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
City Department of Labor, MomsRising/MamasConPoder, Norton Rose Fulbright, O’Melveny & Myers, The William Alanson White Institute Center for Public Mental Health, and White & Case for your commitment, careful drafting, and counsel during this process. We are also deeply grateful to the Annie E. Casey Foundation and the Ford Foundation for their support of these efforts.

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.”
6. 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 chapter addresses 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

Keeping Your Account Open

You may want to keep your account open if you have ongoing financial obligations in the U.S. such as a mortgage, children or family to care for, or a pension.

If you want to keep your account open you have a few options in how to manage the account from your home country. You can:

- Manage the account yourself;
- Create a joint bank account; or
- Grant a financial or limited power of attorney so that the appointed person can manage the account on your behalf. (Note: A financial or limited power of attorney specifies the actions another person may take on your behalf. It differs from a custodial power of attorney that permits another person to care for your child; or a general power of attorney that allows another individual to handle all your personal business.)

Managing Your Account, Yourself

When you manage your account, the account stays in your complete control. To make this possible, banks often have local branches or ATMs abroad. You
also may be able to manage your account via telephone or online banking. Make sure to ask your bank the best way to manage your account abroad.

Be careful of:

- *Situations where you would have to come into a bank;*
- *The account becoming inactive;*
- *Fees that can accrue when money exchanges happen from abroad. Foreign transaction fees can deplete an account; and*
- *Banks possibly flagging your account for fraud or money laundering suspicion.*

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**Creating a Joint Bank Account**

Adding someone to your account will give them the power to manage the account in full. They will also legally own everything in the account. For that reason, you should choose a person who is very close to you and whom you trust. To open a joint account, you must go with the person you choose to the bank.

Be aware that:

- *The other person has full access to your money;*
- *The account could be taken by the other person’s creditors; and*
- *If you die, the other person may get all of the money.*

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**Granting a Financial or Limited Power of Attorney**

You can choose a person you trust and give them a financial or limited power of attorney. This will allow the appointed person to manage the account on your behalf. You can learn more in the Power of Attorney section (Chapter 11).

Some banks do not allow for powers of attorney. Check with your bank.

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**Closing Your Bank Account**

You may want to close your account if you don’t have any financial obligations in the U.S. and you need easy access to the money in your home country.

To close your account, find out the procedures for your bank. Make sure all of your checks and automatic payments have cleared before closing the account. There may be special procedures if you have a joint account. If you
are closing your account from abroad, you will have to write a letter with specific information to your local branch.

To get your money you will have to choose among a check or transfer or having your money loaded onto a pre-paid card that you can carry which may be safer than cash. If you choose a check, you will have to carry the check to your home country. When you are there you can deposit it in your home country account, but it may take 40-60 days to clear. For a bank draft and wire transfer you will already need an account in the home country.

Safety Deposit Boxes

If you want to keep your safety deposit box open you will have to add another person to the account as a joint renter, or choose a deputy who can access the safety deposit box. Some banks will not allow you to use a general power of attorney for safety deposit boxes. If you want to close your box make sure to do so before leaving for your home country.
CHECKLIST: MANAGING, ACCESSING AND CLOSING A BANK ACCOUNT

☐ Decide whether to close your bank account(s) or leave them open.

☐ If you want to keep your bank account open, decide whether it is best to manage your account from abroad or if it would be easier open a joint account with someone you trust. You may also consider giving someone you trust a financial or limited power of attorney to manage your account on your behalf.
   • If you want to manage your bank account yourself, find out if you can access your account abroad through local branches, ATMs, telephone or internet. Make sure you also ask what fees there may be, how to avoid being flagged for fraud, and how to avoid letting the account become inactive.
   • If you are going to open a joint account pick someone you trust and go to the bank together and add that person to your account.
   • If you are going to grant a financial or limited power of attorney, ask the bank if it has special requirements for accepting a power of attorney.

☐ If you want to close your bank account, contact the bank to find out the bank’s procedures for closing an account. If you are closing your account from abroad, you will most likely have to send a signed letter with specific information.
   • Before closing your account it is best to open your new one if you can.
   • Make sure all checks and automatic payments have cleared the account.
   • Transfer any recurring payments to your new account if you have one.
   • Decide how you want the remaining balance in your bank account transferred to you. Most banks allow either check, bank draft or wire transfer to your home country. You can appoint a financial or limited power of attorney to help with this process.

☐ If you rent a safety deposit box at a bank and want to keep it open, consider either:
   • Adding another person to the account as a joint renter; or
   • Appointing a deputy who can access the safety deposit box. Some banks will not recognize a power of attorney because of the confidential nature of safety deposit boxes. A power of attorney should specifically grant the right to access a safety deposit box (see Chapter 11 on Powers of Attorney).