PROTECTING ASSETS & CHILD CUSTODY IN THE FACE OF DEPORTATION
A GUIDE FOR PRACTITIONERS ASSISTING IMMIGRANT FAMILIES
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.”
8. Managing Outstanding Short-Term Service Contracts and Related Bills

This chapter is to help you get your short-term service contracts and bills in order and to decide whether and how to terminate these contracts. This chapter addresses the following issues:

Examples of Short-Term Service Contracts

There are many different kinds of short-term service contracts. These include the items listed below. You may also have others.

- Water
- Electric
- Gas
- Cable/internet
- Phone, cell phone
- Trash/recycling pickup
- Other delivery services (newspaper, food, other)

Initial Action Items

In order to manage your contracts, the first thing you should do is to have all of the information about these contracts in one place. See suggested steps below.

Make a List of Your Contracts

- Include the account number, name on account and contact information of the provider.
- Include the amount owing for each contract (estimate or get actual information). Note if the contract is month-to-month or for a set number of years.
- Put the list and a copy of each contract in a binder or folder (a hard copy and an electronic copy if possible).
- Include a copy of the last bill and last check or payment made for each contract.

Check to See if the Provider Offers Services in the Country Where You Are Going

This will probably not apply but it might for some cell phone/wireless services. If “yes,” you can call the provider and ask about transferring the contract.

Check to See if the Contract Has a Termination Section

This is often found in “Terms of Service” but may be somewhere else. If yes, see if there is an early termination fee and specific information on how to terminate. Write the information on your list (or put a copy of the termination section). If there is no termination section, you can call the provider and ask them how to terminate.

Check to See if You Can Put Another Person on the Account Who Can Take Action

If “yes,” talk to the person you want to do this. Give them a copy of the information above and a copy of the contract. Follow the instructions on the contract to add another person. If there are no instructions, you can call the provider and ask them how to do this. Evaluate the potential liability of another person.

Share Your List

Send a copy of the above information to a trusted person in the United States who may be able to help you with this if you are not able to do before you leave the country.

Points to Consider

If you don’t understand the contract, ask someone to help you read the contract or call the provider. Also, many contracts are available in Spanish.

Terminating a Contract

Most contracts will include instructions about terminating the service. This is often found in “Terms of Service.” If you cannot find the termination section, you can call the provider and ask them how to do this.
Each contract is different. Sometimes you have to appear in person or call customer service. Sometimes you can terminate online. Sometimes there is a termination fee. You must check each contract to see what steps are needed. You will always need your account information. You may be entitled to a refund of a deposit.

Since there may not be time to do everything, you should call each provider to see if you can name another person who can help manage your account. If “yes,” try to do so right away.

If you are not able to add another person to manage the account and there is insufficient time, you should contact the provider and give your new contact information.

_**Two Examples of Termination Provisions**_

**PSEG (a New Jersey electric and gas company)** allows you to terminate service online by logging into your account. You need the date of termination and the mailing address where you wish to receive your final bill. They ask for two business days’ notice before termination.

**Verizon cell (phones)** require that termination be done in person at a Verizon store or by calling customer service. You are not able to cancel service online. Early termination fees are charged for each line terminated (these fees reduce the closer you get to the end of the term). You may be able to take, or “port”, your wireless phone number to another carrier but you will still be responsible for termination fees. You may be able to move service to someone else who assumes payment.

_What Happens if You Don’t Pay the Bills or Terminate the Contract?_

Each contract has its own terms but generally you will continue to be responsible for the contract and unpaid amounts. There may also be additional fees and charges for unpaid bills. Depending on the state and provider, sometimes the provider can suspend service (but you may still be responsible to pay). Many of these contracts automatically renew unless terminated. Some switch to month-to-month arrangements.
CHECKLIST: SHORT-TERM CONTRACTS AND RELATED BILLS

☐ Create a file or binder (physical or electronic) to store copies of contracts and notes as you work through the following:

- List of contracts
- Account number, name on account and contact information of the provider.
- Amount owed/balance remaining for each contract. Month-to-month or term? This may be on the most recent statement.
- Copy of contracts
- Copy of last bill and check for each contract

☐ Review the contract and/or speak with a customer service representative to find answers to the following questions:

- Does provider permit another person to manage account? If yes, did you add someone? Who?
- Does provider offer services in next country?
- Do you know the fees for early termination?
- What are the steps needed to terminate?
- Did you send the information to a trusted person in the U.S.? Who?
- Cell/wireless provider: can you transfer your phone number? How?