refugee or asylum status and to lawful permanent residents who obtained their Green Cards based on their refugee or asylee status.

You must have a refugee travel document to return to the United States if you:

- Have refugee or asylee status but are not a lawful permanent resident (Green Card holder); or
- Are a derivative asylee or refugee.

The refugee travel document allows refugees and asylees to travel in and out of the U.S. It is also referred to as Advanced Parole for other statuses not covered in this guide.

If you are going to travel outside the U.S., we encourage you to ask a lawyer or an accredited representative familiar with the process for help. You can find information on these in [Chapter 25](#), “Important Phone Numbers and Websites.” Also, call the

embassy or consulate in the countries to which you are traveling to make sure they accept the refugee travel document. For more information, please go to www.uscis.gov/sites/default/files/USCIS/Archive/Archive%20News/2006%20Archive%20News/Asylee_travel_information.pdf.

It is important to note that the changes to entry for certain nationalities made by the U.S. Administration in 2017 do not affect individuals who have already been granted asylum or refugee status in the United States. They are explicitly excluded from the travel suspension provisions and may continue to travel abroad and return to the United States, consistent with existing requirements. For more information, visit: www.dhs.gov/news/2017/06/29/frequently-asked-questions-protecting-nation-foreign-terrorist-entry-united-states.

Important:

If you go back to the country you fled, you may lose your legal protective status. It may be impossible for you to ask for legal protective status again.

How to Apply for a Refugee Travel Document

If you do not obtain a refugee travel document before you leave the U.S., you may be unable to reenter the United States, or you may be placed in removal proceedings before an immigration judge.

To apply for a refugee travel document, fill out Form I-131, Application for Travel Document. You can request the most recent version of form I-131 by calling USCIS at 1.800.870.3676, or you can get the form online at www.uscis.gov/i-131. If you can, get help from an accredited organization or an immigration lawyer when you apply for a refugee travel document.

Be sure to carefully read all the instructions on the form. Here are a few things to keep in mind:

- Include copies of all necessary supporting documents mentioned in the form's instructions.
- The USCIS application has a processing fee. You can get a money order to pay the fee from the post office.
- Keep a copy of the completed form for your records. Send the form via certified mail with a return receipt, available at the post office.
- After filing your I-131, USCIS will write you a letter, telling you to go to your local Application Support Center for a biometrics appointment (fingerprinting). You will need to take two passport-style pictures and pay a fee.
- There is no way to tell how long it will take to get a refugee travel document. Do not buy airplane tickets until you get your refugee travel document.

Call the USCIS National Customer Service Center at 1.800.375.5283 or look online at www.uscis.gov/i-131 to find out where the form, supporting documents, and processing fee should be sent. You may be able to submit the application online. Go to www.uscis.gov/e-filing to find out if you can file your application online.

For more information, see the USCIS Fact Sheet: Traveling Outside the United States as an Asylum Applicant, Asylee or Lawful Permanent Resident at https://www.uscis.gov/sites/default/files/USCIS/Archive/Archive%20News/2006%20Archive%20News/Asylee_travel_information.pdf.

Asylum-Seekers

Generally, asylum-seekers should not travel, especially to countries where you fear persecution, because USCIS will consider you to have abandoned your asylum application, even if you tell them you have not.

If you need to travel for urgent reasons, you must first obtain permission. This is called Advance Parole. You must fill out Form I-131, Application for Travel Document, and check the box indicating you are applying for an Advance Parole Document that will allow you to return to the U.S. after brief travel abroad. You

should consult an attorney before doing this and should only do so in urgent situations.

Withholding of Removal and CAT

If you have Withholding of Removal (WOR) or protection under the Convention Against Torture (CAT) and travel outside of the U.S., you will not be allowed to come back.

Traveling in the United States

You do not need a refugee travel document to travel in the U.S., but you will still need a government- issued picture ID to travel within the U.S. by plane, train, or bus. Be sure to carry a copy of your immigration documents with you.

CHAPTER THIRTEEN

**Voting, the Selective
Service Requirement,
and Joining the
Military**

Voting

You may want to take part in civic and political activities in the U.S., and may wish to vote. It is very important to understand that only U.S. citizens can vote in federal elections. Some state and local governments may allow noncitizens to vote; however, this is rare, and you should check first with your local government. If you vote in a federal election before you have U.S. citizenship, you could lose your status, will never be able to become a citizen, and could possibly be deported.

Selective Service

All men living in the U.S. between the ages of 18 and 25 are required by law to register with the Military Selective Service System, regardless of immigration status. Men are required to register within 30 days of turning 18. It is important to register. If you do not register, you may be denied benefits, loans, or jobs in the future. It could also make it difficult for you to become a U.S. citizen.

There is not a draft (requirement to fight in war). There has not been a draft in the U.S. since the 1970s; military service has been voluntary since then, and it is likely to stay that way. The Selective Service is just a backup. Your record will be kept, but you will not have to fight in war. If the president and the Congress decide to start a military draft, they will choose who has to fight through a lottery based on birth dates.

In the past, if a draft was declared and you were called to serve, you could make a claim to be classified as a conscientious objector. This means you do not believe in fighting war for moral or religious reasons. If you were called to serve, you would have to go before your local Selective Service board and explain why you do not believe in fighting.

How to Register

If you have a Social Security number, you can go online to register for Selective Service at www.sss.gov/Home/Registration. You can also go to any post office and fill out the Selective Service form.

Bring your Social Security card. If you do not have a Social Security number, you will have to send a copy of your Social Security card when you get one. When you send it, include your complete name, date of birth, Selective Service registration number, and current mailing address. Send it to:

Selective Service System
P.O. Box 94739
Palatine, IL 60094-4739

For more information about the Selective Service System go online to www.sss.gov or call 1.888.688.6888.

Joining the Military

Only U.S. citizens and certain lawful permanent residents (LPRs/green card holders) can join the military. For more information, see www.military.com/join-armed-forces and www.uscis.gov/military.

CHAPTER FOURTEEN

The Right to Work

Do You Have the Right to Work?

Rules concerning employment for immigrants in the U.S. are complicated. There are four categories you may fall under:

1. Immigrants who are authorized to work as soon as they get their status, without restriction, and do not have to apply for work authorization
2. Immigrants who are authorized to work with their status without restriction, but must apply for a work permit
3. Immigrants who must apply to USCIS for permission to work and may or may not be granted permission
4. Immigrants who are unauthorized to work.

This section will discuss the main statuses covered in this guide. If your situation is not covered below or in the next chapter, you should contact an immigration attorney or accredited representative to learn what your options are. See [Chapter 25](#), "Important Phone Numbers and Websites."

- Lawful permanent residents (LPRs), refugees, and asylees are authorized to work as soon as they get their status, without restriction. They may, but do not have to, apply with USCIS for an EAD (Employment Authorization Document) or work permit.
- Asylum-seekers with pending cases or those whose cases have been recommended for approval, but have not yet received a decision must apply to USCIS for permission to work, and may or may not be granted permission.
- Those granted Withholding of Removal (WOR) under Convention Against Torture (CAT) or the Immigration and Nationality Act may apply for permission to work and may or may not be granted permission.

How Do You Show Employers That You Are Eligible to Work?

If you have an EAD, you only have to show your EAD. Otherwise, you must show your employer two documents to work: a photo document that proves your identity and a document that proves

you have the legal right to work. The instructions for filling out USCIS Form I-9, available at www.uscis.gov/i-9, has a list of what documents you can show your employer to prove you have the right to work. Information on how to apply for an EAD is provided in the next chapter.

If you can, it is best to show your employer that you meet the I-9 requirements without using an immigration document. For example, use your Social Security card and driver's license. Otherwise, they may wrongly think your work authorization is limited. If you can satisfy the I-9 requirements with other documents that are on the list of acceptable documents on the I-9 form, the employer is not allowed to require you to show your green card.

Confusion About Employment Authorization

Sometimes employers get confused about your right to work or the documents you need to show. Sometimes they want to see a green card or a work permit, even though you have shown them all the documents they need to see.

Some employers use a system on the Internet called E-Verify to check your right to work in the U.S. They can find E-Verify at www.dhs.gov/e-verify. You can enter your information on E-Verify at www.uscis.gov/everifyselfcheck to know what an employer will see if they check online. You can also visit www.nilc.org to find a "Know Your Rights About E-Verify" document, available in English and Spanish.

If you or your potential employer have any questions about what documents are needed, call the Office of Special Counsel for Immigration-Related Unfair Employment Practices in the Department of Justice. You or your potential employer can call the appropriate toll-free number listed below and talk to a government official who can explain your rights when getting a job.

How to Contact the Office of Special Counsel for Immigration-Related Unfair Employment Practices:

- You should call the Worker Information Hotline: 1.800.255.7688
- The employer should call the Employer Information Hotline: 1.800.255.8155
- Email ier@usdoj.gov
- Visit www.usdoj.gov/crt/osc

Employment Assistance

Refugees, asylees, Cuban-Haitian entrants, victims of trafficking, and Special Immigrant Visa (SIV) holders are eligible to receive matching grant and state refugee social services employment assistance. Both are usually administered by refugee resettlement agencies. For information on matching grant services, see [Chapter 18](#), “How to Get Public Benefits and Financial Support.”

See the next chapter for information on how to apply for a work permit.

CHAPTER FIFTEEN

How to Get a Work Permit?

What is an “EAD”?

An Employment Authorization Document (EAD) is your work permit. It is not always required to get a job, but it can help prove you have permission to work in the U.S. It is also useful because it has your photo on it, and you can use it as a photo ID for other purposes. See [Chapter 14](#), “Right to Work,” for information on who has the right to work, and therefore who has the right to apply for an EAD.

How Do I Apply for an EAD?

All applicants who are eligible for employment authorization must fill out Form I-765, Application for Employment Authorization. See the USCIS website (www.uscis.gov/i-765) to download the application, view instructions on filling out the form—including the required evidence—and to find out where to send it. . There is a filing fee, but you do not have to pay for your first EAD (you must pay for replacements) if you are in one of the following categories: refugee, asylee, asylum-seeker, granted withholding of removal, parolee, VAWA self-petitioner, U-visa holder, or trafficking victim.

Following are special instructions based on your immigration status:

Refugees

As a refugee, your I-94 (the Arrival and Departure Card you received when you arrived in the U.S.) gives you the right to work. You do not need to apply for an EAD. USCIS will issue you an EAD soon after your arrival, and your resettlement agency will deliver it to you; however, you do not need this to apply for or accept a job. If you do not receive your EAD, ask your resettlement agency for help. If you do not have your EAD yet—and your employer does not understand that your I-94 gives you permission to work—or if you otherwise have trouble with your employer understanding you are authorized to work, see [Chapter 14](#), “Right to Work” or print this document from the USCIS website: www.uscis.gov/sites/default/files/USCIS/Resources/D2en.pdf. It explains that refugees are automatically authorized to work and do not need an EAD. Show the document to your employer.

Once you get your EAD, it may have an expiration date on it. This means only that the document must be renewed, not that the authorization to work has expired. Your first EAD is free, but you must pay for the renewals.

You should also apply for a Social Security number and card, which you must have if you accept employment. See [Chapter 16](#), “How to Get a Social Security Number.”

Asylees

If you are granted asylum, you may work right away, and you do not need to apply for an EAD; however, you may choose to get an EAD for convenience or identification purposes. If a potential employer questions your ability to work, you can print this document from the USCIS website: www.uscis.gov/sites/default/files/USCIS/Resources/D2en.pdf. It explains that asylees are automatically authorized to work and do not need an EAD. Show this document to your employer. You may also want to fill out the EAD application to make things easier. Fill out Form I-765, Application for Employment Authorization, as described above.

Once you get your EAD, it may have an expiration date on it. This only means that the document must be renewed, not that the authorization to work has expired. Your first EAD is free, but you must pay for each renewal.

You should also apply for a Social Security number and card, which you must have if you accept employment. See [Chapter 16](#), “How to Get a Social Security Number.”

Asylum-Seekers

The rules about when an asylum-seeker becomes eligible for employment are complicated. As an asylum-seeker, you cannot apply for employment authorization at the same time you apply for asylum. If no decision has been made about your asylum application after 150 days, you can apply for work authorization. USCIS then has 30 days to approve or deny the application, so you could be eligible to receive your work permit 180 days after you applied

for asylum. This is explained further in the “Asylum EAD Clock” section below.

If you apply before 150 days, your application will be denied. If you are given a “recommended approval for a grant of asylum” before the 150 days, you can apply for an EAD immediately. To apply for an EAD, fill out Form I-765, Application for Employment Authorization, using the instructions found at www.uscis.gov/i-765. If you need help, ask an accredited representative or lawyer. See [Chapter 25](#) for how to find an accredited representative or lawyer if you do not already have one.

The Asylum EAD Clock

USCIS and EOIR use something referred to as the “asylum EAD clock” to determine when the 180-day period is up and the applicant is eligible for work authorization. It starts when the applicant files or lodges a complete asylum application. It stops running (so days stop being counted for credit towards the 180 days) when an applicant or the applicant’s lawyer cause any delay. Once the delay has been resolved, the clock should restart where it left off. Asylum-seekers often end up waiting years for a work permit, because many unexpected and common actions cause the EAD clock to stop. Some of these actions are necessary to build a case.

What Starts the Asylum Clock?

For asylum applications first filed with an asylum office, USCIS calculates the 180 days from the date that a complete asylum application is received by USCIS. If an asylum application is referred from the asylum office to EOIR, the applicant may continue to accumulate time while the asylum application is pending before an immigration judge.

For asylum applications first filed with EOIR, USCIS calculates the 180-days in one of two ways:

1. If a complete asylum application is lodged with the immigration court, whether at the court window or by mail, the application will be stamped “lodged not filed” and the

applicant will start to accumulate time toward eligibility for employment authorization on the date of lodging. We explain how to lodge an asylum application in the next section.

2. If the asylum application is not lodged, the applicant generally will start to accumulate time toward eligibility for employment authorization on the date that a complete asylum application is filed with the immigration court, whether at a hearing, at the court window, or by mail. Applicants who lodge an application at an immigration court window must still file the application at the immigration court at a later date, whether at a hearing, at the court window, or by mail.

How to Lodge an Asylum Application

Not everyone may lodge an application. Only asylum-seekers who plan to file an asylum application defensively (those who are in removal proceedings in immigration court), but have not yet done so, may lodge. You may not lodge an application if you are applying affirmatively through USCIS or if USCIS referred your case to an immigration judge (because you already have an application on file, so your clock already started). Those who are eligible to lodge an application may only do so once and must do so before filing a complete application during immigration court proceedings. Be sure to lodge your application at the correct immigration court, where your case is pending.

There are two ways to lodge an asylum application:

1. Applicants can take the complete asylum application to their immigration court's public window and lodge in person with the clerk.
2. Alternatively, applicants can lodge a complete asylum application by mail or courier. If submitting by mail or courier, you must include the following:
 - A self-addressed, stamped envelope (or comparable return delivery packaging), AND
 - A cover page, or a prominent note at the top of the first page of the asylum application, stating it is being submitted for the purpose of lodging.

The court clerk will stamp the application “lodged not filed,” return the application to the asylum-seeker, and give the asylum seeker a 180-day Asylum EAD Clock Notice. The clerk sends notification to DHS that an application was lodged, and the EAD clock starts.

Important:

A lodged application is not considered a filed application. The immigration court does not keep a copy of the application. You must still file a complete asylum application in immigration court during your hearing. Lodging is only for the purposes of notifying DHS that an applicant will be filing an application in the future, so the applicant can start accumulating the 180 days required to be eligible for a work permit.

Note: Make sure your application is complete. This means all questions on the I-589 must be answered, it must be signed, and it must include any supporting evidence as required on the application. You can still submit additional evidence later, however, at your asylum interview or court hearing if you do not have everything when you wish to lodge the application.

What Stops the EAD Clock?

(Please note: this information and more can be found on the USCIS website: www.uscis.gov/sites/default/files/USCIS/Humanitarian/Refugees%20%26%20Asylum/Asylum_Clock_Joint_Notice_-_revised_05-10-2017.pdf)

The 180 days does not include any delays requested or caused by an applicant while his or her asylum application is pending with USCIS and/or EOIR. For cases pending with an asylum office, delays requested or caused by an applicant may include:

- A request to transfer a case to a new asylum office or interview location, including when the transfer is based on a new address
- A request to reschedule an interview for a later date
- Failure to provide a competent interpreter at an interview
- A request to provide additional evidence after an interview
- Failure to receive and acknowledge an asylum decision in person (if required). It will not begin again until the first master calendar hearing with an immigration judge after the case is referred to EOIR.
- Failure to appear at an interview or fingerprint appointment

If an applicant fails to appear for an asylum interview, the clock will stop on the date of the missed interview, and the applicant may be ineligible for employment authorization unless he or she sends a written request to the asylum office to reschedule the interview within 45 days and demonstrates “good cause” for missing the interview. A request to reschedule an interview with the asylum office that is made after 45 days from the missed interview must demonstrate “exceptional circumstances,” which is a higher standard than good cause. If the applicant has established exceptional circumstances for missing the asylum interview, and is currently in removal proceedings before an immigration judge, the asylum office can reopen the asylum application and reschedule the applicant for an interview upon request by the applicant if the immigration judge dismisses the removal proceedings. If the asylum office determines that an applicant’s failure to appear for an interview was due to lack of notice of the interview appointment, the asylum office will not attribute a delay to the applicant and the asylum office will reschedule the interview.

For more information about requests to reschedule and missed asylum interviews, see “Preparing for Your Asylum Interview” on the Asylum Division’s website at www.uscis.gov/Asylum.

For cases pending with EOIR, an asylum applicant may stop accumulating time toward the 180-day clock if, at a hearing:

- The applicant asks for the case to be continued so he or she can get an attorney
- The applicant or his or her attorney asks for additional time to prepare the case
- The applicant or his or her attorney declines an expedited asylum hearing date
- The applicant requests--or the parties jointly request--administrative closure of the applicant's case

In addition, an asylum applicant may stop accumulating time between hearings if he or she files a motion that delays proceedings and the immigration judge grants the motion. For example, an applicant stops accumulating time when the immigration judge grants:

- A motion to change venue filed by the applicant
- A motion for a continuance filed by the applicant

In such cases, the applicant stops accumulating time when the immigration judge grants the motion. The applicant may or may not begin to accumulate time again after the next hearing, depending on the reason for adjournment of the next hearing.

Also, the clock stops on the date an immigration judge issues a decision on the asylum application. An applicant whose asylum application is denied before the 180 days has elapsed will not be eligible for employment authorization. If the decision is appealed to the Board of Immigration Appeals (BIA), however, and the BIA sends it back to an immigration judge for another decision on an asylum claim, the applicant will be credited with the total number of days between the immigration judge's decision and the date of the Board's remand order. The applicant will continue to accumulate time on the clock while the asylum claim is pending after the remand order, excluding any delays requested or caused by the applicant.

Additionally, judges are now required to let asylum-seekers and their lawyers know the consequences of asking for case delays for various reasons. Judges must also inform them if delays will stop the "asylum clock" and delay the work permit process.

How to Address EAD Clock Problems

Although you should try to avoid unnecessary delays, sometimes delays are necessary and offer the best chance for success. You and your lawyer may take the following steps if you have problems or questions about the clock:

1. If your case is before USCIS:
 - All questions on the EAD clock should be directed to the points of contact (POCs) at the asylum office with jurisdiction over the case. They can be found on the USCIS Asylum Division's page on Asylum Employment Authorization and Clock Contacts, at www.uscis.gov/sites/default/files/USCIS/Humanitarian/Refugees%20%26%20Asylum/Asylum/Employment_Authorization_Asymylum_Clock_Contacts.pdf.
2. If your case is before an immigration judge or on appeal:
 - Address the issue to the judge in your hearing.
 - If the judge did not adequately address the issue, raise it with the court administrator in writing.
 - If the court administrator did not adequately address the issue, contact the Assistant Chief Immigration Judge in writing.
 - If your case is on appeal (during which time the clock will not run) and you believe more time should have accumulated before the clock stopped when the immigration court rejected your case, contact the EOIR Office of General Counsel in writing.

You may find the contact information for the above offices on EOIR's Immigration Court Listing page, at www.justice.gov/eoir/eoir-immigration-court-listing.

If you are having difficulty navigating this process, ask an accredited representative or lawyer for help. You can find an immigration legal services provider near you by consulting the [Chapter 25](#).

Withholding of Removal (INA and CAT)

If you are granted withholding of removal, you are eligible to work, but must apply to USCIS for documentation first. File Form I-765 according to the instructions found at www.uscis.gov/i-765. You must also file your judge's order. You should apply for a new EAD 90 days before your current one expires.

Deferral Under CAT

If you were granted deferral of removal under the Convention Against Torture, you are not guaranteed employment authorization. You must apply to USCIS, and you must have compelling reasons for needing employment, such as the need to support a spouse or children in the U.S.

File Form I-765 according to the instructions, along with the following information:

- Copy of your order of supervision
- Request for employment authorization that may be based on one of the following:
 - Existence of husband, wife, or children in the U.S. who depend on you for support
 - Economic necessity
 - Estimated time before you can be removed from the U.S.

You must explain the above in detail. It is helpful to provide documents to support your request.

What to Do If You Have Applied for an EAD But Have Not Heard Anything

If you have been waiting for longer than the expected processing time of 30 days, and you have not received any notice or update from USCIS, you can call the USCIS National Customer Service Center at 1.800.375.5283. Have your A-number available. You can also check your case status online at www.uscis.gov and click on "Check Your Case Status."

Income Tax

If you are working, you will need to file an income tax form. Employers send forms called W-2 or 1099. This form shows how much money you have made during the year. Be sure to update past employers for whom you worked during that year with your current address so they can send you your W-2 or 1099. If you have questions about filing your income tax forms, ask friends or family for local organizations that can help you with your taxes. There are private organizations that help to fill out these forms, but they charge a large fee. You may be able to find a free tax preparer by calling the Volunteer Income Tax Assistance Program at 1.800.906.9887 or going online to www.irs.gov/Individuals/Free-Tax-Return-Preparation-for-You-by-Volunteers.

It is very important to pay your taxes. If you do not pay the taxes you owe, it will cause problems later when you apply for your green card or U.S. citizenship or try to sponsor a family member. You could be sent to jail, have your paycheck taken away, or have property like a car taken from you for not paying.

For more information on income taxes, go online to www.irs.gov or call 1.800.829.1040.

CHAPTER SIXTEEN

How to Get a Social Security Number

What Is a Social Security Number (SSN), and Why Do I Need One?

A Social Security number (SSN) is a nine-digit number the U.S. government assigns to U.S. citizens, lawful permanent residents, and other lawfully present individuals. It is important, because you need it to access certain benefits and rights you may be entitled to. If you are authorized to work, for example, you will need to get an SSN before you can get a job, and you may need it to access certain government services and benefits. The government uses the number to track your income from working to determine how much tax you owe, as you must pay taxes if you work. Your SSN is unique to you, and you should be very careful to keep your Social Security card safe and not to let other people know your SSN, because it could put you at risk for identity theft. Identity theft occurs when someone steals your personal information and uses it without your permission. See [Chapter 22, “How to Keep Your Money Safe and Make It Grow,”](#) for more information and tips to avoid identity theft.

If you are eligible to work in the U.S., you are eligible to get an SSN.

If you are eligible for an SSN, you should apply for and receive a Social Security card, which contains your SSN. Instructions for applying are below. You may be eligible for an SSN under other limited circumstances described below. To read more about SSNs for non-U.S. citizens, see www.ssa.gov/pubs/EN-05-10096.pdf.

There are three kinds of Social Security cards, and your immigration status and employment eligibility determine the type of card you receive.

1. The most common kind of card shows your name and SSN, allows you to work without restriction, and is what most U.S. citizens and those admitted on a permanent basis receive.
2. A restricted card shows your name and SSN and says, “VALID FOR WORK ONLY WITH DHS AUTHORIZATION.” This type is issued to people who are lawfully admitted on a temporary

- basis (including those with the possibility of later adjusting status to LPR).
3. Another type of restricted is very rare. It shows your name and SSN, and says, "NOT VALID FOR EMPLOYMENT." This type of card is issued to noncitizens who are lawfully admitted to the U.S. and do not have work authorization, but either have a valid non-work reason for needing a number, or need a number because of a federal law requiring an SSN to receive a benefit or service, such as Temporary Assistance for Needy Families (TANF), Medicaid, or food stamps. (These benefits are covered more thoroughly in [Chapters 18](#) and [19](#).)

You can still receive many services without an SSN. You do not need an SSN to get a driver's license, register for school, get private health insurance, or apply for school lunch programs or subsidized housing; however, employers, banks, and departments of motor vehicles may ask for your SSN. Local branches of social services offices will use your SSN to see what benefits you may qualify for. When you apply for federal financial aid to pay for college, schools will ask for your SSN. The federal government will also use your SSN to determine how much to give you in Social Security benefits when you reach full retirement age or become disabled and no longer have income. For these reasons, it is best to get one if you are eligible.

Important:

An ITIN does not make you eligible to work or receive Social Security benefits; it is only used for federal tax-reporting purposes. If you are confused as to whether you might need an ITIN, see an accredited representative or a lawyer who offers free or low-cost services. [Chapter 25](#), "Important Phone numbers and Websites" has information on how to find these legal services.

If you are not authorized to work in the U.S. or otherwise do not qualify for an SSN, but you need a number for tax reporting or filing

purposes, you can apply for an Individual Taxpayer Identification Number (ITIN) from the Internal Revenue Service (IRS).

How Do I Get an SSN?

To obtain a Social Security number, you must visit a Social Security office in person to complete and sign an application for a Social Security number. Find your local office at secure.ssa.gov/ICON/main.jsp or call 1.800.772.1213. For the deaf or hearing-impaired, call the TTY number, 1.800.325.0778.

You will have to complete Form SS-5, Application for a Social Security Card. You may find this form at www.ssa.gov/online/ss-5.pdf. You must then take the form to an office to submit it. You must also show original documents or copies certified by the issuing agency that show:

1. **Your U.S. citizenship or immigration status (including DHS permission to work):** You can show several types of documents to prove your immigration status, such as your I-94, your work permit, or your judge's decision or court order. For a list of documents you can use to prove your status, view the Social Security Administration's list at www.ssa.gov/pubs/EN-05-10096.pdf, and see [Chapter 7](#), "Case Status and Proof of Status."
2. **Your age:** To show your age, you may submit your birth certificate, U.S. hospital record of your birth, passport, or U.S. immigration document.
3. **Your identity:** To prove your identity, you must submit a document that is current and shows your name, identifying information, and preferably a photograph. If you do not have the documents the Social Security Administration requests, they may ask to see one of the following: employee ID card, school ID card, health insurance card (not including Medicare), U.S. military ID card, adoption decree, life insurance policy, or marriage document in the event of a name change.

After you have submitted your form, ask for a receipt, which is the proof that you applied.

How Much Does It Cost?

There is no charge for an SSN or card. If anyone tries to charge you, you can report them by calling 1.800.269.0271.

What If I Do Not Receive My Social Security Card?

You should receive your Social Security card in the mail within ten days. If you do not, you can either return to your local office to ask, or call 1.800.772.1213. When you go, take the documents you originally presented as evidence, or have them available if you call.

If you have already applied for an SSN but your employer needs to verify your name and SSN immediately, they can use the online SSN Verification Service at www.ssa.gov/employer/ssnv.htm or call the Telephone Number Employer Verification service, which is explained at www.ssa.gov/employer/documents/TNEV.pdf.

How Do I Get an ITIN?

Remember, you only can apply for an ITIN if you are not eligible for an SSN. To obtain an ITIN, visit the IRS in person or call 1.800. TAXFORM (1.800.829.3676) to complete your application form.

You will fill out a Form W-7, Application for IRS Individual Taxpayer Identification Number, which you can find at www.irs.gov/pub/irs-pdf/fw7.pdf. Mail your completed application to:

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

You may also apply using the services of an IRS-authorized Acceptance Agent (listed at www.irs.gov/individuals/international-taxpayers/acceptance-agent-program) or visit an IRS Taxpayer Assistance Center (TAC) instead of mailing your information to the IRS in Austin. TACs provide in-person help with ITIN applications on a walk-in or appointment basis, and you can find the list of centers at www.irs.gov/help/tac-locations-where-in-person-

[document-verification-is-provided](#). If you need help, you can call the IRS at 1.800.829.1040.

When you submit the W-7, attach a valid federal income tax return if you have one, unless you qualify for an exception, and include your original proof of identity or copies certified by issuing agency and foreign status documents. A full list of acceptable documents is available at www.irs.gov/Individuals/Revised-Application-Standards-for-ITINs.

You should receive a letter from the IRS assigning your ITIN within six weeks after you applied. If you have not heard from the IRS six weeks after applying, call the IRS at 1.800.829.1040.

Note that as of January 2013, ITINs expire every five years. If you require an ITIN and remain ineligible for an SSN, you must reapply for an ITIN every five years. Also note that all ITINs that have not been used on a tax return for Tax Year 2015, Tax Year 2016 or Tax Year 2017 expired on December 31, 2018. Additionally, ITINs with middle digits of 73, 74, 75, 76, 77, 81 or 82 (e.g. 9NN-73-NNNN) also expired at the end of that year. Any ITIN that does not have a middle digit of 73, 74, 75, 76, 77, 81 or 82 **and** was used on a tax return for Tax Year 2015, Tax Year 2016 or Tax Year 2017 will not expire. For more information, please visit www.irs.gov/individuals/individual-taxpayer-identification-number.

Important:

The Social Security office will check your immigration status. If you are not authorized to work and receive an SSN or ITIN for non-work purposes, but then use it to work, the SSA will report you to DHS, and you could be arrested and possibly deported.

Am I Eligible for an SSN?

Below you will find details on your eligibility for an SSN, according to your status.

Refugees & Asylees

As a refugee or an asylee, you are eligible immediately to apply for an SSN. See [Chapter 7](#), “Case Status and Proof of Status,” for a list of documents you can use to prove your status. Remember that some I-94s say “employment authorized” and some do not. This does not mean anything, as all refugees and asylees are immediately authorized to work, and your I-94 does not need to say that you are authorized to work. Refugees and asylees are automatically entitled to an unrestricted SSN.

Asylum-Seekers

You can apply for an SSN but will receive a restricted Social Security card, which will state either “VALID FOR WORK ONLY WITH DHS AUTHORIZATION,” or “NOT VALID FOR WORK,” depending on whether or not you are eligible to work. See [Chapter 7](#) for a list of documents you can use to prove your status.

It can be difficult for asylum-seekers to get an SSN, because the Social Security Administration (SSA) requires two forms of ID, and often ICE (Immigrations and Customs Enforcement) holds asylum-seekers’ passports while they are in immigration proceedings. Usually, ICE will not give your passport back until the case is finished. If ICE has your passport or other ID, sometimes your lawyer can get ICE to agree to make a photocopy for its records and return the original to you to take to SSA.

Withholding of Removal (INA and CAT)

Because your status is not considered permanent, you are ineligible for the most common type of Social Security card. If you are authorized for employment, however, you will be eligible for the second type of card, which reads, “VALID FOR WORK ONLY WITH DHS AUTHORIZATION.”

If for some reason you are not authorized for employment (see [Chapter 14](#), “Right to Work”), you will only be eligible for the third kind of Social Security card, which reads, “NOT VALID FOR WORK.” This applies if you are granted withholding under the INA. You will not be eligible if you are issued withholding

under CAT. This is because those granted withholding under the Immigration and Nationality Act (INA) are considered “qualified immigrants” for purposes of benefits eligibility (see [Chapters 18](#) and [19](#) on benefits), but those granted withholding under CAT are not.

Deferral Under CAT

Because your status is not considered permanent, you are ineligible for the most common type of Social Security card. If you are approved for a work permit, however, you may qualify for a restricted Social Security card, which reads, “VALID FOR WORK ONLY WITH DHS AUTHORIZATION.” It is unlikely that you will be eligible for many benefits, but in the event that you are, you may be eligible for the third kind of Social Security card, which reads, “NOT VALID FOR WORK.”

CHAPTER SEVENTEEN

How to Get a State ID

A state identification (ID) card is a helpful document. You can show it to employers, landlords, banks, and other businesses to prove who you are. The card will show your photograph and signature. It will also show information about you, including your address, date of birth, sex, eye color, hair color, height, and weight. Many immigrants find it helpful to get a state ID card, even though it can be difficult, because unlike your I-94 or other forms of ID, your state ID card does not mention your citizenship or how long you have been in the U.S.

Who is Eligible for an ID?

Not everyone is eligible to get an ID. In most states, you should be eligible if you are a lawful permanent resident, refugee, asylee, asylum-seeker, parolee, SIJS, Cuban-Haitian entrant, SIV holder, or if you have a T-visa or U-visa.

How Do I Get An ID?

It will cost money to get a state ID. Each state has different rules about getting an ID card. Call your local Department of Motor Vehicles (DMV) office to learn which documents you will need to obtain a state ID card. You can locate the nearest DMV in the phone book or on the Internet. The DMV may have a different name in your state. It may be called the "Motor Vehicle Administration" or the "Division of Motor Vehicles" or something else. Ask someone to help you find the right office.

Depending on your state, you may also be allowed to get a driver's license. This will be expensive and will require driving classes and passing a driving test. You cannot drive in the U.S. unless you have a driver's license. If you do drive without a license, you could be arrested. You also cannot drink alcohol and drive while you are still under the influence of alcohol, because it is dangerous. Driving without a license and driving while under the influence of alcohol can both lead to your deportation. Because it takes a long time to learn to drive and obtain your license, you may want to get a state ID first and worry about driving later.

Important:

The paperwork to get your driver's license or other state ID card is long and confusing. There are many questions that ask you to "check" (✓) or mark boxes that ask confusing questions. One asks if you would like to vote. Do not check this box. If you do, you will be registered to vote, which is illegal for non-citizens. If you register to vote before you are a citizen, you may not be allowed to become a citizen. It is best to take someone like your lawyer or a friend who is an American citizen and who is fluent in English to help you.

What If I Have Problems Getting My State ID Card?

People who work at the DMV may not understand your immigration status or what documents are required for your status. They may tell you that you do not have the right documents. Ask them to write down which documents you need, why your documents do not meet the requirements, and their name and office phone number.

How to Get a State ID Card

People who work at the DMV may not understand that if your status is indefinite, you should be able to get an ID. Getting an ID can be difficult, even for U.S. citizens. Try to be patient. If the DMV representative still does not understand, ask someone at a refugee or immigrant agency to explain it to them. The refugee or immigrant agency can also write a letter to the DMV.

Tip: Certain refugee agencies can issue certification documents if you enroll in their program. The certification includes a photo ID, along with a letter verifying that this is a federally recognized ID. This is different in each state and with each agency. See [Chapter 25](#), "Important Phone Numbers and Websites," for information on contacting a resettlement agency or legal service provider.

CHAPTER EIGHTEEN

How to Get Public Benefits and Financial Support

You may need money and help to find a job and a place to live when you first arrive in the U.S., or once you are released from immigration detention. You may be eligible for some forms of government-funded assistance. The types of assistance you are eligible for depend on your status, as well as other factors, and the rules are very complicated. Potential benefits also depend on whether the benefits come from the federal or state government. This section explains some of those rules, many of which also apply to medical care, which is covered in [Chapter 19](#), “How to Access Health Care.” Financial and medical assistance are referred to as “benefits,” because they benefit you with important financial and medical needs. Most benefits do not require you to pay the money back.

Note:

The National Immigration Law Center (NILC) has expertise in the areas of benefits and healthcare for immigrants, and has published a wealth of detailed information. Visit nilc.org for excellent resources and information on access and eligibility for various types of benefits. Please note that NILC does not provide individual legal representation or advice, but does serve as a resource on access to benefits and healthcare issues.

The information in this section is limited to those statuses that are covered by this guide as described in [Chapter 2](#), “Immigrants Covered in This Guide: Those Who Have Received Protection from Persecution or Torture, and Those Who Currently Seek It.”

Immigrants are either classified as “qualified” or “not qualified” for benefits. Qualified immigrants include, but are not limited to, the following statuses: refugees, SIV holders, and asylees.

Note:

As this manual is being updated, the U.S. government is considering changes to the “public charge” rule. Public charge is a term used by U.S. immigration officials to refer to a person who is considered primarily dependent on the government for subsistence, as demonstrated by receipt of public cash assistance and other benefits. Certain immigrants—such as refugees and asylees and other protected groups—are currently not subject to the public charge rule. To ensure you have the most up-to-date information, please visit www.LIRS.org when using this manual. For more information on the public charge rule, please also refer to the NILC website mentioned above.

Withholding of removal (only under the Immigration and Nationality Act (INA), not Convention Against Torture (CAT). See [Chapter 2](#) for an explanation of the difference.

Federal Public Benefits Available to All Qualified Immigrants

Important:

You may need to be persistent in order to access the benefits to which you are eligible under U.S. law. Many individuals who work in a government office with a benefit-granting capacity are not familiar with certain immigration statuses, such as refugee or asylee. You have the right to request to speak to an office supervisor if you believe your application has been--or will be--denied in error for this reason.

While some Even many qualified immigrants may be excluded from benefits for five years, this waiting period does not affect the statuses covered by this guide.

Some other types of benefits, known simply as “federal public benefits,” are available to all qualified immigrants, with no restrictions and no five-year bar. They are considered federal public benefits if they are paid directly to an individual, household, or family.

These benefits include loans, contracts, grants, and licenses provided or funded by a U.S. government agency. They also include other benefits (not listed above in the “federal means-tested” category) such as retirement, unemployment, health, disability, welfare, post- secondary education, assisted housing, public housing, and food assistance provided by a U.S. government agency. Ask your state social services agency for details.

Basic Emergency Benefits Available to All Immigrants, Regardless of Status

All immigrants, regardless of status, are eligible for the following:

- Emergency Medicaid
- Immunizations/treatment of communicable diseases
- School breakfasts and lunches
- WIC (food assistance program for “Women, Infants, and Children”)
- Short-term, non-cash emergency disaster assistance
- Other in-kind services necessary to protect life/safety (as long as no income qualifications are required for eligibility), including:
 - Child and adult protective services
 - Federal programs that address weather emergencies and homelessness
 - Shelters for domestic violence victims, runaway children, and the homeless

- Community food banks, soup kitchens, and Meals-On-Wheels
- Medical, public health, and mental health services necessary to protect public safety
- Violence and abuse prevention
- Disability and substance abuse services necessary to protect life and safety
- Programs that safeguard children, workers, and community residents

In some states, prenatal care may also be available, regardless of status, and a few states or counties offer healthcare to children or to other groups, also regardless of status. Additionally, if federal funds are provided to a state as a block grant to a hospital, shelter, or other services agency, they are not considered federal public benefits and should therefore be available to everyone, regardless of status.

Note on Where to Apply and Interpretation

You can apply for most of these benefits at the Department of Social Services (a government agency) in your city or town. All agencies that are part of social services departments are required by law to provide you with an interpreter if you request one.

Public Benefits Programs: Help with Cash, Food, and Access to Essential Services

Matching Grant: U.S. Office of Refugee Resettlement (ORR)

The Matching Grant program can help you become self-sufficient (able to financially support yourself) within six months of being in the U.S. The program helps you find a job through job-placement services and also offers case management to help you adjust to life in a new society. Additional services include English classes cash allowance, job-training resources, recertification, and other support services that assist in adjusting to living in the U.S.

Regardless of income, you are eligible to receive all services for 180 days, including case management and health services.

The Matching Grant Program also helps with cash assistance and rent and utility assistance for 120 days, or until your caseworker verifies that you are self-sufficient through a completed budget and verification process. The program pays \$200 per adult and \$40 per child each month.

Important Deadline:

If you wish to participate in the Matching Grant program, you must do so within 90 days after you become eligible. This opportunity for valuable help will expire after 90 days.

Who is Eligible for the Matching Grant Program?

Refugees, SIV holders, and asylees, among other ORR eligible populations, are eligible to receive the Matching Grant if they are able and willing to work and show a financial need.

You are not eligible if you already receive public cash assistance such as:

- Refugee Cash Assistance (RCA) (described below)
- Supplemental Security Income (SSI) (described below)
- Temporary Assistance for Needy Families (TANF) (described below) Note: TANF will likely have a different name in your state.

However, you are eligible to receive:

- Supplemental Nutrition Assistance Program (SNAP) (described below)
- Children’s Health Insurance Program (CHIP) (described in [Chapter 19](#))

- Refugee Medical Assistance (RMA) (described in [Chapter 19](#))
- Other public or health benefits at the same time

Note: Each of these programs has its own criteria, so you must check with your state agency to verify your eligibility.

How to Apply for the Matching Grant Program

The Matching Grant program is run by certain refugee resettlement agencies and nongovernmental organizations (NGOs). You can find a refugee resettlement agency located in your state at www.wrapsnet.org/rp-agency-contacts/. You must apply through the agency in your state.

Important:

You must enroll within 90 days after becoming eligible. The date of eligibility for Matching Grant services is counted from the date of arrival into the country for refugees, the date of the grant of asylum for asylees, the date an SIV arrives in the U.S., or the date of adjustment of status if applying for SIV status within the U.S.

Preferred Communities: ORR

What is the Preferred Communities program?

Preferred Communities can help you become self-sufficient (able to independently manage life tasks as well as access necessary services and support systems). It is a case-management program and does not offer direct cash assistance. The program is open to refugees, SIV holders, asylees and other ORR-eligible individuals who are able to demonstrate “especially vulnerable” status. This can include members of single-parent households, secondary migrants, and individuals experiencing significant medical and/or mental health conditions, among other circumstances. Eligible program participants work with a dedicated case manager for up

to twelve months to achieve the client's individual goals in physical and mental health, family wellness, economic independence, housing, and/or other eligible life areas. Enrolled program clients work together with their case manager to access robust networks of culturally competent service providers in their community of residence.

Who is Eligible for the Preferred Communities Program?

Refugees, SIV holders, and asylees, among other ORR eligible populations, are eligible to participate in Preferred Communities if they are able demonstrate "especially vulnerable" status. You must enroll within five years of your date of eligibility, or the date of arrival into the country for refugees; the date of the grant of asylum for asylees; and the date an SIV arrives in the U.S. or the date of adjustment of status if applying for SIV status within the U.S.

Note: The Preferred Communities Program is run by certain refugee resettlement agencies and nongovernmental organizations (NGOs). You can find a refugee resettlement agency in your state at www.wrapsnet.org/rp-agency-contacts/. You must apply through the agency that is in your state.

Wilson-Fish: ORR

In certain locations, the Wilson-Fish (WF) program is an alternative to traditional state-administered refugee resettlement programs for providing assistance (cash and medical) and social services to refugees. The purposes of the WF program are to:

- Increase refugee prospects for early employment and self-sufficiency
- Promote coordination among voluntary resettlement agencies and service providers
- Ensure that refugee assistance programs exist in every state where refugees are resettled

The WF program emphasizes early employment and economic self-sufficiency by integrating cash assistance, case management,

and employment services, and also by incorporating innovative strategies for the provision of cash assistance.

ORR currently funds 13 WF programs that operate in twelve states: Alabama, Alaska, Colorado, Idaho, Kentucky, Louisiana, Massachusetts, Nevada, North Dakota, South Dakota, Tennessee, Vermont, plus San Diego County, California. For more information, visit: www.acf.hhs.gov/orr/programs/wilson-fish.

Refugee Cash Assistance (RCA): ORR

What is RCA?

RCA provides short-term financial assistance to childless adults while they look for a job. If you qualify for this program and receive benefits, you will not need to pay the money back. If you are approved for RCA, the process may be different in each state. Some states send a check each month in the mail. Other states send a letter, giving you an appointment to go to the social services office. At your appointment, you will get an Electronic Benefits Transfer (EBT) card and learn how to use it. The EBT card allows you to withdraw money from automatic teller machines (ATMs), and to buy certain food from some supermarkets. Stores that accept the card often have a sign. If you do not see a sign, ask if the store accepts the card.

Who is Eligible?

Except in rare cases, RCA is only for single adults or childless couples who do not have any income or who have very low income. Eligible statuses include refugee, asylee, and SIV holder. You become eligible for RCA as soon as you arrive as a refugee or when you receive your status.

How Long Can I Use RCA?

You remain eligible for eight months after you enter or receive status. If, for example, you apply for RCA two months after you are eligible, you will only get RCA for six months (the remaining period under the eight-month limit.)

How to Apply for RCA

Go to your local social services office to apply for RCA. Each state's social services office offers RCA. The name for this office is different in each state. You should be able to find where to go by either asking staff at a refugee resettlement office, or searching on the Internet for the state you live in and "Refugee Cash Assistance." Take these things with you to the social services office:

Depending on your immigration status: your I-94, immigration judge's court order or asylum office grant letter (For more information on documents that prove your status, see [Chapter Z](#), "Case Status and Proof of Status.")

- Your Social Security card
- Proof of any income from your employer if employed
- Proof of your address

If you do not yet have a Social Security card, bring proof that you have applied for it. To prove your address, bring an envelope addressed to you from a company or the U.S. government. If you are living with friends, bring a signed letter from your friends or the landlord stating that you live at that address. Some state social service offices also recommend bringing a letter from a resettlement agency that states your name, address, and need for assistance. They may ask for other things, but you can begin to apply with these.

Tip:

Before you leave the local social service office, be sure to write down the name and phone number of the person who takes your application and/or of the caseworker assigned to you. It is very important to tell your caseworker immediately if you move or get a job.

The RCA eligibility process will take at least five days and may take several weeks. The social services office will assign you a caseworker upon your first visit. It may be the person who takes your application. If you do not get a letter within ten days, call that person.

Supplemental Security Income (SSI): (U.S. Social Security Administration)

What is SSI?

SSI is a U.S. government program that provides monthly stipends to low-income people who are blind, disabled, or age 65 or older. If you are not blind, disabled, or 65 or older, you cannot receive SSI.

SSI also is a federally specified program, which means it is run by the federal government (even though you must apply through a state agency), and the rules about who is eligible are the same in each state.

Who Is Eligible?

SSI is not only for immigrants. The SSI rules for immigrants are very restrictive. Refugees, SIV holders, asylees, and those granted withholding of removal under the INA are immediately eligible for SSI as of the date of arrival or granting of status, but only if they meet other program requirements. They can only use it for the first seven years after being granted this status. For more information, please see www.ssa.gov/ssi/spotlights/spot-non-citizens.htm

You cannot receive SSI while participating in the Matching Grant program. Generally, if you are eligible for Matching Grant, you should try to complete that first. Then, if you are still in need after Matching Grant ends, apply for SSI.

How Long Can I Receive SSI?

You can receive SSI for up to seven years after you arrive in the country as a refugee (or receive your protected status if you are in another eligible status), unless you qualify for SSI through another

immigrant eligibility pathway (outlined at www.ssa.gov/ssi/spotlights/spot-non-citizens.htm) that does not have a seven-year time limit (such as having received SSI since August 22, 1996). Otherwise, your eligibility ends seven years after you arrive in the country, unless you become a U.S. citizen.

How Do I Apply for SSI?

To see if you qualify and to set up an appointment to apply, contact the Social Security Administration at 1.800.772.1213 or go online to www.ssa.gov. You can find your local Social Security office online at www.socialsecurity.gov/locator. SSI is a “specified federal program,” its eligibility and guidelines are set by the federal government. Therefore, even though you must apply through a Social Security agency within your state, the requirements are the same across the country, and eligibility is not determined by states.

You may need the following types of documents:

- Social Security number (if you do not have one, you may receive one if the Social Security Administration decides you are eligible for SSI or eligible because of your status)
- Proof of age (see [Chapter 7](#), “Case Status and Proof of Status,” for documents you can use)
- Proof of disability (such as a doctor’s letter)
- Proof of citizenship (see [Chapter 7](#) for documents you can use)
- Proof of income (paychecks if you work)
- Proof of resources (bank statements, deeds or tax statements if you own property, life or disability insurance policies, titles or registrations for cars or other vehicles you own)
- Proof of living arrangements (lease or rent receipt for your apartment, deed or property tax bill, receipts or information on other household expenses such as utilities and food)

Note: When you apply for SSI, the social services caseworker or eligibility worker will give you a form that tells you what else you must do to receive the benefit, or what other documents you must

submit. If you fail to submit this information within the specified amount of time (usually ten days), your case could be closed. This applies to all federal programs administered through state social services.

Important:

Be aware that SSI is one of the few federal programs which require the program to report to federal government authorities if it is working with someone who is not in the United States lawfully (i.e. is undocumented). Since refugees, SIV holders, asylees and those with withholding of removal are lawfully in the United States, this does not apply to you.

The Food Stamp Program (SNAP) (U.S. Food and Nutrition Service)

What is the Supplemental Nutrition Assistance Program (SNAP)?

Most people still refer to SNAP as the food stamp program. SNAP provides vouchers or coupons to low-income people (people who do not make a lot of money) that can be used to buy food.

Who is Eligible?

Refugees, SIV holders, asylees, and those granted withholding of removal under the INA, are among those who are immediately eligible, provided they meet the other program requirements. SNAP is also federally specified, which means it is run by the federal government (even though you must apply through a state agency) and is the same in every state.

You can get emergency food stamps quickly in a crisis. This is called "expedited food stamps." An example of a crisis is being

homeless and without food. The parents of a child who is a U.S. citizen can also apply to get SNAP for their child.

How Long Can I Receive Food Stamps?

There is no special time limit on SNAP benefits specific to immigrants. Once your income exceeds the program limits, you will no longer qualify for SNAP.

How to Apply for SNAP

Each state has its own application, so you will need to contact your local food stamp office or social service office to request one. Like SSI, SNAP is a specified federal program, which means eligibility and guidelines are set by the federal government. Therefore, even though you must apply through a state agency, it is the same across the country and eligibility is not determined by states. To find your local food stamp office, call 1.800.221.5689 or visit www.fns.usda.gov/snap/snap-application-and-local-office-locators.

Note: When you apply, the social services caseworker or eligibility worker will give you a form that tells you what else you must do to receive the benefit, or what other documents you must submit. If you fail to submit this information within the amount of time they tell you (usually ten days), your case could be closed. This applies to all federal programs administered through state social services.

Special Help for Families

Families with children and pregnant women are eligible for additional programs, which are discussed below. The rules for these programs are different in each state.

Temporary Assistance for Needy Families (TANF): U.S. Office of Family Assistance

What is TANF?

TANF provides cash assistance for low-income families with children who are in the U.S. It is similar to RCA, but RCA is for

single, childless people, and TANF is for adults who have minor children with them. It has a federal work participation requirement for eligibility.

Important:

TANF is the federal term for the program, but because it is state-run, it will likely have a different name in your state. Check with the eligibility worker at the state agency or with your refugee case worker for the correct name. Check www.acf.hhs.gov/ofa/help for whom to contact to apply to your state's program.

Who Is Eligible for TANF?

Refugees, asylees, those granted withholding of removal under the INA, and SIV holders are among those who are immediately eligible, provided they meet the other program requirements. Since a child born in the U.S. is automatically a U.S. citizen, immigrant parents of a U.S. citizen child can also apply to get TANF for their child, even if they themselves are not eligible.

TANF is a federally designated program, which means it is funded by the federal government, with required contributions from states. Within some federal guidelines, each state makes its own rules. About half the states use their own money to provide TANF to qualified immigrants or a broader group of lawfully residing immigrants without a waiting period. Note, however, that a few states do not provide TANF to some qualified immigrants, even after their first five years in the U.S.

Are There Requirements I Must Meet to Continue to Receive TANF?

TANF does have a work participation activity requirement. This program has different rules in each state or local area. Be sure to

find out the rule and what you must do or your benefits will be stopped due to non-compliance (not following the rules).

You may qualify to receive either TANF or RCA; you may not receive both at the same time.

Important:

It is very important that you check with your state, even if you do not think you are eligible, because the rules may be different in your state. Find the correct state contact at www.acf.hhs.gov/ofa/help.

Are There Requirements I Must Meet to Continue to Receive TANF?

TANF does have a work participation activity requirement. This program has different rules in each state or local area. Be sure to find out the rule and what you must do or your benefits will be stopped due to non-compliance (not following the rules).

You may qualify to receive either TANF or RCA; you may not receive both at the same time.

How Long Can I Use TANF?

The time limits and the treatment of mixed status households in TANF varies by state. In many states, TANF can last up to five years. Depending on your state, it could be terminated before the time limit expires if your income goes above the highest allowed amount, if your children are no longer minors, or if you do not respond to requests to supply updated information on your income and assets.

How Do I Apply for TANF?

Contact your local state social services office to learn more. You can also find out more about the TANF program by calling 1.202.401.5139 or visiting www.acf.hhs.gov/ofa/. If you do not meet the requirements for the program, your benefits may be stopped. If you believe your benefits were stopped wrongly, you have the right to appeal. The appeal process must be explained to you in a language you understand.

Important:

TANF is one of the few federal programs that is required to report to federal government authorities if it is working with someone who is not in the United States lawfully (i.e. is undocumented). Since refugees, asylees and those with withholding of removal are lawfully in the United States, this does not apply to you. If you are not sure if you are lawfully present, consult with a lawyer or an accredited representative.

Additional Programs for Families

- Women, Infants, and Children (WIC) is a national program that provides food vouchers or coupons, health care referrals, and nutrition education for low-income pregnant women, mothers up to a year after having a child, and children under five years old. You may be eligible for WIC regardless of your immigration status. Call 1.800.WIC.WINS (1.800.942.9467) or visit www.fns.usda.gov/wic/ to find the office nearest you.
- Early Head Start and Head Start are child care programs that focus on education, health, and social development. For more information, contact your local school or the Head Start Bureau online at www.acf.hhs.gov/programs/ohs or call 1.202.205.8572.
- Free and reduced-price breakfast and lunch programs are offered by some schools for their students. These programs may serve children all year long. Contact your local public

school for more information or ask about this when you enroll your children in school.

Your state may offer additional programs. Contact your local social services office or resettlement agency.

Information on Benefits Available by Status

Refugees, SIV holders, and Asylees

As a refugee, SIV holder, or asylee, you are eligible for the following programs discussed above:

- Matching Grant Program for up to six months after your arrival as a refugee, SIV holder, or approval as an asylee (however, not all resettlement agencies receive Matching Grant funds, and those that do may have a limited amount of slots)
- Preferred Communities for up to five years after your arrival as a refugee, SIV holder, or approval as an asylee
- Refugee Cash Assistance (RCA) for up to eight months after your arrival or approval
- Supplemental Security Income (SSI) for up to seven years after your arrival or approval, or unless you fit within another immigrant eligibility category
- Supplemental Nutrition Assistance Program (SNAP) , also known as food stamps
- Temporary Assistance for Needy Families (TANF)
- Other special programs for families listed above

Remember, you may not receive public cash assistance such as RCA, SSI, or TANF while you participate in the Matching Grant program. It is recommended that you complete the Matching Grant program first. Then, if you are not working when Matching Grant ends or if you still need assistance, apply for SSI (if you are blind, disabled, or over 65), RCA (if you do not have children), or TANF (if you have a family).

Remember, however, that you are eligible to receive SNAP, or food stamps); CHIP; RMA; or other public or health benefits at the same time as you participate in Matching Grant.

Withholding of Removal

You are, unfortunately, not eligible for the Matching Grant program or RCA, unless you were granted withholding of removal as a Cuban-Haitian entrant. Otherwise, you may be eligible for the following programs discussed above:

- SSI for seven years after your arrival or approval, unless you qualify based on another immigrant eligibility category
- SNAP
- TANF
- Other special programs for families listed above

Asylum-Seekers and those Granted Deferral of Removal Under CAT

Unfortunately, there are not many federal programs for which you are eligible. If you are pregnant or have an infant or young child, however, you may be eligible for WIC. You should always check with your state, because your state may have its own programs for which you may be eligible.

- Additionally, you are always eligible for the following services, regardless of status:
- Free or reduced-cost school breakfasts and lunches
- WIC
- Short-term noncash emergency disaster assistance
- Other in-kind services necessary to protect life and safety (as long as no income qualifications are required for eligibility), including:
 - Child and adult protective services
 - Federal programs that address weather emergencies and homelessness

- Shelters for domestic-violence victims, runaway children, and the homeless
- Community food banks and soup kitchens
- Meals-On-Wheels
- Medical, public health, and mental health services necessary to protect public safety
- Violence and abuse prevention
- Disability and substance abuse services necessary to protect life and safety
- Programs that protect safety of children, workers, and community residents

CHAPTER NINETEEN

**How to Access
Health Care (and
other Emergency
Services)**

Emergency Medical Care

If you or someone you are with ever has a life-threatening medical emergency, dial 911 on any phone. Tell the operator your name and the address from which you are calling, and describe the symptoms you or the person you are with is having. If necessary, an ambulance will take you to a hospital for treatment. Your immigration status does not matter. It also does not matter whether you can pay. You have a right to get treatment for emergencies. Some examples of an emergency are a life-threatening wound or giving birth.

What is Health Insurance?

Health care in the U.S. can be expensive. Health insurance, or medical insurance, is an amount of money you pay every month to an insurance company. The insurance company then helps you pay the medical expenses when you need medical care. A medical emergency or surgery can cost many thousands of dollars. It is better to pay the insurance company or policy every month than pay a big bill all at once from a hospital or doctor's office. The differences in how much health insurance costs and what is covered by the insurance is based on your age, employment, any health problems you currently have, and how much money you make.

In the United States, you can get health insurance in several ways:

- Through government (public health) insurance programs, such as Medicaid
- Through your job with help from your employer
- Through an insurance company by purchasing the health insurance yourself

Basic Health Insurance and Medical Care

Everyone, regardless of immigration status (even undocumented immigrants) may be eligible to receive limited free or low cost medical care, such as:

- Federally-funded state medical assistance for emergency care, which includes emergency Medicaid, emergency room care, and labor and delivery
- Short-term, non-cash, in-kind emergency, disaster assistance
- Public health assistance for immunizations and testing and treatment for communicable diseases.

Additionally, if you are a refugee or asylee, you must receive a medical examination with a doctor when you are admitted as a refugee or granted asylee status. This is a good time to ask any questions about any health concerns you may have, and also to ask how to treat medical problems you are experiencing.

Government (Public) Health Insurance Programs

Several programs provide financial support to certain immigrants so that they may visit a doctor and get medicine. The four main programs are Refugee Medical Assistance (RMA), Medicaid, Children's Health Insurance Program (CHIP), and Medicare

Refugee Medical Assistance (RMA)

Refugee Medical Assistance (RMA) covers healthcare expenses for low-income refugees, asylees, parolees, Cuban-Haitian entrants, Amerasians, trafficking victims, and SIV holders. You are eligible for RMA as soon as you arrive as a refugee, parolee, Cuban-Haitian, or Amerasian; when you are granted asylum; when get your SIV; or when you are certified as a trafficking victim. You remain eligible for eight months, unless your income is above the allowable income for that program or you fail to cooperate with the self-sufficiency plan that your case worker makes with you. When these eight months are up, you can then apply for Medicaid.

Go to your local social services office to apply for RMA. The name for this office is different in each state. You can look up the name in your state at www.healthcare.gov/medicaid-chip-program-names/. You can then look up this name online to find the address and other relevant information. There is additional information on applying for RMA in the section below on Medicaid.

Medicaid and Children's Health Insurance Program (CHIP)

In General:

Medicaid is a federal and state health insurance program that helps pay for your healthcare costs if you are low-income (do not make a lot of money). The Children's Health Insurance Program (CHIP) offers health coverage to children in families with incomes too high to qualify for Medicaid, but who can't afford to buy private insurance. Medicaid and CHIP program names are different in each state. You can look up the name in your state at www.healthcare.gov/medicaid-chip-program-names/.

In order to be eligible for insurance through Medicaid and CHIP, you must be considered a "Qualified immigrant" (See [Chapter 18](#) for more information). Qualified immigrants are generally eligible for coverage through Medicaid and CHIP, if they meet their state's income and residency rules. In order to get Medicaid and CHIP coverage, many qualified immigrants must wait five years after receiving "qualified" immigration status before they can get Medicaid and CHIP coverage. Note, however, that refugees, asylees, those granted withholding of removal under the INA, trafficking victims, SIV holders, Cuban-Haitians, Amerasians, qualified immigrant veterans, and others are immediately eligible.

Medicaid is a federally designated program, which means it is funded by the federal government, with contributions from the states. Within federal guidelines, state rules may vary. A few states provide medical assistance to additional groups of immigrants who are ineligible for federal Medicaid, using their own funds. It is very important, therefore, that you check with your state, even if you do not think you are eligible, because the rules may be different.

You may be eligible to use Medicaid for up to seven years after you arrive or are approved under your qualifying status, or until your income exceeds the income ceiling.

How to Apply

Go to your local social services office to apply for RMA or Medicaid. The name for this office is different in each state. You can look up the name in your state at www.healthcare.gov/medicaid-chip-program-names/. You can then look up the name online to find the address and other relevant information.

When you apply for Medicaid or RMA, the form will ask you to choose an insurance company. If you already know which doctor you want to see, ask that doctor what insurance she or he accepts, then decide if that insurance is the one you want to select. You may also want to find out which health insurance companies will pay for interpreters when you go to medical appointments. Once you have been approved for Medicaid or RMA, you will receive a Medicaid card in the mail. This card is proof that Medicaid or RMA will pay your medical expenses. You may also need to get a medical card from your insurance company to show to the doctor or pharmacist when you need medical care, so they can bill your insurance company.

Doctors who accept Medicaid are required to provide an interpreter if you need one. It is never good to use a child as an interpreter in a medical situation. If you have an adult friend who is bilingual in English and your native language, it would be good for them to go with you. If you do not have someone to interpret for you, or if you do not want to talk about your medical issues in front of someone you know, you should tell the doctor's office that you will need an interpreter. The interpretation is usually done over the phone. If an interpreter is not available and you feel uncomfortable without an interpreter, ask to reschedule the appointment. Many doctors are unable to provide interpretation services. You may want to ask if your doctor or any staff are able to speak your language. If not, check with community groups or ethnic organizations who may offer interpretation services.

Children’s Health Insurance Program (CHIP)

What is CHIP?

CHIP provides free or low-cost health coverage to children up to age 19 whose family income is too high to qualify for Medicaid. CHIP is administered by each state differently. All states cover regular check-ups, immunizations, hospital care, dental care, and lab and x-ray services. Preventive care (like check-ups) is often free, but other services may cost some money. Some states provide more than others, and some states provide CHIP through their Medicaid program.

Who Is Eligible for CHIP?

“Qualified immigrants” (listed above) may be eligible to receive CHIP. CHIP is one of the “federal means-tested” programs, which means many “qualified immigrants” must wait at least five years to become eligible. However, refugees, asylees, those granted withholding of removal under the INA, trafficking victims, SIV holders, Cuban-Haitians, Amerasians, qualified immigrant veterans, and others are immediately eligible, provided they meet the other CHIP program requirements. Parents can apply to get CHIP for their child, even if they themselves are not in any qualified status.

CHIP is a federally designated program, which means it is funded in part by the federal government, but given to the states to administer, so each state makes its own rules, within federal guidelines. Under a federal option, about half the states use their own money to provide CHIP to qualified immigrants, as well as a broader group of lawfully residing children, without a waiting period. Additionally, about 15 states take advantage of another federal option in the CHIP program to provide prenatal care, regardless of the mother’s immigration status. It is very important, therefore, that you check with your state, even if you do not think you are eligible, because the rules may be different.

How Do I Apply for CHIP?

To learn more about CHIP, you can either call 1.877.KIDS.NOW (1.877.543.7669), or visit insurekidsnow.gov/state/index.html and click on your state. Each state may have slightly different requirements.

Note: You can apply any time of year and find out if you qualify. If you apply for Medicaid coverage to your state agency, they will tell you if your children qualify for CHIP. If they qualify, you won't have to buy an insurance plan to cover them.

When you fill out an application through the health insurance marketplace or Affordable Care Act (see ACA below), your state agency will contact you if it looks like anyone in your household qualifies for Medicaid or CHIP. When you submit your marketplace application, you will also find out if you qualify for an individual insurance plan with savings based on your income.

Medicare

Medicare is a public health insurance program. It is for people who are age 65 and older, as well as disabled citizens of all ages. If you meet these criteria, you may qualify for Part A "Premium Free," which covers the cost of inpatient care while you are in the hospital. Medicare Part A is available to some statuses, but the rules are very complex and depend on how much U.S. work experience you have, among other criteria. Ask your state social services provider, case manager, or lawyer for help.

Part B "Buy in" Medicare has qualifying criteria similar to Part A; however, you are only eligible if you are an LPR (green card holder) and you have been in this status for at least five years. Part B Medicare covers doctors' services and outpatient hospital care.

If you are low-income, your state may help you pay for Part A and/or Part B. For more information, go online to www.socialsecurity.gov or call the Social Security Administration at 1.800.772.1213. You can also make an appointment with your local Social Security office. Go online to www.socialsecurity.gov/locator. For more information on Medicare, visit www.medicare.gov.

Private Health Insurance

Another option for health insurance is private health insurance. In many cases, the company that someone works for will pay for employees' private health insurance. When you look for a job, try to find a job that offers health insurance. The employer pays most of the cost, and the employee pays a small amount. For an extra amount, employees can usually choose to include their husband or wife and any children they have on the same insurance plan.

If you do not have an employer offering health coverage, and if you are not eligible for a government program, you will have to buy private health insurance. This can be expensive. You may be eligible for help with your premiums through the Affordable Care Act.

The Affordable Care Act (ACA)

The ACA is a system of health insurance "marketplaces" or "exchanges." These exchanges provide a way for you to find health insurance that fits your health and budgetary needs. The plans on the exchanges are owned by private insurance companies, and you can compare the plans side-by-side. No one can turn you down because of illnesses or medical conditions.

Individuals who are "lawfully present" are eligible to enroll in the state or federally-run health insurance exchanges. Lawfully present individuals will also be able to apply for premium tax credits to pay for plans purchased under the exchanges. Some non-pregnant adults, including some immigrants, will become eligible for their state's Medicaid program.

Those "lawfully present" and eligible for healthcare under the ACA include:

- Lawful Permanent Resident (LPR/Green Card holder)
- Asylee
- Refugee
- Cuban/Haitian Entrant
- Paroled into the U.S.

- Conditional Entrant granted before 1980
- Battered spouse, child and parent
- Victim of trafficking and his/her spouse, child, sibling or parent
- Granted Withholding of Deportation or Withholding of Removal, under the immigration laws or under the Convention against Torture (CAT)
- Individual with non-immigrant status, including worker visas (such as H1, H-2A, H-2B), student visas, U-visa, T-visa, and other visas, and citizens of Micronesia, the Marshall Islands, and Palau
- Temporary Protected Status (TPS)
- Deferred Enforced Departure (DED)
- Deferred Action Status (Exception: Deferred Action for Childhood Arrivals (DACA) is not an eligible immigration status for applying for health insurance)
- Lawful temporary resident
- Administrative order staying removal issued by the Department of Homeland Security
- Member of a federally-recognized Indian tribe or American Indian born in Canada
- Resident of American Samoa
- Applicants for any of these statuses:
 - Temporary Protected Status with Employment Authorization
 - Special Immigrant Juvenile Status
 - Victim of Trafficking Visa
 - Adjustment to LPR Status
 - Asylum (see note below)
 - Withholding of Deportation, or Withholding of Removal, under the immigration laws or under the Convention against Torture (CAT) (see note below)
- Applicants for asylum are eligible for marketplace coverage only if they've been granted employment authorization or are

under the age of 14 and have had an application pending for at least 180 days.

- People with the following statuses and who have employment authorization:
 - Registry applicants
 - Order of Supervision
 - Applicant for Cancellation of Removal or Suspension of Deportation
 - Applicant for legalization under Immigration Reform and Control Act (IRCA)
 - Legalization under the LIFE Act

Those NOT Lawfully Present

The ACA does not include undocumented immigrants or those granted DACA relief. Noncitizens in these categories will not be able to participate in the federal or state exchanges, receive tax subsidies, or enroll in federal non-emergency Medicaid. They will not be required to purchase health insurance. Of course, they can still purchase full-priced healthcare plans outside the exchanges.

How to Apply

You will need to fill out a single application for the marketplace. There are many resources available to help you. You can access the marketplace at www.healthcare.gov, or by calling 1.800.318.2596. You may also send a paper application in the mail to:

Health Insurance Marketplace
Department of Health and Human Services
465 Industrial Blvd.
London, KY 40750

It is recommended that you have someone help you review the plans available to you, decide which plans fit your needs best, and apply. You can find out whether your state uses its own marketplace or the federal marketplace, and where to apply in your state at www.healthcare.gov/what-is-the-marketplace-in-my-state. You can find help from a marketplace Navigator, or someone whose

job it is to help you understand the marketplace, by entering your city and state or ZIP code at localhelp.healthcare.gov.

Applicants for health coverage under Medicaid, CHIP, or the health insurance marketplace will need to provide information about their immigration status and their Social Security number. Individuals who are applying for coverage for their family members, but are not seeking coverage for themselves, do not need to provide this information about themselves. The information will be used only to determine eligibility for health coverage, and ICE has clarified that any information provided will not be used for immigration enforcement purposes.

Important:

The application for marketplace insurance now appears in over 30 languages common to the refugee population in the U.S. at this website: marketplace.cms.gov/outreach-and-education/other-languages.html

You may need to have one or more of the following documents when you apply for and enroll in ACA marketplace coverage. The documents you need depend on your immigration status:

- Permanent Resident Card, “Green Card” (I-551)
- Reentry Permit (I-327)
- Refugee Travel Document (I-571)
- Employment Authorization Document (I-766)
- Machine Readable Immigrant Visa (with temporary I-551 language)
- Temporary I-551 Stamp (on passport or I-94/I-94A)
- Arrival/Departure Record (I-94/I-94A)
- Arrival/Departure Record in foreign passport (I-94)

- Foreign Passport
- Certificate of Eligibility for Nonimmigrant Student Status (I-20)
- Certificate of Eligibility for Exchange Visitor Status (DS2019)
- Notice of Action (I-797)
- Document indicating membership in a federally recognized Indian tribe or American Indian born in Canada
- Certification from U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR)
- Office of Refugee Resettlement (ORR) eligibility letter (if under 18)
- Alien number (also called alien registration number or USCIS number) or I-94 number

See a complete list of the documents (with links to images) that can be used to verify your immigration status at www.healthcare.gov/help/immigration-document-types/.

Individuals who do not have these documents may be able to offer other proof of their status (such as a court order).

To learn more about the ACA, including how to sign up and what it means for you and your family, please see www.healthcare.gov/immigration-status-and-the-marketplace/.

Additional Tips

If you do not have insurance and you have a medical emergency, your caseworker can help you. Many hospitals have a “sliding scale,” or programs that allow people to pay only what they can. Each state has a Refugee Health Coordinator who will know what health programs and services are available in your local area. Find your state’s Refugee Health Coordinator by calling the Office of Refugee Resettlement at 1.202.401.9246 or by visiting www.acf.hhs.gov/orr/resource/orr-funded-programs-key-contacts. Additionally, ORR (Office of Refugee Resettlement) has helpful resources on the marketplace specifically and health insurance generally at www.acf.hhs.gov/programs/orr/health.

You can find more information on mental health in [Chapter 23](#), “How to Get Emotional Support.”

Federally Qualified Health Centers

Federally qualified health centers provide medical care to individuals, regardless of their immigration status. They are more able than doctors to arrange for interpreters. These health centers often work on a sliding scale.

Visit www.bphc.hrsa.gov to find a federally qualified health center. Type in your ZIP code in the “Find a Health Center” box in the upper right hand corner.

Important:

Some people think that it is okay to ignore dental problems or not have regular dental check-ups; however, problems with your teeth can cause many other dangerous health problems, including heart disease. Be sure to make regular dental appointments and see a dentist if you have problems with your teeth.

Dental Care

Dental care is medical care for your teeth. Often, schools where students are studying to be dentists will offer affordable or even free dental work. Look in the phone book or online for listings of area universities and colleges that have dental schools or free/low cost dental clinics.

Getting Prescriptions

Some drug stores and discount stores may have their own generic, lower-priced form of some prescriptions you need.

How Do I Get My Medical Records from the Detention Facility?

Did you see a doctor while you were in detention? If so, you have the right to get a copy of your medical records. Call the detention center and ask how to get a copy, or ask a resettlement agency to send a release form to the center. For more information, see [Chapter 6](#), “How to Get Your Personal Property After You Are Released From Detention.”

Information on Health Insurance by Status

Refugees & Asylees

If you are single or have children with you in the U.S., you have access to Refugee Medical Assistance (RMA), which pays healthcare expenses for low-income refugees and asylees for up to eight months after you arrive or are granted asylum. You should apply for RMA as soon as you arrive or are granted status, as it only covers you for eight months after you become eligible, not for eight months after you apply. Once your RMA expires, you may be eligible for Medicaid, which pays healthcare expenses for low-income people of working age, depending on income requirements of your state. Note that you cannot use both at the same time, however. Your children 19 and under are eligible for CHIP if you meet the other program qualifications.

If you have sufficient work history in the U.S. and are a senior or a person with disabilities, you may also be eligible for Medicare, a program that helps pay for the medical expenses of people age 65 and older and people of any age with disabilities and certain diseases. You are considered “lawfully present,” and are eligible for affordable health care options under the Affordable Care Act. You should visit www.acf.hhs.gov/programs/orr/health and watch the informative video on refugees and the Affordable Care Act, available in six different languages.

Asylum-Seekers

You are eligible for fewer programs than refugees and asylees, but you do have options. You are considered “lawfully present” if you

have work authorization, which makes you eligible to apply for affordable health care options in a federal or state-run exchange under the Affordable Care Act. If you have sufficient work history in the U.S., you may be eligible for Medicare Part A if you are age 65 or older, or are any age and have disabilities or certain diseases. You are eligible for immunizations and treatment of communicable diseases. You can always be treated in an emergency, and you are eligible for emergency medical coverage, such as emergency Medicaid, emergency room services, labor and delivery, and other services listed at the beginning of this chapter under “Emergency Medical Care.” In some states, children and pregnant women may be eligible for Medicaid.

Withholding of Removal Under the Immigration and Nationality Act (INA)

You may be eligible for Medicaid. You are considered “lawfully present,” which makes you eligible to apply for affordable health care options in a federal or state-run exchange under the Affordable Care Act. If you have sufficient work history, you may be eligible for Medicare Part A if you are age 65 or older, or are any age and have disabilities or certain diseases. You are eligible for Medicaid and your children are eligible for CHIP if you meet the other program qualifications. You can always be treated in an emergency, and you may be eligible for emergency medical coverage, such as emergency Medicaid, emergency room services, labor and delivery, and other services listed at the beginning of this chapter under “Emergency Medical Care.”

Withholding of Removal Under CAT

You are considered “lawfully present,” which makes you eligible to apply for affordable health care options in a federal or state-run exchange under the Affordable Care Act. If you have sufficient work history, you may be eligible for Medicare Part A if you have work authorization and are age 65 or older, or have work authorization and are any age and have disabilities or certain diseases. You can always be treated in an emergency, and may be eligible for emergency medical coverage, such as emergency Medicaid, emergency room services, labor and delivery, and other

services listed at the beginning of this chapter under “Emergency Medical Care.”

Deferral Under CAT

You are considered “lawfully present” if you are released under an order of supervision and have work authorization on that basis, which makes you eligible to apply for affordable health care options in a federal or state-run exchange under the Affordable Care Act. You can always be treated in an emergency, and you may be eligible for emergency medical coverage, such as emergency Medicaid, emergency room services, labor and delivery, and other services listed at the beginning of this chapter under “Emergency Medical Care.”

CHAPTER TWENTY

How to Access Housing

It can be difficult to find a place to live when you first arrive in a new country. Thankfully, there are many housing options for individuals of all income levels and immigration statuses in the U.S.

Temporary Housing

If you suddenly find yourself without a place to live or at risk of losing your shelter, most large cities have temporary homeless shelters. Homeless shelters that receive federal money are required to let people stay there, regardless of their immigration status. Every shelter has individual policies on how long you are allowed to stay. Visit www.homelesshelterdirectory.org/ for a list of homeless shelters in your state.

Many people stay with family or friends until they are able to find a place of their own. If you are far from family and friends, home sharing programs or communal living are possible temporary housing options. These opportunities involve paying to live with someone in their home, or paying to live in a shared space with several others. The National Shared Housing Resource Center has a directory of home-sharing programs that can be found at www.nationalsharedhousing.org.

Additionally, religious groups such as churches, temples, and mosques sometimes help to find and pay for housing for a short period of time.

Important:

If you or your children are the victim of abuse by your partner or spouse and you are afraid to stay in your home, you should call the National Domestic Violence Hotline at 1.800.799.7233 or 1.800.787.3224 or visit www.thehotline.org. They offer support in 170 languages and referrals to domestic violence shelters.

Long-Term Housing

When you are financially stable, renting an apartment is one possible housing option. Renting an apartment involves paying a landlord (the owner of the building) a monthly fee (rent) for a small living space. An apartment typically includes a kitchen, living room, bathroom, and bedroom(s). Look in your local newspaper, or visit www.craigslist.org to find available apartments in your community.

Housing in the U.S. can be very expensive. You may want to look into renting an efficiency or studio (an apartment with one room for sleeping and living) instead of a one-bedroom. Living with roommates is also usually cheaper than living alone.

Prior to moving in, you will have to sign a lease. A lease is a formal agreement between the landlord and you, the renter, outlining the expectations and responsibilities of each person. The lease will specify the amount of your monthly rent and the date by which you must pay it. It will state the number of people allowed to live in the apartment, how many days' notice you must give before moving out, and the responsibilities of the landlord. Make sure you ask if utilities (gas, electricity, and water) are included in the rent, or if you must pay for those separately. Lastly, you may be required to put down a security deposit, which is a sum of money that you give the landlord before moving in. You will receive the money back when you move out, if the apartment has not been damaged.

Public or Assisted Housing

Depending on where you live, rent can be very expensive. If your annual income is low, you may be eligible for government-funded public or subsidized housing. Public housing programs provide safe and affordable rental housing for eligible low-income families, the elderly, and persons with disabilities. The monthly price you pay is dependent on your financial situation. Most families pay 30% of their monthly adjusted income. To receive the benefits, all participants are required to live in housing located in subsidized housing projects. For more information on specific public housing

programs, or to learn how to apply, visit www.hud.gov/topics/rental_assistance/phprog.

Subsidized housing, or the housing choice vouchers program, allows very low-income families, the elderly, and persons with disabilities to choose and lease or purchase safe, decent and affordable privately-owned rental housing. You are free to live in any house or apartment that meets the requirements of the program, and you are not limited to those located in subsidized housing projects. If you qualify for the program, you will be issued a housing voucher. You are then responsible for finding housing at locations where the landlord has agreed to participate in the program. Every month the government will pay a portion of your rent through your voucher. Your family is responsible for paying the remaining amount. For more information on specific subsidized housing programs, or to learn how to apply, please visit www.hud.gov/program_offices/public_indian_housing/programs/hcv/about.

All listed programs are available for lawful permanent residents, refugees, asylees, parolees, conditional entrants, Cuban and Haitian entrants, certain battered immigrants, certain people with a T-visa (for trafficking victims) or U-visa (immigrant victims of crimes), or families with at least one person who has a Social Security number and is eligible to work in the U.S. Someone at your local resettlement agency or state social services office can help you learn more about your options. There is usually a long wait for subsidized housing—sometimes several years. Priority is given to families with children.

If you are in the Matching Grant program and need housing, your caseworker will help you. The Matching Grant program also helps to pay rent for the first four months after you are deemed eligible.

For more information on the Matching Grant program, see [Chapter 18](#), “How to Get Public Benefits and Financial Support.”

Important:

Public housing is one of the few federal programs (TANF and SSI are the others) that are required to report to the U.S. government applicants who are not lawfully present, which could result in your deportation. The circumstances of this reporting are very narrow; the agency is not required to report if you are only seeking benefits for your family members (and not yourself.) The agency will know that you are unlawfully present only if you present them with a written document such as a final order of deportation. If you are not sure if you are lawfully present, consult a lawyer or an accredited representative.

CHAPTER TWENTY-ONE

**How to Access
Education and
Childcare**

Childcare Options for Young Children

For families where the primary caretaker works full-time, there are a variety of daytime childcare options for children under the age of five. If family or friends are not available, you can send your child to daycare or preschool. At daycare, a trained individual cares for your child in their home or at a daycare center while the parent is at work. Preschool is a more formal education program, where a certified teacher offers daily lessons in a classroom setting, to better prepare your child for school. The cost and availability of both programs varies greatly. Look online or in the phone book to locate a program in your area.

Your family might also be eligible for participation in Head Start, a federal program that helps to prepare children from approximately age three to five for school. Eligibility is based on financial need, not immigration status. While eligibility requirements may vary regionally, your family's income generally must be at or below the federal poverty line, your family must be faced with homelessness, your family must be receiving Temporary Assistance for Needy Families (TANF) or Supplemental Security Income (SSI), or the child must be in foster care. To learn more about Head Start, visit eclkc.ohs.acf.hhs.gov/hslc/hs/about. To locate a Head Start program close to you, visit eclkc.ohs.acf.hhs.gov/hslc/HeadStartOffices or call 1.866.763.6481.

Important:

In the U.S., it is often considered neglect--a form of child abuse--to leave your child at home alone. If you leave your child at home alone, the government may take your child away from you. The laws are different in each state, but you generally should not leave a child under 12 home alone. Check with your state's child welfare agency to find out the requirements in your state: www.childwelfare.gov/pubs/reslist/rl_dsp_website.cfm?rs_ID=16&rate_chno=AZ-0004E.

Most states also issue childcare vouchers, which you can apply for through your state social services agency as long as you are employed.

Primary and Secondary Education for Children Ages 5 to 18:

In the U.S., every child, regardless of their immigration status, has the right to a free public education from kindergarten through grade 12. If you are the parent or guardian of a child under the age of 18, you are required by law to send them to school. Some states require school attendance only through age 16. Visit your state's Board of Education website for more information. You are also required to make sure your child goes to school on time and every day, unless they are sick or there is an emergency. If your child will not be at school, you must call the school to let them know why your child will be absent.

For more information on how to enroll your child in school, visit your home state's Board of Education website or speak with your caseworker or sponsor. At the time of registration, most schools require proof of residency (a copy of a phone bill, a water bill, or a lease agreement is acceptable), and a copy of your child's birth certificate, or other proof of your child's date of birth. The birth certificate will only be used to confirm your child's age. A school cannot require you to share proof of immigration status or a Social Security number. Additionally, many schools require that all children have medical examinations and immunizations before they start school. When you register your child for school, ask what immunizations are required and whether the local health department offers them free of charge.

Children usually start school when they are four or five years old and graduate when they are 17 or 18 years old; however, some school districts will allow students to stay in school until they graduate or turn 21. Visit your state's Board of Education website for more information. This schooling includes primary/elementary school, middle school, and high school. Most children go to public schools, which are free and open to all. Some parents pay for their children to go to private school.

Important:

Most public schools in the U.S., from pre-kindergarten through grade 12, are restricted to residents, or people whose permanent home address is located in a particular jurisdiction or “zoned” geographic area. School zoning is often based on ZIP code, city, or county boundary lines. When choosing a place to live, it is advisable for parents to consider the school district they live in, as well as the quality of individual schools available to their children in that area. Private alternatives to public schools are often only available to families who are able to pay tuition fees. Websites such as www.niche.com or www.greatschools.org offer school ratings based on a variety of criteria.

Many schools also have after-school programs to help with homework and counselors who can talk to children if they are having a hard time at school. U.S. schools expect parents to be actively involved in their child’s education. This includes reminding your child to do his/her homework, contacting the teacher if you have a concern about your child, and attending parent-teacher conferences.

Many schools offer free or low-cost breakfast, lunch, and milk to eligible students. Eligibility is based on financial need, and is not determined by immigration status. Students are eligible if they are members of a household that receives SNAP or TANF benefits; if they are categorized as homeless, migrants, or runaways as defined by law; or if they are enrolled in a Head Start or Even Start program. Ask for more information when you register your child for school.

Any student who lives farther than 1.5 miles from the nearest public school is eligible to ride the school bus, though this exact distance varies depending on the school district. The school bus

will pick students up before school and drop them off after school at the same designated stop every day. When you register your child for school, ask if there is a fee to ride the bus, and if financial assistance is available.

If your child has a documented disability, or if you believe he or she might have a physical or mental disability, it is important to notify the school. Schools are required to provide additional, individualized support to all children with disabilities through age 21. Upon your notifying the school of a disability, they are required to conduct a free evaluation to determine if your child is eligible for special education services. If your child does have a disability, the school is required to work with you and their teachers to develop an Individualized Educational Program (IEP) specific to their needs.

If English is not your child's first language, the school is required to conduct a language evaluation to determine if your child is eligible for English as a Second Language (ESL) classes. ESL classes provide additional one-on-one or small group English language instruction. Speak with your school administrators or counselors about enrolling your child in English Language Learner (ELL) classes.

Upon completing and passing grade 12, a student graduates from high school, and receives a high school diploma. A high school diploma is an important achievement. Many jobs in the U.S. require applicants to have a high school diploma, or to have passed the General Educational Development (GED) exam. The GED is a series of five exams in science, mathematics, social studies, reading, and writing. As soon as an individual passes, they have a credential equivalent to a high school diploma. A GED is recognized and honored in all 50 states. The exam must be taken at an official GED Testing Center. For more information about the exam, or to locate a testing center, visit ged.com/.

Higher Education

Higher education is the voluntary (not mandatory) schooling that happens after completion of the required elementary, middle, and high school education. Higher education can take many different

forms, including community college, technical and vocational college, liberal arts college, or university. For more information on higher educational opportunities, as well as the enrollment process, please visit studentaid.ed.gov/sa/prepare-for-college/applying.

There is currently no federal or state law preventing undocumented immigrants or noncitizens from attending public or private institutions of higher education; however, individual school policies differ greatly. Contact the admissions office at a specific school for more information. Many states have passed legislation allowing in-state tuition, which is often lower than out-of-state tuition (the price of school for students from a different state than that of the school) for undocumented immigrants in public universities. Check with the National Immigration Forum at www.immigrationforum.org or the National Immigration Law Center at www.nilc.org.

Higher education can be very expensive. Scholarships can help to offset the cost. A scholarship is money given by national and community organizations, religious groups, the government, or the school itself to help pay for educational costs. Some private scholarships may require recipients to be U.S. citizens or legal residents.

You are eligible for student financial aid from the U.S. Department of Education if you are a permanent resident, U.S. national, refugee, asylee, Cuban-Haitian entrant, conditional entrant, parolee, battered immigrant as protected by the Violence Against Women Act (VAWA), trafficking victim, or SIV holder. Financial aid includes work study programs, the Pell grant, and certain government loans such as Stafford and Perkins loans. Citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau are eligible for Federal Pell Grants, Federal Supplemental Educational Opportunity Grants, and Federal Work Study. To learn more visit www.studentaid.ed.gov or www.fafsa.ed.gov.

For more information about educational opportunities, call one of these numbers:

- Federal Student Aid Information Center: 1.800.433.3243
- U.S. Department of Education: 1.800.USA.LEARN (1.800.872.5327)
- Your local resettlement agency (see [Chapter 25](#), “Important Phone Numbers and Websites”)

Adult Education

Many local community colleges, churches, non-profits, and community centers offer free and/or reduced cost adult or community education classes. These classes are open to anyone, and are a great way to meet members of your community and to learn a new skill. Possible courses often include English language instruction, foreign language classes, fitness and nutrition, computer literacy, art classes, cooking classes, and home repair. Look online or in the phone book to locate programs offered in your area.

CHAPTER TWENTY-TWO

**How to Keep Your
Money Safe and
Make it Grow**

Banking in the United States

In the U.S., many people use banks to help them with their money. There are many reasons to use a bank. Your money will be safe from being stolen or lost. Using a bank costs less than using a check cashing store. If you have a bank account and you work, having your employer directly deposit your paycheck into your bank account is free and safer than receiving paper checks. If you put money in a savings account, you can earn interest (extra money) for your future. You may want to open both a checking and a savings account.

Checking Accounts

A checking account is what most Americans have for daily use. It is called a checking account because when you write a check, the money comes out of this account. You can also deposit checks from your job or from other people into this account. Check-cashing stores often charge a very high fee, but if you have a bank account, you will be able to cash your checks free of charge at your bank. (To “cash a check” means to take a check to a bank or check-cashing store and exchange the check for cash which comes out of the bank account of the person who gave you the check.) When you open an account, you will be given a supply of checks, which are paper forms that tell the bank to pay money from the check-writer’s account.

You will also be given an ATM card (also called a “debit card”) for bank transactions. An ATM card is a small plastic card that you can use to pay for things, and the funds will come directly out of your account. You can withdraw spending money by using this card at an automated teller machine (ATM) or by going to the bank. The bank will ask you to create a personal identification number (PIN) to use when taking cash out or paying for something. It is your secret password that you should not give to anyone, because they could also use it to take money from your account.

If you write a check, withdraw money, or pay for things with your ATM card, you must make sure you have enough money in your account; otherwise, you will have to pay a penalty called an “overdraft fee.”

When you get a job, you will begin receiving paychecks. You have several choices related to your pay:

- Get cash for your check at a check-cashing store. There will likely be a large fee for this.
- Receive a paper check and deposit it into your bank account.
- Ask your employer for “direct deposit.”

Direct deposit is the safest, fastest, and most convenient way to get paid. You give your employer your bank account information, and your employer then electronically transfers each paycheck into your bank account, instead of giving you a paper check to cash or deposit yourself. If you do not arrange for direct deposit and instead take your checks to the bank yourself, you will often experience a delay of a few days before the money is available. If you arrange for direct deposit, your money is immediately available when your employer completes the transfer.

Tip:

If you get a job, ask your employer for direct deposit. Your employer will not have the power to take money out of your bank account; they will only have the power to put money into your account.

Savings Accounts

Most Americans also have savings accounts. You can put money into and take money out of most savings accounts in the same way as you do with checking accounts. But while your checking account is generally for making purchases, paying bills, and writing checks, your savings account is a place for you to put money away for the future. While the money stays in the savings account, it gathers interest.

Interest is a percentage of money the bank pays, based on the average amount you have in your account each month. The more

money you have in your savings account, the more money it will gather in interest. For example, assume your savings account has a 0.05% interest rate. If you have an average of \$100 in your savings account, you will gather 5 cents per month in interest. If you have \$1,000, it will gather 50 cents. If you have \$10,000, it will gather \$5, etc.

Many Americans put a certain percentage of each paycheck into a savings account and leave it there to gather interest for years, only taking it out for emergencies, large events such as weddings, or when they are old and stop working. The longer you leave money in your account, the more it will accumulate.

Tip:

Ask your resettlement agency for classes or tips on how to manage your money, including how much money to budget for each month and how much to put into savings.

Individual Development Account

You may be able to start saving before you think it is possible. In some areas of the country, the Office of Refugee Resettlement (ORR) offers the Individual Development Account (IDA) program for asylees, refugees, and trafficking victims. The program is often jointly run by a resettlement agency and a bank. An IDA can help you save money. If you are low-income and have little savings, you may be eligible for IDA. If you have IDA, the government may match the money you save. If you save \$1, the government will give you \$1. If you save \$100, the government will give you \$100, etc. The government will match your savings up to \$2000 per person or \$4000 per household. The money you save must be for education, a house, or other important items such as a car. The government match money is not available to you until you have saved the full amount that you chose as your goal when you entered the program. Note that if you do not meet your goal, the government will not match the funds.

People with IDA also receive basic training on how to save, build credit, and understand the U.S. financial system. Your local resettlement agencies and social services office can help you learn more about this money saving option. You can also learn more about it online at www.acf.hhs.gov/orr/programs/ida/about. Unfortunately, the federal government stopped funding part of the IDA program in 2016. Accordingly, you will need to check with your local resettlement agency to learn if this program is offered in your state. To learn more, please visit www.acf.hhs.gov/assetbuilding.

Opening a Bank Account

You can open a bank account by yourself, or open a joint account with your spouse or another person. Visit several banks in your area to see which has the best services to fit your needs. Some resettlement agencies have classes to help you learn how to manage your money. They can give you advice about getting bank accounts.

Each bank has a policy on what documents you need to get a new account. You will usually need an identification card with your photo on it, a Social Security card (if you have one), and proof of your address, such as a utility bill or a pay stub. Ask the bank what documents they require, and then see [Chapter 7](#) for tips on what documents you can use to show your status.

Electronic Banking

Electronic banking, or electronic funds transfer (EFT), is a way to pay for things or move money electronically. It can be confusing, because you do not see the money. Immigrants often pay very high fees for wire services to send money back to their families in their home countries. Banks often offer wire services to their customers at a much lower rate than regular wire services. If you plan to send money to family members in your home country, ask about wire service fees.

Credit Cards

Credit is a system that allows one person to borrow money from another person or financial institution. Credit cards are a convenient way to purchase items you want. Credit cards can be very helpful if you must make a large purchase but do not have the money immediately available to pay for it. Instead, you pay a portion of the price each month, plus interest, until you pay off the debt.

For example, if you need to purchase a piece of furniture that costs \$1,000, you may not have enough money for groceries and other expenses that month if you pay the entire \$1,000 at once. Instead, if you pay for your furniture with a credit card, the credit card company will pay the furniture company, and will then send you a monthly bill to the credit card company for a part of the cost. You will continue to pay each month until you pay it off the entire \$1,000.

However, just as savings accounts gather interest, so do credit card balances, or the amount left to pay. This means that each month, the credit card company charges you a percentage of the total balance. The longer you take to pay off your balance, the more money you must spend. If you pay off your balance immediately, you do not have to pay interest. Therefore, it is wise to only use your credit card to pay for items you can pay off immediately, unless it is absolutely necessary to carry a balance, and then pay that off as soon as you can.

Using credit cards responsibly can help you gain a good credit rating. Good credit will help when you want to pay for higher education or buy an expensive items such as a house or a car. To get good credit, it is very important to pay back the money on time. If you apply to a bank or financial institution for a credit card, that company will check to find out if you have been paying your bills on time. If you have not been doing so, they have the right to deny you a credit card.

You may want to talk to a friend or someone at your local resettlement agency before you get a credit card. Credit cards can be helpful, but it is important that you understand the risks

of getting one. You may want to start with a credit card that has a low annual fee and low borrowing limit. If you have a \$1,000 limit on your credit card, it will be easier for you to practice controlling your debt and you will be more likely to pay it back in a reasonable amount of time.

Budget

Many Americans make a budget, which is a plan for how much money you can spend in a given period of time, usually a month. It is based on your income (how much money you make from your job, cash assistance programs, or any other form of payment to you) and your needs.

- Most people in the United States have these major living costs:
- Rent or mortgage (monthly payment on your apartment or house): This will probably be your largest expense each month.

Tip:

There is a lot of "fast food," such as McDonald's and Burger King, available in the U.S. It is cheap and fast, and many people eat it often for those reasons. However, it is very unhealthy, and may cost you a lot more money in the long run because it can cause many serious health problems that will require a lot of expensive medical treatment. Cooking healthy food at home, avoiding sodas and other processed foods, and drinking a lot of water is cheaper and healthier. Ask your resettlement agency, community organization, or lawyer for resources on healthy eating and living.

- Childcare: In many American families, both parents work. Because many Americans do not live near their relatives, they

need to hire someone to watch the children while they are at work. Do not leave young children at home alone. This is considered unsafe in America, and the government could take your children away. See [Chapter 21](#), “How to Access Education and Childcare,” for more detailed information.

- **Transportation:** Owning a car is very expensive. It will be cheaper to take buses, subways, or other public transportation if it is available where you live.
- **Telephone:** Most Americans have mobile (cell) phones, and many also have a landline (a phone in your home).
- **Food:** Food can be expensive, but you can keep costs down by cooking food like rice, beans, and vegetables at home. See [Chapter 18](#) for programs you may be eligible for, such as SNAP (food stamps), or other financial benefits that may give you access to more affordable food.
- **Utilities:** Utilities are services such as electricity, gas, water, and trash collection that you need to live in your apartment or house. Some utilities might be included in your rent, most commonly water and trash collection. In most places, you must pay your own electricity and gas bills (for your stove and heat). Be careful, as your bills can become very high during the summer or winter months if you use more air conditioning or heat.

Tips:

- Be sure to pay all your bills on time. If you do not, it could be more difficult to reach your future financial goals, such as buying a house or car.
- Some Americans find it easier to pay all their bills online, instead of sending in checks by mail every month. You can set up a payment schedule each month, and you don't have to worry about mail getting lost or delayed.

Ask your resettlement agency, community organization, or bank how to do this if you find it confusing.

- It is not safe to carry a lot of cash with you, or even to have a lot of money in your house, because it could be stolen or lost. It is best to keep most of your money in your bank accounts.
- Write down the numbers for all of your bank accounts, debit cards, ATM cards, and credit cards. Write down the phone number for each of these companies. Keep this information in a safe place, and do not share it with others. If your wallet, cards, or checkbook ever get lost or stolen, call the companies and have them cancel your accounts. This means no one will be able to use your cards, and the bank or credit card company will send you new cards.
- Keep important documents from your home country, such as your passport, birth certificate, marriage certificate, and any documents or diplomas that show your education in a safe place, along with important personal or confidential documents from the U.S. such as your Social Security card.
- If you need to send any personal documents or checks in the mail, make sure you put them in a U.S. Postal Service blue collection box, give them to a mail carrier, or take them to a post office.

Avoiding Fraud and Scams

Websites

While many people in the U.S. will want to help you in your journey, some people will try to take advantage of you because you may be unfamiliar with the way things work in the U.S., and you may not yet speak or understand English as well as you will one day.

Some dishonest people have created websites that look like government websites or bank websites to confuse you and take advantage of you. Until you are familiar with government websites, make sure you ask your resettlement agency, an accredited representative, or lawyer before using a website. Do not enter any of your personal information, such as your Social Security number or bank accounts, into unfamiliar websites.

CHAPTER TWENTY-THREE

How to Get Emotional Support

It is not easy to adjust to a new culture. Learning to live in the U.S. can be very difficult, especially when you are not with your whole family. Be patient with yourself and those people around you. Do you have trouble sleeping? Have you lost your appetite? Are you having trouble concentrating? Can you not stop thinking about painful memories? These are normal reactions to stressful events, but if these reactions get too strong or affect your ability to do anything else, they can make it more difficult to adjust to living in the U.S.

Mental and Emotional Health

Mental health includes many factors, including how we think, feel, and act. Mental health also impacts how we handle stress, relate to others, and make choices. Mental health is important to every person, from children to older generations. As a newcomer, you may feel helpless and frustrated living in a country you do not understand. It is common for anyone living in a new place to have these feelings. It is also common to feel frustrated because doing simple things like shopping or taking public transportation is very difficult. You may feel tired during the day or unable to sleep at night. You may also just feel sad without knowing why. Many newcomers do not feel like eating and experience some memory loss.

You may also experience some physical symptoms as a result of these emotions. If you have a headache or stomach ache that does not go away, it may be related to your emotional health. While many of these symptoms are common to newcomers, they can also be the result of trauma from past experiences. It is important to your overall health and well-being to seek support if you are having a difficult time coping with these feelings.

Importance of Mental Health in the U.S.

Americans believe that mental health is as important as physical health, and that good health care includes treatment by a doctor when it is needed. It is important to pay special attention to your mental health, especially if you experienced difficult events in the past. Adjusting to life in the U.S. can be very stressful.

Seeking emotional support is common in the U.S., and it openly accepted. Many people find it helpful to talk to a counselor or join a support group. The first time you can listen or talk just a little. You can share more as you feel comfortable. In the U.S. we recognize that, depending on what is happening in our life, we all may need support at some time.

How to Get Support

If you ever feel that life is too hard and you cannot deal with everyday activities, you should seek help. There are many organizations that can help you find services, and will keep your information confidential.

Many people who have lived through similar situations find it helpful to talk about their memories. You may find it helpful to talk with others who have gone through experiences similar to yours or with people who have learned how to live in the U.S.

If you attend religious services, you can ask your religious leader for support. They may refer you to someone who can help. You can also find support groups or mental and emotional service providers such as counselors by calling the agencies listed in [Chapter 25](#), “Other Important Phone Numbers and Websites.”

State Health Coordinator (For Refugees)

Each state has a Refugee Health Coordinator who should know what health programs and services are available in your local area. You can find your state’s Refugee Health Coordinator by calling the Office of Refugee Resettlement at 202.401.9246 or by visiting www.acf.hhs.gov/orr/resource/orr-funded-programs-key-contacts.

Refugee Medical Assistance (RMA)

Mental health services may be available to you through Refugee Medical Assistance (RMA). See [Chapter 19](#), “How to Access Healthcare,” to see if you are eligible for RMA. If you want to speak with a trained specialist or counselor, RMA usually covers the cost of counseling or other mental health services for the first

eight months after you are admitted as a refugee or are granted an eligible status.

The Substance Abuse and Mental Health Service Administration (SAMHSA)

SAMHSA is a public health agency of the U.S. government that helps connect people with mental and emotional care. SAMHSA also helps people who have mental illness or who are recovering from using drugs or too much alcohol and tobacco. Also known as the Treatment Referral Routing Service, the SAMHSA helpline provides 24-hour free and confidential treatment referral and information about mental and/or substance use disorders, prevention, and recovery in English and Spanish.

SAMHSA's National Helpline

1.800.662.HELP (4357)

TTY: 1.800.487.4889

www.samhsa.gov/find-help/national-helpline

Calling "211"

You can call 211 on your phone in many states to get help finding the services you need. This service can connect you to many resources, including mental health services.

Emergency Suicide Prevention

Sometimes, people become so depressed they can feel like there is no way out, and they feel they want to end their life. If you or someone you know, ever feels like this, seek help immediately. The following suicide-prevention hotline numbers are operated by the SAMHSA. They are available 24-hours, are free to call, and are always confidential. Your call will be routed to the nearest crisis center in the national network of more than 150 crisis centers.

Suicide Prevention Lifeline

1.800.273.TALK (8255)

TTY: 1.800.799.4889

www.suicidepreventionlifeline.org

Helpful Terms to Know

- **Mental health:** How you feel, think, and behave as you deal with life. It also refers to how you handle stress.
- **Stress:** Emotional or mental strain or tension resulting from demanding, scary, or heavy circumstances. It may be an immediate reaction to a situation--such as dropping a bag of groceries or getting lost--or it can last a long time if you're dealing with serious problems such as the death of a loved one, loss of a job, or having to move to a different place. Stress becomes dangerous when it interferes with your ability to live a normal life over an extended period of time. You may feel tired, unable to concentrate, or irritable. Stress can also damage your physical health.
- **Trauma:** An emotional response to a terrible event such as an accident, physical attack, incident of torture, death of a loved one, or natural disaster. Immediately after the event, many people are in shock or cannot accept that the event happened. You might have reactions that last weeks, months, or even years. These reactions might include unpredictable emotions, difficulty concentrating and relating to other people, or physical symptoms such as headaches or stomach aches. It is normal to have these reactions. It is helpful to see a psychologist or therapist, who can help you find ways to deal with this trauma so it does not prevent you from living a normal life.

CHAPTER TWENTY-FOUR

**Religious, Cultural
and Community
Groups**

As you begin to establish your new life in the U.S., you may find you want to connect with people in your community or from your cultural or ethnic group. You may also want to find people who practice the same religion as you, or places where you can learn English. Finding groups in your community may make it easier to adjust to life in the U.S. These groups can help if you feel alone or confused or just want to find friends. There are many ways to find community and cultural groups.

There are organizations in many communities that provide free or low-cost assistance to immigrants. These organizations can help you learn about your community and the services available to you.

Private Assistance Organizations

These organizations provide services that help newcomers. Many communities offer services such as emotional support and counseling, immigration case-assistance, English classes, help finding a job, and translation services. Local religious organizations or community centers are great places to connect with other people. Two common types of private assistance organizations are community-based organizations and faith-based organizations.

Community-Based Organizations (CBOs)

These organizations operate in a community and provide recreational, social, and educational services to community members. One type of CBO that you may find in your community is an ethnic community-based organization (ECBO). There are a number of national organizations made up of refugees and other migrants who help members of their ethnic community to integrate into life in the U.S. They may be able to help you learn what is available in your local community and help you get involved. You can learn more about ECBOs in your area by calling the Office of Refugee Resettlement at 202.401.9246 or by visiting www.acf.hhs.gov/programs/orr/resource/ethnic-community-self-help-grants.

Faith-Based Organizations

Houses of worship and religious groups are often involved in refugee resettlement and immigrant services. Churches, mosques, synagogues, and other religious groups may also offer assistance and support. Some religious organizations such as churches can help people find housing, clothing, or food. You do not have to participate in the group's religious activities to receive services.

Community Groups and Events

Getting involved in your community will help you feel more at home in the U.S. Your community is also a good source of information. You can get involved in your community by joining your neighborhood association. This is a group of people in the neighborhood who meet to improve the neighborhood. Learning English will also help you feel more comfortable. Other ways to meet members of your community include joining a "meetup" group. You can find groups who are meeting up based on different interests at www.meetup.com. If you know a neighbor, you can also ask that they add you to Nextdoor, www.nextdoor.com, which will give you information on events and services in your community. Many people find that doing local volunteer work is both personally rewarding and a good way to meet new people. You can find local opportunities at Volunteer Match, www.volunteermatch.org.

City Resources

Some cities have a department that focuses on cultural groups and events in the community. It may be called the "Immigrant Affairs Office" or "Office of Multicultural Affairs." Other cities may have a "Community Liaison" or "Diversity Liaison." You can go to your city's website or call to find out if they have a liaison that can connect you with cultural groups in your area.

You can also check the list of programs on the National Partnership for New Americans website. These programs provide support to immigrants, refugees, and lawful permanent residents. To see the list, visit partnershipfornewamericans.org/programs/.

Local Events

Community newspapers often list a calendar of local events where you can meet people who share a similar interest. Community colleges and local libraries are also great places to look for different kinds of events and groups that may be in your area.

Cultural Orientation Resource Exchange

The Cultural Orientation Resource Exchange (CORE) offers workshops, trainings, and other material that may help you adjust to life in the U.S. CORE has published a guidebook to help refugees adjust to life in the U.S. called the “Refugee Communications Toolkit.” The guidebook can be found online in multiple languages at coresourceexchange.org/resource/refugee-communications-toolkit/.

CHAPTER TWENTY-FIVE

**Important Phone
Numbers and
Websites**

This chapter includes contact information for government agencies, non-profit organizations, and others that may help as you navigate your new life in the United States.

Resettlement Agencies

The following organizations are resettlement agencies (RAs). They used to be called voluntary resettlement agencies (VOLAGs) so you may hear them called either RAs or VOLAGs. These national agencies help connect refugee, asylees, and others with many of the services discussed in this guide. Most of the agencies listed below will refer you to a local organization to contact. Please refer to Refugee Council, USA for additional information or for a map of all national resettlement office locations, www.rcusa.org.

Church World Service (CWS), Immigration and Refugee Program

1.800.297.1516

cwsglobal.org/

Episcopal Migration Ministries (EMM)

1.800.334.7626

www.ecusa.anglican.org/emm

Ethiopian Community Development Council (ECDC)

703.685.0510

www.ecdcus.org/

HIAS

1.800.442.7714

www.hias.org

International Rescue Committee (IRC)

212.551.3000

www.theirc.org

www.rescue.org/

Lutheran Immigration and Refugee Service (LIRS)

410.230.2700

www.lirs.org

US Committee for Refugees and Immigrants (USCRI)

703.310.1130

www.refugees.org

United States Conference of Catholic Bishops (USCCB)

Migration and Refugee Services

202.541.3352

www.usccb.org/about/migration-and-refugee-services/

World Relief

1.800.535.5433

www.wr.org

Torture Treatment Providers

The following organizations can put you in touch with local organizations that care for survivors of torture. They help with survivors' special needs, including emotional support and community services. Call one of these national organizations and ask them to find someone who can help you, or visit them online. These national organizations have an extensive online database with additional resources for torture survivors.

Heal Torture

www.healtorture.org

National Consortium for Torture Treatment Programs

www.ncttp.org

Torture Abolition and Survivors Support Coalition International (TASSC)

202.529.2991

www.tassc.org

Substance Abuse and Mental Health Services Administration

24-hour mental health referral service

1.800.662.HELP (4357)

TTY: 1.800.487.4889

www.samhsa.gov/treatment/index.aspx

Directory of Immigration Legal Services Providers

In many situations, having a lawyer or an accredited representative who provides free or low-cost immigration legal services will be necessary. These services may include assistance completing immigration-related forms, submitting filings with USCIS, providing representation at asylum interviews, and/or providing representation before immigration court. The following websites can help you find such a provider in your local area. These websites do not contain all of the same information, so be sure to keep trying if you do not find a provider on the first one you try.

Immigration Law Help

www.immigrationlawhelp.org/ (search by state)

AILA (American Immigration Lawyers Association)

Immigration Lawyer Referral Service

202.216.2400

www.aialawyer.com

National Lawyers Guild

National Immigration Project

617.227.9727

www.nationalimmigrationproject.org

Executive Office for Immigration Review (EOIR) Free Legal Service Provider List

www.justice.gov/eoir/probono/states.htm (search by state)

EOIR List of Accredited Representatives

www.justice.gov/eoir/recognition-accreditation-roster-reports

www.uscis.gov/avoid-scams/find-legal-services

Pro se Materials

Call or search online to get pro se materials, which will explain how you can represent yourself if you cannot find a lawyer or an accredited representative.

Vera Institute of Justice

The Vera Institute of Justice runs the Immigration Court Helpdesk, a program funded by the EOIR to educate and provide resources to non-detained immigrants about the court process. Services are provided at five immigration courts: Chicago, Los Angeles, Miami, New York City, and San Antonio. For more information, follow the contacts listed online at www.vera.org/projects/immigration-court-helpdesk/immigration-court-helpdesk-ich-courts.

Florence Immigrant and Refugee Rights Project

520.868.0191

www.firrp.org

UNHCR

UNHCR provides updated resources at help.unhcr.org/usa/

Useful Government Websites

Administration for Children and Families in the U.S. Department of Health and Human Services

Search online to see what government programs and services are available to migrant populations, including victims of human trafficking, refugees, and survivors of torture.

www.acf.hhs.gov/

Civil Rights Civil Liberties

Call if your rights have been violated by Department of Homeland Security (DHS) immigration enforcement or policy.

866.6448360

www.dhs.gov/crcl

EOIR (Immigration Court)

Call to find out the status of a case before immigration court.

1.800.898.7180

General information: www.justice.gov/eoir

Office of Special Counsel for Immigration-Related Unfair Employment Practices

Call with questions about your right to work or if your employer has questions about your right to work.

National Worker Information Hotline (employee): 1.800.255.7688

National Employer Information Hotline (employer): 1.800.255.8155

www.justice.gov/crt/osc/

Social Security Administration

Call with questions about applying for a Social Security number.

1.800.772.1213

www.ssa.gov

Supplemental Nutrition Assistance Program

Call to get the number for your state food stamp program.

1.800.221.5689

www.fns.usda.gov/snap

USCIS Forms

Call to request USCIS forms for immigration benefits and immigration procedures. You can also call to find out where to send completed forms, including change of address forms.

1.800.870.3676

www.uscis.gov/forms

USCIS National Customer Service Center

Call to find out the status of an immigration application.

1.800.375.5283

www.uscis.gov or egov.uscis.gov/casestatus/landing.do

USCIS General Website

www.uscis.gov

Other Useful Information and Organizations

911 Emergency

Dial 911 for help with a medical emergency, crime or fire.

Immi

Created and managed by nonprofit legal professionals, Immi offers a free guide and resource for understanding your legal options.

www.immi.org

American Civil Liberties Union (ACLU)

Call with questions or reports of civil rights abuses.

212.549.2500

www.aclu.org

Federal Trade Commission

If you have been the victim of immigration fraud or a scam, you should submit a report to the Federal Trade Commission.

www.ftccomplaintassistant.gov/#crnt&panel1-1

Immigrant Legal Resource Center

The Immigrant Legal Resource Center has created a “red card” that you can carry to help remember and communicate your rights.

www.ilrc.org/red-cards.

National Domestic Violence Hotline

Call for help in 170 languages if you or your children are being abused by a partner or spouse.

1.800.799.7233

1.800.787.3224

www.thehotline.org

National Human Trafficking Resource Center

Call for help with crisis intervention, urgent and non-urgent referrals, tip reporting, and comprehensive anti-trafficking resources.

1.888.373.7888

www.polarisproject.org

The Refugee Center Online

A comprehensive website that houses resources and information newcomers need to build successful lives for themselves and their families in the United States.

therefugeecenter.org/about-us/



GLOSSARY

A-number (Alien number or A#)

An 8- or 9-digit number that starts with A and is written on all of your immigration documents. It is your personal identification number with the Department of Homeland Security.

Accredited representative (DOJ)

An approved individual from an organization recognized by the Department of Justice (DOJ) who can help with certain immigration questions and forms, often at a lower cost than a lawyer. Formerly known as a "BIA accredited representative."

Affidavit of Relationship (AOR)

Part of the application for bringing family members through the P3 Family Reunification Program, which shows how you are related.

AR-11

Immigration and Customs Enforcement (USCIS) form that you must file when you move; also known as an Alien's Change of Address Card.

Asylum-seeker

Someone already in the U.S. or at a port of entry who is unable or unwilling to return to his or her country of origin because of persecution or a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion; and whose government is unwilling or unable to protect him or her. Unlike a refugee, an asylum-seeker has not received permission to stay in the U.S. before arriving.

Asylee

Someone who was granted asylum in the U.S., either by a USCIS asylum officer, or by an immigration judge in court.

Board of Immigration Appeals (BIA)

The U.S. government body that reviews decisions of the immigration court (under the EOIR) on appeal.

Civil Rights Civil Liberties (CRCL)

The U.S. government agency that investigates complaints about unfair treatment or violation of civil rights in DHS policies or activities.

Civil Surgeon

A physician (doctor) approved by USCIS to conduct the medical examination of applicants seeking to adjust status to lawful permanent resident.

Convention Against Torture (CAT)

An international agreement that signatory countries will not return a person to a country where that person is likely to be tortured. You can apply for relief to stay in the U.S. under CAT if you have been or believe you are likely to be tortured in your country.

Continued Presence (CP) certification

Permission from Immigration and Customs Enforcement (ICE) to stay in the U.S. for one year to help law enforcement as a potential witness in a trafficking crime.

Cuban-Haitian entrant

An individual granted parole or other protective status designed for Cubans and Haitians, or a Cuban or Haitian who is in the U.S., not subject to a final order of removal, and is either in removal proceedings or has submitted an asylum application.

Customs and Border Protection (CBP)

The U.S. government agency that enforces immigration and customs laws primarily near international borders and at land, sea,

and air international ports of entry. It is part of the Department of Homeland Security.

Department of Homeland Security (DHS)

The federal agency responsible for offering immigration services and enforcing immigration laws. The most important divisions for immigration purposes are USCIS , ICE , and CBP.

Department of Justice (DOJ)

The U.S. government agency that is responsible for enforcing U.S. law and administering justice. It contains the Executive Office for Immigration Review (EOIR), which contains the Immigration Court system and the BIA (Board of Immigration Appeals).

Department of Motor Vehicles (DMV)

The state office where you can get a state identification card or driver's license; name may vary depending on your state.

Employment Authorization Document (EAD)

Work permit, approved by USCIS.

Executive Office for Immigration Review (EOIR)

The U.S. government agency that oversees the immigration court system and the Board of Immigration Appeals (BIA). It is part of the Department of Justice.

Final Order of Removal

A decision by an Immigration Judge or the BIA stating that a person must be deported to their country of origin, after removal proceedings have finished. Some people with a final order of removal remain under federal supervision because they cannot be deported to their country of origin.

Form 1099

A U.S. government form that states how much money you made during the year, and is used to file income tax every year with the U.S. government.

Freedom of Information Act (FOIA) request

U.S. government form that you or your lawyer can submit to ask for copies of your immigration and health records.

G-589

U.S. government form that describes the property taken from you when you were detained, including documents and cash.

G-884

U.S. government form that requests original documents from detention facilities or government agencies.

Green Card

Another name for the card that shows lawful permanent residence (LPR) status. Note: the card is no longer actually green.

I-9

A form your employer fills out that shows you have the appropriate documentation to work.

I-94

An identification card that shows proof of your status; also known as an Arrival-Departure Record. You should receive it when you enter the country as a refugee, and should have also received one if you were detained. It used to be a white card with a stamp that states your status; for example, "asylum granted indefinitely," or parole. However, in early 2013, some I-94s became electronic, and you may no longer receive a paper I-94. Instead, you can find your I-94 information by filling out the information on this website: www.cbp.gov/I94.

I-131

Application to travel outside the U.S. for certain immigrants who may be eligible to travel outside the U.S. and return.

I-485

Application form for Lawful Permanent Resident (LPR) status.

I-589

Application for Asylum and Withholding of Removal.

I-730

Refugee/Asylee Relative Petition; a USCIS form that allows refugees and asylees to petition to bring their spouse (husband or wife) and unmarried children under age 21 to the U.S. (or apply for asylee status if they are already in the U.S.).

ID

Identification, such as a state driver's license or other card with your photograph, name, and other important information that proves your identity.

Immigration and Customs Enforcement (ICE)

The U.S. government agency that carries out immigration and customs laws inside the U.S. and that oversees immigration detention and removal. It is part of the Department of Homeland Security.

Immigration and Nationality Act (INA) of 1952

The law that--along with other immigration laws, treaties, and conventions of the U.S.--addresses immigration, temporary admission, naturalization, or removal of non-citizens.

Individual Development Account (IDA)

A U.S. government program that matches money saved with government dollars; can be used for education, a car, a house, or other important investments.

Judge's order

A form that shows proof of your status; also called a court order or a court decision.

Lawful Permanent Residency (LPR)

Immigration status granted by DHS/USCIS that allows someone to live in the U.S. permanently (as long as they obey the law) and allows them to eventually naturalize (become a U.S. citizen) once they meet certain requirements.

Legal protective status

In this manual, legal protective status means you have received some permission to stay in the U.S., temporarily or permanently.

Matching Grant Program

A U.S. government program that helps asylees and refugees find jobs and become able to support themselves within four to six months

Medicaid

A U.S. government program that allows certain eligible immigrants to visit doctors and hospitals and receive medical care at a low cost, subject to certain eligibility requirements.

Office of Refugee Resettlement (ORR)

A U.S. government office under the Administration for Children and Families that manages programs that provide economic, health, and social service assistance to: refugees, asylees, trafficking victims, survivors of torture, Unaccompanied Alien Children, SIV-holders from Iraq and Afghanistan, Cuban/ Haitian

entrants, and Amerasians. It is part of the Department of Health and Human Services.

Parolee

In this manual, a parolee only refers to someone who is allowed to enter the U.S. for humanitarian reasons but who could not apply as a refugee. (A person who is released from detention on parole with a final order of removal can also be called a parolee.)

Post office

An office that processes U.S. mail and sells money orders, calling cards, and stamps.

Processing fee

Money you need to send in with a USCIS form to apply for certain immigration benefits. You should check the USCIS website to be sure you are paying the correct amount by finding the form you had to submit here: www.uscis.gov/forms.

Proof of status

Any document, preferably issued by the U.S. government, which shows your immigration status in the U.S.

Public housing

Housing owned and operated by a public housing agency that can be rented by low-income people.

Refugee

Someone outside of his or her country of origin who is unable or unwilling to return because of persecution or a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion; and whose government is unwilling or unable to protect him or her. Unlike an asylum-seeker, a refugee is given permission to enter the U.S. before arriving.

Refugee Cash Assistance (RCA)

U.S. government program that provides financial assistance to childless refugee and asylee adults (and several other eligible immigrant groups) who have little money.

Refugee Medical Assistance (RMA)

U.S. government program that allows refugees and asylees (and several other eligible immigrant groups) to visit a doctor and get medical care at a low cost.

Return receipt

A postcard that informs you that a piece of mail was delivered. There is a fee for this post office service, but it is best to use this service when mailing immigration forms, so you can be sure they were received.

Social Security number (SSN)

An identification number used in the U.S. to work and study.

Special Immigrant Juvenile Status (SIJS)

A status given to eligible undocumented children considered court-dependent and eligible for long-term foster care who receive support from a federal program. It leads to lawful permanent resident (LPR) status.

Special Immigrant Visa (SIV)

Status given to eligible Iraqis and Afghans who supported the U.S. military effort in their countries and are at risk because of their help. They are eligible for the same benefits as refugees and asylees.

SS-5

A form used to apply for a Social Security number.

Supplemental Nutrition Assistance Program (SNAP)

A U.S. government program that provides assistance to receive food for people in need (sometimes called Food Stamps program).

Supplemental Security Insurance (SSI)

A U.S. government program that gives assistance to individuals who are blind, disabled, or age 65 or older and have limited income and resources.

T-visa

A visa that victims of human trafficking are able to apply for to gain legal protection to stay in the U.S. They are eligible for most of the same benefits as refugees.

Temporary Assistance for Needy Families (TANF)

A U.S. government program that provides financial assistance to some low-income families. Note: it usually has a different name in each state.

U-visa

A visa that victims of certain crimes are able to apply for if they are willing to help law enforcement investigate and prosecute a criminal case.

U.S. Citizenship and Immigration Services (USCIS)

The U.S. government office responsible for providing immigration services. It is part of the Department of Homeland Security.

Violence Against Women Act (VAWA)

A law that provides protection to victims of domestic violence, including allowing certain immigrant victims of domestic violence (spouses, children, or parents of a U.S. citizen; and spouses or children of an LPR/green card holder) to obtain their green cards without having to go through their U.S. citizen or LPR abuser.

W-2

A form that states annual income; used to file income tax with the U.S. government.

Withholding of Removal (WOR)

A USCIS order to prevent return of a person to their home country if they have a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion. It is a lesser form of protection than asylum, and does not lead to citizenship.

Women, Infants, and Children (WIC) Program

A U.S. government program that provides food and nutrition information to mothers, pregnant women, and children under five years old.



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Reprinted in 2019

First Steps provides refugees, asylum seekers, and migrants who have been released from detention with information and resources critical to safely integrating into the United States. First Steps helps them navigate the complex system of laws, agencies, and public and private systems they must master by providing important information on legal rights, responsibilities, and eligibility for services and benefits such as healthcare and education, according to immigration status.

FIRST STEPS IS RECOMMENDED FOR

- Lawyers, case managers, or other service providers to aid in understanding the complex system of rights and benefits available to clients and empower clients to access their rights.
- Churches and service providers at partner organizations to inform their own understanding of the complex systems and to use as they walk alongside refugee, asylum seeker, and migrant clients and congregation members.
- Refugees, migrants, and asylum seekers to learn the steps to take to maintain or adjust their immigration status, access benefits, and comply with U.S. law. Shorter status-specific supplements aimed specifically for client use will be released in the coming months, and will include checklists of these important steps, as well as warnings relevant to specific populations.

“Navigating the legal and social services systems as an immigrant are hugely challenging tasks, which are all too often compounded by the misinformation circulating outside our office doors. LIRS has created an amazing resource that addresses not only the resources available, but how they vary and evolve dependent upon status, location, and phase of the immigration process. It’s going to be a great asset for the populations we serve and I cannot wait to start getting this out there!”

—Casie-Lee Miller, Case Manager, Acentria Care Alliance

“Personally, from the immigrant point of view, I found information extremely helpful and I wish I had this guidance at my fingertips when I first moved to the United States.”

—Migrant and U.S. Citizen

For First Steps e-book, First Steps in Spanish, and status specific supplements, visit LIRS.org/FirstSteps.



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