FOREWORD

Dear Friends,

Can you imagine being abruptly ejected from the United States — and leaving behind your home, your children, your job, your bank account, and everything else you’ve spent years to build? Can you imagine what your children would feel when they arrived home and you’re gone?

Deportation can be a cataclysm for families and communities, destroying decades of hard-earned assets and rupturing family development. But with advanced planning, immigrant families can prevent an enormous amount of this damage.

That’s why Appleseed is proud to present an updated version of its 2012 Manual, “Protecting Assets and Child Custody in the Face of Deportation.” This one-of-a-kind resource is designed for immigrants and those who work with them; the host of attorneys, nurses, social workers, religious workers who are stepping up in challenging times.

Appleseed’s Manual will help families develop plans in advance to deal with critical financial and family issues in the event of deportation, arrest, and other family emergencies. It will help immigrant families deal with child custody and related children’s issues, personal finances, assets and personal property, remittance payments, wages and benefits, business issues, and taxes. And it includes special guidance for family and children’s issues, including professional advice for parents to help their families deal with painful psychological issues, and for immigrant survivors of domestic violence and sexual assault.

Make no mistake: for vulnerable immigrant families, advance planning can make all the difference. Once an immigrant is detained or deported from the United States, navigating a legal proceeding or managing assets is much more difficult, or even impossible, especially since immigration laws bar immigrants from reentering the United States after deportation for several years.

We are grateful to our pro bono law firms, volunteer psychologists, translation companies, and more than 20 nonprofit partners across the country who wrote, researched, proofread, and translated this manual into Spanish. We could simply not have done it without you. Thank you so much to Adams and Reese LLP, the Asian Pacific Institute on Gender-based Violence, ASISTA, Ballard Spahr LLP, BGBG Abogados, Cooley LLP, Directum Translations, Hogan Lovells LLP, Mexico Appleseed, the Mexico
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Immigrants come to the United States to build a better future and to unite with family members. Most have lived in the United States for many years, paying taxes and joining the daily life of their communities. Over time, immigrants buy homes, start businesses and build personal assets. When they build better lives, they make our country stronger.

That’s why this Manual is a labor of love for all who worked on it. We are committed to fairness and compassion for the millions of immigrants living in our country. Our hope is that you can use this resource to help them build better lives.

Sincerely,

Annette LoVoi, Director, Financial Access and Asset Building, Appleseed
Disclaimers

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.

Appleseed recognizes and understands the legal term “alien,” used to describe any person born in another country to parents who are not American and who has not become a naturalized citizen, but is living or staying in the United States. However, throughout this Manual, we will primarily use the term “immigrant” in place of the term “alien” based on AP Stylebook guidance and the recommendations of our partners. The exception will be when citing laws, codes, or regulations that specifically use the term “alien.”
10. Insurance

This chapter describes how to approach issues related to insurance policies in the event of detention or deportation, including the options for handling current policies, factors to consider when choosing a path and how to plan ahead. This chapter addresses the following issues:

- Types of Insurance Policies
- Information to Gather About Each Insurance Policy
- What Happens to Insurance Policies During Detention or Deportation?
- What to Consider When Deciding the Fate of an Insurance Policy

Types of Insurance Policies

If an immigrant has an insurance policy of any kind, it is important to decide how the policy will be handled if they are detained or deported. The first step in this process is to determine what types of insurance policies the immigrant or family has in force.

Common kinds of insurance policies:

- Health insurance, which may be covered by an employer or purchased individually;
- Car insurance, if they own, lease, or operate a car;
- Homeowner’s insurance, if they own a residence;
- Renter’s insurance, if they rent their residence;
- Insurance on a business, if they own one;
- Life insurance, which may be covered by an employer or purchased individually; or
- Other forms of liability insurance.

Immigrants should familiarize themselves with the benefits received under their insurance policies, and what they would forgo in the event of change in status or cancellation of the policy.
Keep in mind that each type of insurance and each insurance carrier is different. The factors to consider and the strategy for handling each policy could depend on the insurance company’s rules and protocols.

If the Individual Has Health Insurance Through the Affordable Care Act (“ACA”)

Lawfully present immigrants are eligible to use the Health Insurance Marketplace, but undocumented immigrants are not. If a change in immigration status means the person is no longer lawfully present in the U.S., they are also no longer eligible for coverage under the ACA or for any other premium tax credits or savings on Marketplace plans that they receive. Marketplace recommends reporting any change in citizenship or immigration status to the insurance provider as soon as possible, however, each insurer will have different reporting requirements, policies on grace periods and consequences for failure to report. For more information, contact the Marketplace at 1-800-318-2596.

Information to Gather About Each Insurance Policy

The best way for an immigrant to manage insurance policies is simply to plan ahead.

Create a Master List

Immigrants should identify their insurance carriers and brokers and make a list containing contact information (phone number, address, email address) for each. For example, if an immigrant has car insurance through Geico, they should include the Geico customer service number as well as the contact information for the specific agent, if any.

The immigrant should distribute this list to her/his family or household members and keep a copy in an accessible location and another copy on their person (e.g., cell phone, wallet, or in a secure email account). This helps to ensure access to such information if required to leave the U.S. on short notice.

Gather Information and Review Insurance Plans

The immigrant should locate and review all insurance plan documents, whether in hard copy or online and also contact their insurance company to gather any missing information or ask any outstanding questions.

Immigrants Should Obtain, At Minimum, the Following Information

- Method and requirements for termination or transfer of the insurance policy;
- Policy on reimbursement for coverage not used;
- Consequences of early termination, or termination generally;
- Consequences of non-payment of premiums;
- Necessity of reporting a change in immigration status;
- Ability to revive plan upon return to U.S.;
- Consequences of transfer or cancellation to other individuals covered under the policy; and
- Possibility of receiving insurance benefits during your detention or after your deportation (from your country of origin).

Answers to the above questions will allow the immigrant to make an educated decision about whether to cancel, continue, or transfer the plan in the event of detention or deportation.

What Happens to Insurance Policies During Detention or Deportation?

Once the immigrant has gathered the requisite information, help devise a plan to handle a detention or deportation scenario. Generally, the immigrant has three options: (1) cancel the policy, (2) continue the policy, or (3) transfer the policy to another individual. Keep in mind that depending on the insurer’s rules, one or more of these options may not be available for an insurance policy.

Cancellation

If the immigrant decides to terminate the policy, they may do so by following their carrier’s procedure for cancellation. Certain carriers require notice in advance of termination, and may have a waiting period before termination will take effect. Carriers may also specify the format for providing such notice (by email, in writing, by phone). If the provider does not specify format, it is best to give notice in all three ways.

Some insurance policies may terminate automatically upon failure to pay the premium. Others may remain in place but accrue large balances from missed payments and late fees. It is crucial that the immigrant takes these factors into account when deciding on a path forward. In certain cases, automatic termination may be the simplest option; in others, default on payment can generate unexpected liability.

Transfer

If it is an option, the immigrant may decide to transfer the plan to another family member or beneficiary. Again, look to the carrier’s procedure for guidance and associated cost.
Continuation
If the immigrant wants to keep the insurance policy in the face of detention or deportation, and such continuation is not prohibited by the insurance carrier, they can do so in several ways.

If already deported, the immigrant may continue to operate the plan remotely. Having a copy of all policy documents and complete contact information is key. Alternatively, the immigrant may appoint another individual or grant an individual power of attorney to operate the plan on her/his behalf. The immigrant should prepare and provide in advance to the appointed individual explicit instructions on how the insurance policy should be managed.

If this feature is available and they is set on continuation, the immigrant may have the option of setting up automatic payment for the amounts due on the policy, or paying amounts owed on the policy in advance. Counsel the immigrant to consider the irreversible nature of these decisions.

Most importantly, the immigrant should find out whether they are still eligible to receive the benefits of their insurance policy during detention or following deportation.

What to Consider When Deciding the Fate of An Insurance Policy

Deciding how to handle insurance policies in the event of detention or deportation is a decision that cannot be made without careful consideration of an immigrant’s personal circumstance. Attention to personal factors is just as important as the dictates of an insurance policy. Below are the sorts of things that every immigrant should consider.

Practicality
If considering continuation of an insurance policy, the immigrant should consider whether it is practical to maintain that policy remotely. If the home country lacks reliable internet or cell service, and they does not anticipate regular access to these features, it may make more sense to cancel or appoint another individual in the U.S. to exercise control.

Liability
Immigrants should compare the cost of cancelling the policy with the potential liability associated with continuation. Cost of cancellation should be relatively straightforward once details of the policy have been gathered and reviewed. On the other hand, liability associated with continuation of an insurance policy can be more uncertain. For example, if the immigrant
keeps a car title and insurance plan despite detention or deportation and there is an accident involving their vehicle, they may be subject to liability.

**Impact on Others**

Immigrants should consider the impact on individuals covered by an insurance policy, other than themselves, when deciding whether to continue, transfer, or cancel the policy. For instance, if a relative or dependent covered by an insurance policy would be unable to obtain such a policy (due to immigration status or otherwise), continuing the policy despite the added risk or cost to the immigrant may be worthwhile.

Similarly, an immigrant should consider whether failure to pay insurance premiums or erroneous continuation of an insurance policy would create liability for or cause harm to family members that remain in the U.S. Careful review of the insurance policy documents and conversations with the immigrant’s insurance broker should provide clarity on consequences of this nature.

**Impact on Immigration Status**

If removal proceedings are pending or anticipated, an immigrant should consider how the handling of insurance policies will affect such proceedings. Likewise, if the immigrant plans to return to the U.S., this weighs in favor of complying strictly with all regulations and procedures outlined by their insurance company. It also may provide an incentive to maintain an insurance policy, if permitted.
CHECKLIST: INSURANCE

Deciding how to manage your insurance policies is an important and complex process. Rules and procedures specific to your insurance carriers will provide the steps required to properly cancel, continue, or transfer a policy. Consult with your insurance companies in advance so that you are fully aware of your options, and create a detailed plan that can be implemented if you are detained or deported.

☐ Figure out what types of insurance policies you have, and make a list of the contact information of all insurance providers.

- Include telephone numbers, email addresses, and mailing addresses. Consider keeping this information with you or in an accessible place. Give the information to a relative or close friend.
- Consider granting powers of attorney in case of deportation.
- Common types of policies include: health insurance, car insurance, homeowner’s insurance, renter’s insurance, business insurance, life insurance and liability insurance.

☐ Gather and review your insurance policy documents. If you do not have all the information you need, contact your insurance provider and ask them questions.

- Be sure you know: the method and requirements for cancelling or transferring your policy; the consequences of cancellation; the consequences of failure to pay on time or at all; whether you can be reimbursed for benefits not used; whether you are required to report a change in your immigration status; and the consequences to other people covered by your policy.

☐ Consider how your choice (to cancel, continue, or transfer your insurance policy) will impact you and the people you care about.

- Factors to keep in mind: liability associated with continuing your policy; ability to maintain your policy remotely; impact on other beneficiaries of policy; potential negative impact on your removal proceedings; impact on family members remaining in the U.S.; and whether you intend to return to the U.S., if deported.

- Talk to your relatives and, if possible, your attorney about these issues.
☐ Decide how you plan to handle your insurance policies if you are detained or deported. Generally, your options will be to cancel, continue, or transfer your policy.

- *The pros and cons of each option will depend on the policies and procedures of your insurance carrier, as well as your personal priorities and circumstances.*
- *Familiarize yourself with the basic process for each, and the consequences that may result.*