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Living with the Threat of Deportation

Living in the US under the threat of deportation can cause a great deal of anxiety and fear. Part of that anxiety comes from uncertainty. You don't know when or if you will encounter ICE or police. You don't know what might happen to your children if you are detained. You don't know what life might be like if you're forced to leave.

This chapter identifies the groups of people who are currently threatened by deportation, and it offers some ways to cope with the stress of that threat. It answers some of the questions you may have around what rights and resources are available to you as an undocumented person. It talks about how you can safely find health care or housing, for instance, and how to get a driver's license. There's also information on getting protection if you've been the victim of abuse.

See the [Know Your Rights](#) chapter to learn more about how to interact with ICE and what rights may protect you during detention and deportation.

Who Can Be Deported

This list identifies groups that may be vulnerable to deportation, but please understand that not everyone in these groups will be deported. There may be opportunities to assert your rights and stop your removal. If you think one of these groups may include you or your family, contact an immigration attorney to learn about your options. Ask them what you can do to keep you and your family safe.

Groups Who Are at Risk

- **Undocumented immigrants.** This includes people who entered the US illegally, people who were paroled into the US, and those who were placed in removal proceedings at the border and have pending immigration applications.

- **Immigrants with active deportation orders.** An immigration judge can issue deportation orders “in absentia,” which means you don’t need to be present in court to be given deportation orders. In fact, people who do not show up for their immigration court hearing almost always get deportation orders.
- **Immigrants who have overstayed temporary visas or whose visas have been cancelled,** including those whose temporary visas have been cancelled based on political expression.
- **Lawful immigrants, including Legal Permanent Residents (“green card” holders), asylees, and refugees, with criminal records.** This includes certain felonies and misdemeanors, both new and old.
- **Immigrants whose temporary permissions to be here have expired or been revoked,** including certain TPS recipients and individuals who entered the US via certain humanitarian parole programs. For information on the current status of each of these programs. Search at [USCIS.gov](https://uscis.gov) for current information.

Even if you have a lawful immigration status, ICE agents may still demand you prove it. In case that happens, you should carry one of the following documents (the original or a copy) with you at all times:

- A printout of your I-94
- A printout of your I-55
- An Employment Authorization Document (EAD) card issued to you or a printout of your I-766
- A printout of your I-862, which is the Notice to Appear given to noncitizens in removal proceedings
- A valid, unexpired nonimmigrant DHS admission or parole stamp in a foreign passport
- A Nonresident Alien Mexican Border Crossing Card, (I-186)

★ **Are you a non-US citizen veteran** who is vulnerable to deportation or who has been deported? The military produces a guide to their veterans’ immigration resources here: tinyurl.com/Mil-Imm-Resource-Guide. You can also find an overview of DHS (Department of Homeland Security) veterans’ immigration resources at immvets.dhs.gov. At the DHS page, you can request information on returning to the US after deportation.

These additional resources may also be helpful:

Resources for Non-US Citizen Veterans		
Resource	What It Provides	Where to Learn More
Foreign Medical Program (FMP)	Medical care outside the U.S. for a service-connected condition	va.gov/health-care/foreign-medical-program

Veterans Naturalization Assistance Program (VNAP)	Legal aid for veterans applying for citizenship through military service	vetsprobono.org/legal-help/vnap ; vnap@vetsprobono.org
AILA Military Assistance Program (MAP)	Immigration assistance for veterans and their families	aila.org/library/military-assistance-program ; probono@aila.org
Deported Veteran Legal Services Project	Legal aid for deported veterans seeking repatriation; provided by Immigrant Defenders Law Center	immdef.org/deported-veterans ; deportedvets@immdef.org

Make a Plan

It's important to have a plan in case of an emergency, especially if you have a family. A plan can guide you, help you remain calm, and help you make informed decisions under stress. Thinking ahead this way can also help you keep yourself and your loved ones safe, increasing your chances of avoiding detention or deportation. It *will* help to bring you some much-needed peace of mind.

Know your rights. Know who you can call if you need legal help or help from your community. Know what you will do if ICE knocks at your door, pulls you over, or comes to your place of work. Help everyone in your family to understand their roles and responsibilities. Put it in writing, if that helps you. Role-play and practice saying what you will need to say in order to assert your rights.

In the [Know Your Rights](#) chapter, we discuss how to be prepared for an encounter with ICE. In the [Plan for Possible Deportation](#) chapter, you can learn about what your emergency plan should include.

Patience and Mindfulness

If you or your loved ones could be deported, you are under a lot of stress. Give yourself permission to accept that things may not be ideal or easy. It will be useful to practice patience. Go slow. Breathe. It's natural to feel stressed sometimes, but there are ways of managing your stress and preventing it from getting out of hand.

If you have a daily meditation, mindfulness, or exercise routine, maintain it. If not, think about starting one. Make this time for yourself, even if (especially if) things start to feel out of control. It will help calm you and allow you to reduce your stress and maintain focus. The [Beginning to Heal](#) chapter provides guidance on starting a meditation practice. Sports, walking, and gardening—or any recreational activity that you enjoy—are also good ways to stay balanced and process stress.

Take a breath. You're going to be in for a ride, and you better pack your patience.
-Pablo M.

Driving While Undocumented

As you are likely aware, driving while undocumented is risky. If you are pulled over, you may be arrested. Some states allow police to arrest undocumented people or turn people over to ICE after traffic stops. Others, like Illinois, generally do not. Search online for the ILRC (Immigrant Legal Resource Center) “**State Map on Immigration Enforcement**” for specific states’ policies around immigration enforcement. But be aware that policies are changing quickly, and sometimes they are ignored. If you must drive, do so cautiously and be prepared for an encounter with police or ICE (see the [Know Your Rights](#) chapter).

If you can, get a driver’s license. Along with Washington D.C. and Puerto Rico, the following states currently allow people to get a driver’s license regardless of their immigration status: California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Utah, Vermont, Virginia, and Washington.

Proof of residency and identity will usually be required. Check with your state’s Department of Motor Vehicles (DMV) for their requirements.

It’s not just police and ICE now that can carry out arrests. New partnerships have increased the number and type of agents that can arrest non-citizens. This includes sheriffs, deputies, and even US postal inspectors. Agents may wear masks and approach you without showing their IDs. You have the right to ask for ID.

Getting Medical Care

If you or a family member are undocumented, you may be afraid to get medical care. Current federal guidelines significantly restrict the use of healthcare records in immigration enforcement. You have the right to get medical care without worrying about being deported. Healthcare workers should not ask you questions about your immigration status, nor should they report you to ICE.

You can safely get medical care at these places:

- Community health centers that provide low-cost health care: healthcare.gov/community-health-centers
- Federally-qualified health centers: findahealthcenter.hrsa.gov
- Urgent care clinics
- Public hospitals
- Emergency rooms

- Safety-net hospitals

If you are undocumented, you cannot enroll in Medicaid, Medicare, or the Children’s Health Insurance Program (CHIP) or get insurance through the Affordable Care Act (ACA) marketplace.

There are some other options:

- **Insurance through your employer.** Your employer may be able to offer you insurance.
- **State programs.** Some states have insurance options for people who are undocumented. Illinois’ All Kids program, for instance, provides affordable health care for children of low-income families, regardless of immigration status.
- **Emergency Medicaid.** If you don’t have insurance and don’t qualify for Medicaid because of your citizenship or immigration status, Emergency Medicaid may cover your healthcare costs for medical emergencies. The application process varies depending on what state you live in, so you may want to ask a healthcare professional or social worker for help applying. If you go to a hospital for emergency care, the hospital staff may be able to help you apply.

Mental Health

If mental health challenges or substance abuse are preventing you from functioning well or feeling good, get help. Mental health professionals can help you:

- Feel stronger as you face challenges
- Make goals and plans to solve your problems
- Change harmful behaviors
- Ease depression and anxiety
- Understand how your ways of thinking influence how you feel
- Recover from addiction

To find therapists who work with the undocumented community, visit informedimmigrant.com/resources/mental-health.

If you are feeling especially bad or like you might be a danger to yourself or someone else, get help right away. Call the suicide and crisis hotline at 988 or anonymously contact the Crisis Text Line. The Crisis Text Line provides free, 24/7, confidential support (in English and Spanish) by text message for people in crisis when they text the word HOME to 741741.

You can also call 911 or visit the emergency room at a hospital if you are in crisis.

If You Are a Victim of Abuse, Trafficking, or Neglect

Many immigrants worry that if they report a crime, they may be deported. But there are laws that can protect you.

- **The Violence Against Women Act** protects immigrants who are the victims of domestic violence. Specifically, it helps the children, parents, or current or former spouses of abusive US citizens or legal permanent residents (green card holders). If this applies to you, you may be eligible to apply for a green card yourself without needing help from the person who abused you.
- **T and U nonimmigrant visas** provide legal protection, work authorization, and a path to permanent residency for victims of human trafficking (T visa) and victims of certain serious crimes (U visa) who assist law enforcement in their investigations.
- **Special Immigrant Juvenile Status** is a US law that helps protect immigrant kids from being deported if one or both of their parents have abused, abandoned, or neglected them. It applies to people under 18 or 21, depending on what US state they live in. Learn more at sijbacklog.com/youthresources.

If you think these protections could help you, contact an immigration attorney or legal aid organization (see [Immigration Resources in the US](#)) to learn more and find help.

- ★ Are you afraid of harm or persecution in your country of origin? If so, you may be eligible to **apply for asylum** or other protections. Learn more in the [Getting Help to Oppose Your Removal](#) chapter.

Housing and Employment Protections

Housing Protections

As an undocumented person, you may face housing discrimination, but there are laws to protect you.

The Federal Housing Act states that landlords **cannot** refuse to rent to you or discriminate in any way based on your language, race, national origin, sex, religion, color, disability, or family status. And, unless your landlord asks *all* their tenants about their immigration status or citizenship, they can't ask you to provide this information. In other words, they can't single you out for special treatment because of how you look, talk, or dress.

Some—but not all—states forbid landlords from evicting tenants or increasing their rent based on their immigration status. Certain states also forbid landlords from contacting ICE or disclosing information about your immigration status. The only time they may is when there is a court order. For specific guidance, consult a housing rights organization or legal professional.

If you believe you are being mistreated by a landlord, consider filing a complaint with the Office of Fair Housing and Equal Opportunity. They do not ask about immigration status when people file a complaint. Call (800) 669-9777 (English and Spanish) to file a complaint. Learn more at tinyurl.com/HUD-equal-housing.

Employment Protections

All workers, regardless of their immigration status, have certain rights and protections from unfair treatment and unsafe conditions:

- **No Discrimination:** Employers cannot fire you, mistreat you, or treat you unfairly because of your race, nationality, or gender. You can file complaints with the US Equal Employment Opportunity Commission (EEOC) at tinyurl.com/eeoc-file-here.
- **Fair Pay:** All workers must be paid at least the local minimum wage. While the Federal minimum wage is \$7.25 per hour, some states have higher minimum wages. In addition, if you work more than 40 hours in a week, you must be paid overtime. In some states, you must be paid overtime if you work more than 8 hours in a day. You can file complaints with the Department of Labor's Wage and Hour Division. Start here: dol.gov/agencies/whd.
- **Workplace Safety:** Workplaces must be safe, and you can report dangerous conditions without being punished. You can do so online through the OSHA Online Complaint Form: osha.gov/form/osha7.
- **Injury Compensation:** Depending on what state you live in, you may be entitled to medical care and lost wages if you get hurt at work. Check with your state's worker's compensation board for more information.
- **Protection from Retaliation:** Employers can't punish you for reporting problems or for joining a union. File complaints with the National Labor Relations Board (NLRB). Find local NLRB offices or file charges online at nrb.gov/filing-a-charge.

We understand that trying to assert these rights may feel dangerous or unwise right now.

If you are undocumented and you report unfair treatment at your workplace, Federal immigration law **will not** completely protect you from being deported. However, some states (including California, New York, Illinois, Oregon, and others) have strong laws that protect undocumented workers who stand up for their rights. The intent of these laws is to make sure all workers are not punished for speaking up, receive fair pay, and are treated fairly.

To find out more about reporting problems, housing complaints, and what kind of housing and employment protections your state and local laws offer, contact a legal services clinic (see [Immigration Resources in the US](#)).

Other Resources

There is strength in numbers. Connect with community organizations, especially those that advocate for immigrants. The nonprofit Informed Immigrant lets you search for immigrant-serving organizations by location: informedimmigrant.com/help.

The migrant-rights organization Justice in Motion helps migrants after they have left the US. They offer help to people whose rights were violated during the detention or deportation process, people who are seeking safety from violence or persecution and have an immigration case pending, and people who faced labor exploitation or civil rights abuses while working in the US. Learn more at justiceinmotion.org/defender-network.