

Deportation Preparation

Manual for Immigrant Families

**Make a Plan to Protect Your Kids and Finances
in the Face of Deportation**

Sarah Pacilio

Director of Network Collaboration

April 22, 2025



Appleaseed
Network

Agenda

Overview

Overview of Select Chapters

Powers of Attorney | Bank Accounts | Credit/Debit Cards |

Owned Property | Residential Leases | Small Businesses | Child Custody

What's Next?

Close

Disclaimer: The information I will be covering today is generalized information, and laws may vary state-to-state.

Overview

History

Purpose

2025 Update

Manual Contents

- Assets & Benefits of Minor Children
- Enhancing Safety in Public Schools
- Managing the Psychological Aspects of Deportation & Child Custody
- Considerations for Survivors of Domestic Violence and Sexual Assault
- Managing, Accessing, and Closing a Bank Account
- Credit Cards, Prepaid and Debit Cards
- Managing Outstanding Short-Term Service Contracts and Related Bills
- Payday & Other Short-Term Loans
- Insurance
- Powers of Attorney
- Owned Real Property
- Cars, Car Loans, and Car Leases
- Ending a Residential Lease
- Handling Valuables
- Taking Money Across the Border
- Remittance Transfer Consumer Rights
- Collecting Unpaid Wages
- Social Security
- Veterans Benefits
- Dissolving or Selling a Business
- Tax Filing Issues

**The Plan is to
Make a Plan!**

Powers of Attorney

What is a Power of Attorney (POA?)

A written document that allows a person (the “principal”) to choose someone else (the “agent”) to act on their behalf with respect to finances, business, property, or child care.

Why Powers of Attorney (POAs) Matter

- Gives agent power to sign checks from principal’s bank account, make decisions about their child’s schooling & healthcare, use their money to buy or sell major items (like a car), and more.
- Neither the principal nor the agent needs to be an attorney.

Powers of Attorney

Types of POAs

General POA

- Broad powers (e.g., manage all finances).

Best for:

Urgent, complex needs (e.g., selling a business).

Limited/Special POA

- Specific powers only (e.g., access one bank account).

Best for:

Most deportation cases—clearer and more trusted.

Springing POA

- A general, limited, or special POA can often be written as a “springing” POA
- Activates only after “trigger” event.

Caution:

Harder to enforce; some institutions reject them.

Powers of Attorney

Choosing an Agent

Who to Pick:

- A trusted adult in the U.S. (family, friend).
- Someone financially literate and reliable.
- Someone who lives in the same state where the POA will be used.

Tip: Name backup agents in case your first choice can't serve.

How long do POAs last?

- “Durable” POAs are effective even after principal becomes incapacitated, important for deportation.
- Generally lasts until it is revoked in writing or until principal dies (or becomes incapacitated if not “durable”)
- POA can specify date or event that will end the POA.

Powers of Attorney

Drafting a POA

Steps to Create:

1. State-Specific Forms: Use your state's template (find online or via legal aid).
 - a. List of state POAs in manual.
2. List Specific Powers: Include account numbers, property details.
3. Notarize/Witness: Required in most states.

For Detained/Deported Individuals:

Work with a notary in detention or use the apostille process abroad.

www.totallegal.com

www.legalzoom.com

www.bluenotary.us

Powers of Attorney

Action Items

1. Decide whether the POA will be “general” or “special”/“limited”.
2. Decide if the POA should take effect immediately or after a “triggering” event.
3. Choose a trusted agent.
4. List all the specific matters the agent should handle.
5. Draft the document authorizing the POA. Ensure it is properly authenticated according to the state’s requirements.
6. Give the original signed POA document to the chosen agent, and keep a copy (or another signed version).
7. Send the POA to anyone else who will be impacted & keep track of who it was sent to (in case they need to be notified of changes or a cancellation)
8. Ask the agent to keep records of all actions they take under the POA
9. Use certified mail when making changes or cancelling a POA in order to have a record of receipt.

Managing Bank Accounts

Common challenges

- Difficulty managing accounts remotely (e.g., no U.S. phone/address).
- High fees for international transfers or inactive accounts.
- Fraud risks (scams, unsecured Wi-Fi, flagged transactions).
- Limited access to funds due to bank policies or verification hurdles.

Account holders do not need to withdraw all their money!

Plan ahead to keep it safe.

Managing Bank Accounts

Options to Protect Accounts

Keep Account Open

- Self-Management
- Joint Account
- Power of Attorney (POA)

Note: Some banks don't accept POAs..

Close the Account

- Withdraw funds via check, wire transfer, or prepaid card (avoid carrying cash).

Tip: Close accounts formally to avoid fees.

Open a Safety Deposit Box

- Add a joint renter or deputy to keep the safety deposit box open.

Managing Bank Accounts

Action Plan

1. Keep track of various bank accounts & contact information for each. Keep address/contact info updated.
2. Contact the bank to confirm account details like how to manage the account internationally, any fees to be aware of, whether a power of attorney is accepted, how to add someone to the account, and how to close the account if needed.
3. Decide whether to keep the account open or close the account.
4. If the account will stay open, decide whether to self-manage the account, add a joint account owner, or use a Power of Attorney.
5. If the account will be closed, decide how the money should be transferred. If receiving a check with the intention of depositing it in a foreign bank account, ensure the bank accepts U.S. checks.

Credit & Debit Cards

Barriers to Accessing/Managing Cards Abroad

Credit Cards:

- U.S. address often required; high foreign transaction fees.
- Debt persists: missed payments due to detainment can result in fees and penalties, cancelled card, etc.

Debit Cards:

- Linked to U.S. bank accounts (may need to close).
- Potential international ATM fees and exchange rates.

Risks: Fraud, confiscation, or frozen accounts if banks suspect unusual activity.

Credit & Debit Cards

Action Plan

1. Gather Critical Info

- Card details (account #, customer service contacts).
- Download bank/card apps; enroll in e-notifications.

2. Credit Cards:

- Notify issuer of departure; update address if possible.
- Pay down debt or set up autopay to avoid penalties.
- *Tip: Redeem rewards before leaving.*

3. Debit Cards:

- Ask the bank about international use/fees.
- Decide whether to close the linked account.

Credit & Debit Cards

General Warnings & Tips

- Monitor accounts for fraud. Report unauthorized charges immediately.
- Avoid carrying large cash. Use checks/wires for safer transfers.
- Debt collectors may still contact you. Know your rights.
 - See CFPB: <https://www.consumerfinance.gov/consumer-tools/debt-collection/>

Owned Property

Key questions to consider:

- What the law and any loan or mortgage documents (if applicable) require.
 - Real property is governed by city, county, and state law.
- If there are taxes or other financial concerns related to the property
- What would be the best decision for the individual and their family.

Keep the property

- Arrange for management (trusted person or rental agency).
- Ensure mortgage/tax payments continue.

Sell or **Gift** the property

- Requires lender approval if mortgaged.
- May trigger capital gains or gift taxes.

In either case:

- *Talk to co-owner(s) (if any) about all decisions.*
- *Consider a Limited POA.*

Owned Property

If There is a Mortgage:

- Consult the lender before a transfer of ownership.
- All loan payments must be made to lender.
 - Non-payment risks foreclosure.
- Other options
 - Sell & pay off loan with proceeds.
 - If unable to make payments, surrender to lender (may still owe balance).
 - Negotiate payment plans with lender in writing.

Prevent Trespassers if Property is Unoccupied:

- Install locks, “No Trespassing” signs, and security systems.
- Ask neighbors to monitor the property.
- Have a trusted person check in regularly.

Owned Property

Action Steps

- If possible, consult a lawyer on the laws that directly affect the property
- If the property is co-owned, consider transferring ownership to the other co-owner or granting them Limited POA.
- If there is a mortgage on the property, consult the lender before selling or transferring ownership.
- Coordinate with the co-owner (if any) or other trusted person to manage property and make any loan or property tax payments. A Limited POA can be used to designate authority.

Challenges:

- Written vs. Oral Leases
 - Terms of **written leases** govern termination and recovery of personal property.
 - State, county, and city statute govern landlord.tenant relationship for **oral leases**
- Termination often requires notification 30 days in writing. This is difficult if detained.
- Non-payment or improper termination can damage credit/housing history or result in eviction.
- Difficult to access/move belongings, & landlords may dispose of items left after lease termination.

Review lease terms proactively and communicate with the landlord.

If the lease is not in writing, consult with an attorney or tenant rights organization.

Termination of a Lease

- If it's possible to give proper notice to the landlord, communicate the termination *in writing* as soon as possible.
- If the term of the lease has not run out or ended, it may be required to find a new tenant or pay the remainder owed on the lease.
- If proper notice can't be given or rent can't be paid (due to detainment or other), the landlord may:
 - Demand payment from signer, co-signers, or guarantors;
 - Pursue eviction;
 - Obtain a judgement against tenant & any guarantors for past-due payments.

In the case of detention or deportation, consider appointing a legal representative to make arrangements for lease termination, obtain belongings, & make payments.

Make a plan to have belongings removed if necessary. Make sure a trusted person has a copy of keys and consider granting them a Limited POA.

Continuing a Lease if Family/Friends Stay:

- Option 1: Keep the original lease (landlord consent required)
- Option 2: End the lease, remaining occupants sign a new one
- Option 3: Transfer or sublet the lease if permitted by lease terms
 - *Note: Sublets are often prohibited under statutes and written leases. Individual who originally signed lease typically ultimately responsible for payments.*

Update utilities and mailing address (moversguide.usps.com).

Ensure any agreements are made *in writing* to protect occupants

In the case of detention or deportation, consider appointing a legal representative to work with the landlord to revise lease & make payments.

Small Businesses

Common Business Structures:

- Sole Proprietorship (Simplest; owner liable for debts)
- Partnership (Joint liability; check agreements)
- LLC/Corporation (Complex; requires legal help)

Critical First Steps:

- Confirm business type (tax forms differ).
- Consult a tax attorney immediately if possible.
 - *Filing wrong tax forms can be seen as tax evasion or fraud.*
- Gather financial records (debts, assets, contracts).

Small Businesses

Dissolving a Sole Proprietorship

Best option if time is limited.

1. **Notify Key Parties:**

- Tax authorities (federal/state/local).
- Creditors, landlords, licensing and permitting agencies, etc.
- Employees (*Refer to employment and labor laws on how to notify, terminate, and pay employees.*)
- Customers

2. **Sell Assets:** Equipment, inventory, etc.

3. **Close Accounts:** Business bank/credit cards.

Keep records for 3+ years for tax audits.

Cancel registrations & permits/licenses to avoid future fees, and pay any outstanding debts

Small Businesses

Selling a Sole Proprietorship

1. Valuation: Assess worth (assets, licenses, etc).
2. Tax Forms: Document the sale on IRS Form 8594.
3. Transfer Leases/Mortgages (if any): For both business property and equipment. Get lender approvals in writing.

For Jointly Owned Businesses:

- Check agreements for right of first refusal or change-of-control clauses.
- Co-owner consent often required.

Proactive Steps Before Detention

Child Custody

1. Identify Who Has Custody:

- Is there another parent that shares joint custody of the child? Are they at risk of deportation?
- Does the child already have a legal guardian? Do any changes to custody need to be made?

2. If Necessary, Choose a Trusted Caregiver:

- Family member or friend in the U.S.
- Ensure they can manage long-term care.

3. Formalize Arrangements:

- Grant legal authority to the trusted caregiving. Verbal agreements are typically not enough.
- Temporary Guardianship & Standby Guardianship processes vary state-to-state.
- Caregiver Authorization Affidavit, Power of Attorney, or formal custody agreements are alternatives.

4. Gather Documents:

- Child's birth certificate, passport, social security card, medical and school records, etc.
- Custody orders (if any).
- Keep copies or photos of important documents handy at all times in case of ICE stop.

If Detained By ICE

During Arrest:

1. Inform ICE:
 - a. You have children who need your care;
 - b. Request not to be detained by ICE, and advise that you will comply with ICE's requests; and
 - c. You need to make a phone call to a caretaker or other emergency contact to arrange care for your children.

If Parents Have Children With Them When Detained

1. Tell ICE: Need to call caregiver/emergency contact to pick up kids before a child welfare agency intervenes.
 - a. *If ICE refuses, repeat the request over and over again and to every officer encountered.*
2. Tell contact: In ICE custody & follow any emergency plans in place/follow instructions given.

If Parents do NOT Have Children With Them

1. Tell ICE: Need to make a call to ensure children are safe.
2. Call emergency contact & coordinate getting children to designated caregiver.

Child Custody

What If No One Picks Up Children When Detained?

- A state or local child welfare agency may take custody of the children.
- Designated caretaker or other contact should contact the local agency *immediately* and seek to have the children placed in their care.
- If no caretaker steps forward, they will typically begin “neglect” or “child welfare” proceedings
- Parents may have the right to an attorney during the proceeding. Children may get an attorney or other guardian.
- A caseworker will be assigned to make recommendations.
 - Important to communicate frequently and maintain a good relationship with the caseworker. the custody of the child.

Child Custody

However, the court may not know the parent is detained! If children were not picked up by caregiver, it's important to:

- Continue to try to contact designated caretaker, relatives, friends, etc.
- Provide them with:
 - The name and location of the detention facility & phone number for court notices.
 - The assigned “alien number” or “A-number”.
 - The name of the deportation officer.
 - The name & contact information of the designated caregiver.
- Ask them to provide this information to any court or agency involved in child custody proceedings

Post-Deportation Options

1. Bring Your Child:

- Get consent from other parent/guardian in writing.
- Ensure child has passport/visa.
 - If child was born in the U.S., ensure they have birth certificate, social security card, + other important docs before leaving.

2. Keep Child in U.S.:

- Appoint a legal guardian (via court process).
- Explore emancipation (age 16+ in some states).

Barriers:

- **Courts may favor U.S. citizens as guardians.**
- **Airlines may require special documentation for child travel. Check with the airline.**

Child Custody

Make a Plan in Advance

1. Designate caregiver + backup
2. Sign & notarize guardianship forms
3. Store child's documents digitally & physically. Ensure designated caregiver has copy of forms.
4. Look up the state agency that handles child welfare and note their contact information and any hotline numbers.

What's Next?

Release of fully updated 2025

manual

Deportation Preparation Manual for Immigrant Families

Make a Plan to Protect Your Kids and
Finances in the Face of Deportation



Managing, Accessing and Closing a Bank Account

There are many ways to keep your hard-earned money if you are deported. There is no need to withdraw your full account and keep it at home or carry it with you. You may lose your money this way or it may be stolen. This section provides suggestions to address the following issues:

**Keeping Your Account Open ► Managing Your Account, Yourself ► Creating a
Joint Bank Account ► Granting a Financial or Limited Power of Attorney ►
Closing Your Bank Account ► Safety Deposit Boxes ► Checklist: Managing,
Accessing and Closing a Bank Account**

You don't have to lose your money because you are being deported. Call your bank and make sure you know all of your options before making decisions about your bank account. Be sure to update your bank with all of your information, including any new addresses or contact details.

Each Chapter is intended to provide generalized information on a particular topic. In many cases, laws may differ from state to state. Therefore, this information is not intended to replace state-specific legal assistance. Nothing in this manual is intended to create an attorney-client or fiduciary relationship.



Deportation Preparation Manual for Immigrant Families

2

April 2025

Interactive Website & Personalized Toolkit

www.deportationpreparation.org

COMING SOON!

**Deportation Preparation Manual
for Immigrant Families**

State-Specific Child Custody & Welfare Toolkits

Pro Bono Partner DLA Piper

Acknowledgements

Law Firms:

Ballard Spahr, Cooley, Hogan Lovells, O'Melveny & Myers, DLA Piper, and more.

*Manual & Website Design:
Design Action Collective*

Funding:

Annie E. Casey Foundation

Thank you!

Sarah Pacilio, Director of Network Collaboration
Appleseed

spacilio@appleseednetwork.org

www.appleseednetwork.org/deportationmanual

www.appleseednetwork.org/planningmanual