

**Living in the United States:
A Guide for
Hawaii's Immigrant Youth**

Acknowledgements

With special thanks to the [Immigrant Legal Resource Center \(ILRC\)](#) in San Francisco, California, for allowing us to adapt their resource to Hawaii. The ILRC is not the author of this revised version.

Thank You to the following organizations for lending your support: Aloha Dream Team, [City and County of Honolulu Department of Community Services](#), [Faith Action for Community Equity \(FACE\)](#), [Hawaii Immigrant Justice Center at Legal Aid Society of Hawaii](#), [The Legal Aid Society of Hawaii](#), [The Legal Clinic](#), and [Susannah Wesley Community Center](#).

Thank you to the following individuals: Nicole Akizuki, April Kamilah Bautista, Alyssa Calasicas, Rebecca Copeland, Ashlee Drake Berry, Ronald Higashi, Khara Jabola-Carolus, Joni Chun, Tatjana Johnson, Kenory Khuy, Marie Kim, Ming Tanigawa-Lau, Michelle Lee, Connie Liu, Pat McManaman, Alex Mendoza, Leinaala Nakamura, Jaimee Tabangay, Barbara Yamashita, and Melissa Wong.

2019 Edition

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Introduction

Immigration issues can be tricky. There are many ways in which your immigration status – whether you're a green card holder or undocumented – can impact your ability to get a job, go to college, or even remain in the United States. We created this resource to help immigrant youth and young adults with these complex issues.

We hope the information you find in this guidance is helpful, but remember this information is not legal advice. To get legal advice about your immigration status, immigrant benefits or rights, you should talk to a qualified immigration lawyer.



Do you Know Your Immigration Status?

In Hawaii, most people fall into one of five categories: U.S. Citizens, U.S. Nationals, Legal Permanent Residents (green card holders), Compact States of Free Association (COFA) residents, or undocumented persons. There are also other categories like refugees, Temporary Protected Status (TPS), U Visa holders, and Deferred Action for Childhood Arrivals (DACA). Below are descriptions of each immigrant category.

Common Immigrant Category Terms

Compact States of Free Association (COFA): COFA residents are citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau. You are not a U.S. citizen. You have permission to live and work in the United States. As proof of your status you have a passport with an admissions stamp.

Deferred Action for Childhood Arrivals (DACA): Deferred Action gives you temporary legal status and allows you to live and work in the U.S. At this time, no new applications are being accepted for this program.

Legal Permanent Resident (LPR): You are not a U.S. citizen. You do have permission to live in the United States on a permanent basis. As proof of your status, you have permanent resident card, commonly called a “green card.” Legal permanent residents are also called “LPR” or “LPRs.”

Refugee/Asylee: In your home country, you were threatened or face future threats due to your or your family’s religion, political views, race, etc. You can live and work in the U.S. and get a green card.

Special Immigrant Juvenile Status (SIJS): Allows you to stay in the U.S., work, and get a green card. You must be separated from one or both of your parents due to problems at home. If you have been abandoned, abused or neglected by one or both of your parents and are undocumented, you should try to apply for this.

Temporary Protected Status (TPS): You do not have permanent permission to stay in the U.S., but because of problems in your home country (a civil war, earthquake, etc.) the U.S. government allows you to stay until the danger has passed.

U or T Visa: If you or a close family member has been a victim of a serious crime like: domestic violence, felony assault, sexual assault, or sex or labor trafficking you may be eligible to work and live in the U.S. under a U or T Visa. Eventually, you may be eligible for a green card.

Undocumented: You were born outside the U.S. and you do not have a legal right to be in the U.S.

United States Nationals (U.S. Nationals): Persons born in American Samoa and the Swain Islands are U.S. Nationals. U.S. Nationals have many of the rights and protections of U.S. citizens. They do not have the right to vote. A U.S. national may apply to become a U.S. citizen.

Immigration Status Informational Chart

	U.S. Citizen & U.S. National	Green Card (Permanent Resident)	COFA (Compact States of Free Association)	DACA	Undocumented
Documented	U.S. Passport, or American Samoa or the Swain Islands Passport, or birth certificate.	Green card	Passport with admissions stamp.	Work Permit and Social Security card.	No U.S. Papers.
Can You Be Deported?	No.	Yes, if you break certain laws or do other things that allow a judge to deport you.	Yes, if you break certain laws or do other things that allow a judge to deport you.	Yes, if the government decides to no longer allow you to remain in the U.S. or if you break certain laws.	Yes, at any time.
Can You Work Legally?	Yes.	Yes.	Yes.	Yes.	No.
Can You Vote?	Yes, if you are a U.S. Citizen. No, if you are a U.S. National.	No.	No.	No.	No.
Do You Have the Right to Education?	Yes.	Yes.	Yes.	Yes. In Hawaii you are also eligible for in-state tuition at any University of Hawaii system school.	Yes. In Hawaii you are also eligible for in-state tuition at any University of Hawaii system school.
Can You Get Federal Financial Aid for College?	Yes.	Yes.	Eligible for some, but not all types of federal aid.	No.	No.
Can You Get a Driver's License?	Yes.	Yes.	Yes.	Yes, if your DACA is valid.	Yes, you may get a limited purpose driver's license.
Can You Get a Social Security Number?	Yes.	Yes.	Yes.	Yes.	No.
Can You Help Family Members Come to or Stay in the U.S.?	Yes.	Yes, but with restrictions (you can help fewer people, and the waits are longer than for U.S. Citizens).	Yes, but with restrictions (you can help fewer people).	No.	No.
Can You Travel Outside the U.S.?	Yes- no restriction.	Yes, but not for long periods of time.	Yes.	Check with an attorney before leaving the U.S.	No.

Undocumented Youth

People come to the U.S. for many reasons. Some come to search for work, to join family, or for humanitarian refuge. Most often, it is to provide a better opportunity for their children and families. While some undocumented immigrants do cross the border illegally, about 40 percent of all undocumented immigrants come to the U.S. legally on a visa that has since expired.

You are not alone if you are undocumented. In 2012, there were one million undocumented children under 18 and 4.4 million undocumented persons under 30 living in America. In 2017, it was estimated that up to 4,000 undocumented youth and young adults live in Hawaii.

Understanding the U.S. immigration system, going to school, and getting a driver's license are a few of the many hurdles facing undocumented youth and young adults. In Hawaii, undocumented persons may get a driver's license and attend Hawaii colleges and universities. This is not the case in many other states. Of course, you are also entitled to a free public education from Pre-K through Grade 12. Importantly, there may also be ways for you to gain legal status in the United States. If you think you might be undocumented, it is important for you to see a qualified immigration attorney.

10 Things Every Undocumented Youth Should Know

1 Do not sign any papers or talk to immigration authority without talking to your lawyer first.

3 If you are charged with a crime, make sure your lawyer (whether private or a public defender) knows your immigration status.

Your lawyer is required to inform you how your criminal case will affect your immigration case. Letting them know your immigration status will allow them to best help you.

5 If you are working illegally, you should still pay taxes. This will improve your chances of getting legal papers in the future.

7 Do not lie about your age. People under 18 are entitled to certain protections in immigration law, and if you are under 18, you should say so.

9 Don't cross the border. Once you leave the country, you can't legally re-enter the U.S.

2 Stay out of trouble with the law. Police and other law enforcements may share your name, fingerprints, and other personal information with immigration authorities. If you commit a crime, it will make it harder to get legal status in the future.

4 Do not lie (to a person or on a form) and say you are a U.S. citizen when you are not. A false claim to citizenship is taken seriously by the government and could hurt your chances of ever getting a green card or get you deported.

6 If you're male, register for the "Selective Service" when you turn 18. The immigration authorities will NOT see your information. This will make it easier to get legal papers in the future.

8 Having a child will not help you become legal. A child can only help his or her parent get a green card if the child is over 21 years old.

10 If at all possible, try to become a legal resident.

11 Things Every Youth with a Green Card Should Know

11 Things Every Youth with a Green Card Should Know

1 **Stay out of trouble with the law.**
Some offenses, even minor ones, can lead to you being deported.

2 **If you are charged with a crime, make sure your lawyer knows your immigration status.**

3 **Do not lie (to a person or on a form) and say you are a U.S. citizen when you are not.** Lying may lead to deportation.

4 **Do not sign any papers and do not talk to immigration authorities unless you spoken with a lawyer first.**

5 **You need to get a new green card every 10 years.** Your status doesn't expire, you will just need to replace the card.

6 **If you change your address, tell the immigration authorities immediately within 10 days of the move.** Go to www.uscis.gov.

7 **If you're male, register for the "Selective Service" when you turn 18.** The immigration authorities will NOT see your information. It will be easier to get legal papers later..

8 **If you are working, pay taxes if you owe them.** This will keep you out of legal trouble and allow you to become a U.S. citizen later.

9 **To travel outside the United States, you need a passport from your home country.**

10 **Don't leave the country for 6+ months.** If you are gone for 6+ months, you might have trouble re-entering the U.S. If you leave for >1yr, you might not be able to re-enter the U.S.

11 **Apply for U.S. citizenship when you are eligible or encourage a parent who you live with to apply for citizenship before you turn 18 so that you can automatically become a citizen without having to apply later.**

U.S. Citizenship

It's a very good idea to apply for U.S. Citizenship. Once you become a U.S. Citizen, you:

- Can't be deported. (If you have a green card, you can still be deported if you have problems with the law.)
- Will be able to help family members legally immigrate to the United States more easily and quickly.
- Can get government jobs and can more easily receive government benefits.
- Can vote!



Naturalization: A Common Legal Path towards Citizenship

To apply to become a U.S. Citizen through naturalization, you need to:

- Be at least 18 years old.
- Have a green card for 5 years (less if you marry a U.S. citizen or join the military).
- Have lived in the United States for the past 5 years (3 years if you are married to a U.S. citizen).
- Pay all your taxes and child support, if you owe them.
- Stay out of trouble with the law. (Minor crimes may not be a problem; talk to a lawyer.)
- Register for selective service when you are 18 (males only). If you are over 18, do it now! It will save you problems later. For more information, see the section entitled "[Immigrants and the U.S. Military](#)."
- Send an application and fee to the U.S. Citizenship & Immigration Services, attend an interview, pass an English and civics test, and take an oath of allegiance to the United States.

Are you already a U.S. Citizen? Some people are citizens but don't realize it:

- If you were born in the United States, you are *automatically* a U.S. citizen.
- If you were born in another country, but one of your parents was a U.S. citizen, you *may* be a U.S. citizen.
- If your parent became a U.S. citizen, and at the time you were under 18 and had a green card, you are *probably* a U.S. citizen.

WARNING! When you apply for citizenship, you are inviting the government to review all your records. This could lead them to find something that makes you deportable, such as having committed a crime or lied to the government. Talk to a lawyer to make sure everything is okay.

How to Get a Green Card (If You Are Undocumented/Out of Status)



If you are undocumented or out of status (your visa has expired) you may be able to obtain legal status. Don't wait! Talk to an immigration lawyer to figure out what your options. If you are undocumented or out of status, DO NOT go to the immigration office or file papers with immigration without first speaking with an attorney.

Special Immigrant Juvenile Status

If you are in foster care, in juvenile detention, under juvenile probation, or have a case in family court: ask your social worker, probation officer, and/or lawyer about getting Special Immigrant Juvenile Status (SIJS). If you have a lawyer who doesn't know about immigration law, ask your lawyer to get help from a lawyer who does. SIJS protects you from deportation, allows you to work, and makes it possible to get a green card.

To Be Eligible for SIJS:

- You must be under 21 years old and unmarried. (You can have kids of your own).
- You also need to have or open a case in state court where the judge finds that:
- You aren't able to be reunited with one or both of your parents because of problems at home (abuse, neglect, or abandonment).
- It's not in your best interest to go back to your home country.

NOTE If you are adopted, or live with other family members, it may still be possible to get SIJS. If you get SIJS, you can't help your parents get immigration status or come to the United States later.

Green Card through an Eligible Family Member

If a family member is a U.S. citizen or has a green card, the relative might be able to help you get your papers:

- If the relative has a green card, the relative must be your spouse or parent.
- If the relative is a U.S. citizen, the relative must be your parent, brother or sister, over 21.
- A child can only help a parent immigrate if the child is over 21.

- Aunts, uncles, cousins, and other family members can't help you immigrate unless they have formally adopted you.

IMPORTANT! If you are in a valid same-sex marriage with a U.S. citizen or lawful permanent resident, your spouse is now able to help get a green card!

Victims of Abuse, Crimes or Human Trafficking

If you come from an abusive household:

You may have options under the Violence Against Women Act (VAWA). If you have an abusive parent or spouse who is refusing to help you apply for legal resident status, you may be eligible to apply for a green card on your own. The abusive parent or spouse must be a U.S. citizen or green card holder for you to qualify under VAWA.

Even if your parent was abused and you were not, you may still be able to get your own green card. You must have lived with the abusive parent or spouse at some point. If the abusive person is your parent, you must be under 25 years old to qualify. The abuse does not have to be physical. It can be emotional or verbal.

If you have been the victim of trafficking or a crime:

You may be eligible for a T visa or a U visa, and then after a few years you can get your green card. The T visa is for people who have been trafficked – which usually means being forced to work, such as labor or sex work. If you are under age 18, you can qualify for a T visa based on sex trafficking even if you weren't forced to do sex work.

The U visa is for people that have been a victim of a serious crime in the U.S. such as domestic violence, abuse, physical attacks (assault), rape, kidnapping etc. You must help the police investigate the crime.

Employment Based Visa or Green Card

An employer can also petition for an employee to receive a work visa and a green card. Talk to an attorney before approaching your employer.

DACA (Deferred Action for Childhood Arrivals)

DACA provides protection from deportation and a work permit to certain young immigrants for a two year period of time, subject to renewal. Nearly 800,000 people have been granted deferred action through DACA since its creation by President Obama in 2012.



In September 2017, the Trump administration ended the DACA program. Since then there have been several lawsuits challenging the program's termination. Several courts have ordered USCIS to continue accepting and processing DACA renewal applications while the legal cases are pending. While DACA recipients remain protected and continue to be eligible to renew, there is still much uncertainty around the future of the program.

IMPORTANT! The [Immigrant Legal Resource Center](#) is an important resource for current DACA information. In 2019, the Immigrant Legal Resource Center also published [Preparing for the Future: Understanding the Rights and Options of DACA Recipients](#).

As of March 2019, who is Eligible to apply for DACA?

Any individual who has DACA or was previously granted DACA can request a renewal. This means that you can request to renew your DACA if you:

- Currently hold DACA;
- Had DACA but it expired, or
- Had DACA but it was terminated by USCIS or ICE.

If you never applied for DACA or you applied for DACA, but it was not approved, you are not eligible for DACA at this time.

If your DACA was previously terminated, speak with an immigration expert before filing your DACA renewal request. On the one hand, the reasons your DACA was terminated may impact your eligibility for or likelihood of having a DACA renewal approved now. On the other hand, if your DACA was terminated based on arrests, unproven allegations or a low offense that should not disqualify you from DACA and the government did not send you a notice or an explanation, then the government may have terminated your DACA unlawfully. If that is the case, you may be able to have your DACA reinstated. If you think this may

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be your situation, see a trusted local immigration attorney.

When can I file my DACA renewal request?

USCIS is processing renewal applications up to one year in advance of the expiration date. Because the court cases are pending, you should renew your DACA as soon as possible in order to be protected as long as possible.

What do I have to submit to renew my DACA?

Every DACA renewal application packet must include:

- Form I-821D Form
- I-765 Form
- I-765WS Form
- Make sure every form is completed in black ink, signed and dated
- Photocopy of your work permit (both sides)
- Two identical passport-style photographs
- Check or money order of \$495 payable to U.S. Department of Homeland Security
- Make and save a copy of your DACA renewal packet

Should I renew my DACA if I have a new crime in my record?

If you have been arrested or convicted of a new crime, it is important that you speak with an immigration expert before you submit a DACA renewal request. Not all contact with the police will make someone ineligible for DACA but it is important to get good legal advice about any potential impact.

Remember that certain convictions will make a person ineligible for DACA and can result in USCIS revoking a DACA case:

- DUI
- Drug trafficking
- Firearms
- Domestic violence
- Burglary
- Sexual abuse or exploitation
- Any felony conviction

NOTE: There are exceptions to these rules and there might be options to clean up a criminal record that allows someone to qualify for DACA. Consult an immigration attorney to identify potential options.

A criminal conviction, even if it does not automatically make someone ineligible for DACA, will be a negative factor and it is important that an applicant also submit evidence about positive aspects of their Living In the United States: A Guide for Immigrant Youth

life with their application. USCIS has continued to approve cases for those who have had contact with law enforcement and convictions, but it is important to present the strongest application possible.

Documents to Show Positive Factors in a case include:

- School Records
- Church Membership
- Community Letters of Support
- Diplomas Awards or Certificates
- Employment Records

How long are approvals for DACA requests taking?

There is no definite answer to how long it will take for USCIS to review your request. USCIS has stated that they will attempt to process DACA renewals within 120 days of receiving the request. Despite this policy, DACA requests have been reviewed and approved in less time (some as quickly as three weeks) or taken as long as six months or more. Requestors should receive a receipt notice and biometrics appointment within a few weeks of submitting their request.

To ensure your DACA request gets processed in a timely manner, please make sure to not miss your biometrics appointment and ensure you submit a complete request (no missing forms, no missing information of birth or name, signed in all the required places. If your request has been pending for 105 days, you can submit an inquiry with USCIS by calling 1-800-375-5283 and giving them your receipt notice information.

If my request is missing information, will USCIS reject my request or will they ask for more evidence?

Recently, USCIS has rejected DACA renewal requests as not being properly filed when information is missing from Form I-821D or Form I-765. Some USCIS service centers had previously issued a Request for More Evidence (RFE) for the missing information, allowing applicants to respond within a given period before USCIS continued their review. Some of the reasons USCIS rejected requests included missing an answer to a question in Part 4 of Form I-821D, missing date of birth, missing a signature, or missing a page of one of the immigration forms. USCIS stated that these requests were not properly filed, and they had a valid reason to reject.

Prepare for an Uncertain Future

It is difficult to predict the outcome of the DACA lawsuits, but any future immigration program or form of protection will require filing fees and certain types of supporting documentation. This is why it is recommended that every individual:

- Save money that can be used for government filing fees to apply for an immigration program, legal fees to pay for representation, or other costs.
- Collect documents that can demonstrate your eligibility for an immigration program or legal defense. Many immigration programs, such as DACA, ask applicants to prove their presence in the United States for a certain number of years. Others require proof of education or family relationships.

Some of the documents that may one day prove useful and should be saved include evidence of:

- **Presence in the United States:** leases, mortgages, rental payments, records of medical or dental visits, vaccination records, benefits receipts, remittance receipts, court records
- **Education:** transcripts, attendance records, certificates of completion, report cards, diplomas
- **Work History:** pay stubs, time sheets, letters from employers
- **Payment of Taxes:** tax returns, W-2s, tax transcripts
- **Community Involvement:** membership records, attendance records, volunteer hour logs, letters from group leaders, certificates, or proof of participation in religious, community, or volunteer activities
- **Family Relationships:** birth certificates, marriage certificates, divorce decrees, adoption papers
Being a Person of 'Good Moral Character': awards, certificates, letters of support from friends, coworkers, teachers, neighbors, etc.

Special Considerations for LGBTQ+ Immigrants

LGBTQ+ immigrants have the same rights under immigration law as all other non-citizens. However, there are some areas where LGBTQ+ immigrants face challenges as discussed below.

Immigration Status Through a Same-Sex Spouse

Currently, same-gender marriage is legal in every state. This means that U.S. citizens and legal permanent residents (green card holders) can file visa petitions for their foreign born, same-gender spouses to get an immigration status like a visa or a green card, and some visa holders can get a visa for their same-gender spouses as well.

President Trump has said that he opposes same-gender marriage and would appoint judges who would overturn the current law that recognizes same-gender marriage. If same-gender marriage stops being legal at the federal level, this could cause problems for any pending or future immigration applications based on a same-gender marriage.

It's important to emphasize that marriage equality could be eliminated, but this won't happen overnight. President Trump cannot change the law himself. And it is difficult to overturn a U.S. Supreme Court decision. A case overturning the law would take years to make its way through the legal system.

HOW BEST TO PREPARE: If you have a same-gender partner or spouse who is a U.S. Citizen, green card holder, or visa holder: Get an immigration screening by a qualified legal services provider to understand all your immigrant options and risks.

Know your rights in case you or your spouse or partner ever meet immigration authorities. See the section: [Know Your Rights](#).

Visas for Victims of Crime, Trafficking and Domestic Violence

Immigration law includes some special options for immigrant victims of crime. U visas are available for victims of certain crimes. T visas are available for victims of human trafficking, including sex trafficking and forced labor. Also, the Violence Against Women Act (VAWA) gives protections to victims of domestic violence. These options provide protection against deportation, the ability to work in the U.S. and an opportunity to apply for a green card. They are in the law and that means President Trump can't change the laws quickly; it would take a new law by Congress to change them. See the Section on [Victims of](#)

[Abuse, Crimes or Human Trafficking.](#)

While there is much fear in the community, if you have been a victim of harm or serious crime, you have the right to protection from the police and can help in the investigation or prosecution of a crime. Please seek the help of a qualified legal service provider as you may be eligible for an immigration benefit.

Asylum for Those Who Fear Returning to Their Home Country

Protections for those fleeing their home countries because of persecution (abuse, threats or other serious harm) are rooted in U.S. federal law and treaties. People with refugee and asylum status are eligible to apply for a green card and eventually U.S. citizenship. Asylum claims based on sexual orientation and gender identity from countries where LGBTQ+ individuals are targeted for abuse or lack legal protections have been successful.

President Trump has said that he opposes asylum and would appoint judges who would overturn current laws that protect asylum seekers. He has also threatened to detain asylum seekers.

If you are seeking asylum, but have not yet applied, you should seek the services of a qualified legal service provider. Asylum applications should be submitted within one year of arriving in the U.S., although there are some exceptions to that requirement. Even if you decide not to apply for asylum, if you are ever detained or arrested by immigration authorities, you should express any fear you have about returning to your home country.

Seek help as soon as possible if you have a claim for asylum!

Immigration Detention

Immigrants who are in deportation (removal) proceedings can be placed in immigration detention centers. If you are detained by immigration authorities, ask to be released on bond and ask to have a hearing before an immigration judge.

LGBTQ+ immigrants, transgender immigrants and gender non-conforming immigrants are at greater risk of harassment and abuse in immigration detention and are frequently not housed in the section of their preferred gender. Under President Trump, it is possible that these bad conditions will continue or possibly worsen. See the "[Resources](#)" section for a list of organizations advocating for the rights of transgender and LGBTQ+ immigrants in detention.

HOW BEST TO PREPARE: Take the time now to create a preparedness plan for your family in case one of you is detained and/or deported. This plan should include ensuring important government and health documents are accessible by another family member or trusted person. Emergency contacts are shared to those you trust and provide documenting instructions for care and an affidavit designating a caregiver for any children you have. Always have on hand, contact information of a legal service provider in case of an emergency. If you are contacted by immigration authorities, you have rights. See the “[Know Your Rights](#)” section.



Involvement with Gangs

WARNING! Some youth are put on a gang list by mistake or for hanging out with possible gang members. You can be targeted by immigration officials for simply associating with friends or family members that are in a gang. Make sure to talk to an attorney if you have ever been involved in or have had ties to a gang, because filing for immigration papers may be risky.

When you talk to an attorney make sure to mention if you:

- Were ever accused of being in a gang or questioned about being part of a gang by police, school staff, immigration, or anyone else
- Were put on a gang list (e.g. by school, the county, police department, etc.) or are named in a gang injunction
- Live in a neighborhood that has a lot of gang activity or have close friends/family members that are part of a gang
- Told immigration officials or police that you are part of a gang
- Were or are involved in any way with a gang
- Were ever arrested, jailed, or appeared in front of a judge in court
- Had or have any gang-related tattoos
- Ever posted anything on social media (e.g. Facebook, Twitter, Instagram, etc.) related to gangs

In addition to hurting your immigration case, gangs can be very dangerous, violent, and carry great consequences for youth that are involved. Gang members risk injury from rival gangs, injury to family members, and even death. Being involved in a gang can also lead to criminal consequences. There are laws that provide for strict penalties for gang-related offenses. Some include larger fines and even longer sentences — 15 years or more for gang-related gun crimes, drug sales, and violence.

Watch Out for Immigration Scams!

Not everyone who offers immigration services is honest, and you should only go to a legal services provider that you can trust. Choosing someone to help you and your family with immigration papers is a very important decision, and like all important decisions you must be careful to choose wisely. Don't be fooled by false promises. You could lose your money and potentially be deported from the United States.

There are many different tricks that dishonest immigration consultants, *notarios*, and some lawyers use to make people believe they will get green cards.

For example, they may tell you:

- I offer “no risk” immigration.
- I can get U.S. visas for you and your family in a few weeks.
- I can get you a work permit right away.
- I know people at immigration and can get your papers done quickly.



These are lies! Don't trust your immigration situation to anyone who tells you any of these things!

A *notario* is not an attorney in the United States and is not permitted to give immigration advice!

Only two kinds of people are authorized by the U.S. government to give you immigration advice:

- 1) Attorneys licensed by a state bar, and
- 2) Certain people who work for nonprofit organizations and have been authorized to represent people before the immigration authorities (often called “BIA Accredited Representatives”).

Things You Can Do to Protect Yourself from Immigration Scams:

- **Never** sign any blank application papers.
- **Never** sign any paper, contract, or immigration form that you do not completely understand. (Get someone you trust to translate it for you.)
- **Always** demand a written contract for any immigration services when you are not working with a recognized agency.
- **Make sure** that you know how much your case will cost from the very beginning.
- **Watch out** for anyone who wants you to pay immediately.
- **Always** get copies of the papers prepared for you.
- **Never** let anyone keep your original documents (example: birth certificates).

- **Get** a receipt for any money you pay. (Make sure it has the amount paid, the date paid, your name, and the name of the person or business that you paid.)
- **Never** work with someone who will not answer your questions, explain things to you, or return your calls. Make sure you understand what must be done, and why, before you go ahead.
- **Get** a second opinion if you're not sure!

Deportation and Other Immigration Problems

When the U.S. government kicks someone out of the United States and forces them to go back to their home country, this is called **deportation** or **removal**.

Who Can Be Deported?

Anyone who is not a U.S. citizen or a U.S. National can be deported! This means even people with green cards who have been here since they were babies can be deported. It does not matter if you have lived here your whole life or you cannot speak the language of your home country or you do not know anyone in your home country—if you are not a U.S. citizen or U.S. National, you can be deported.



Why Do People Get Deported?

There are lots of different reasons why people may be deported, only some of which are listed below. Watch out for these!

- Being in the United States without permission (not having papers)
- Saying you're a U.S. citizen when you're not (to vote, to enter the United States, to get a job, or for other reasons)
- Marrying someone just to help them get a green card or so you can get a green card
- Using fake documents
- Drug convictions (including use and possession of marijuana)
- Stealing things
- Violent crimes such as rape, murder, assault, battery
- Domestic violence or violating a protection order
- Gun convictions
- Sex offenses including statutory rape (having sex with someone under 18)

If you are ever arrested for a crime and are required to go to court, make sure your public defender or private lawyer knows that you are not a U.S. citizen! Your lawyer is required to tell you the effect your conviction will have on your immigration status. The lawyer may be able to help you avoid deportation, even if you end up going to jail.

Also, some crimes may make it difficult for you to become a U.S. citizen in the future. It is important for your lawyer to know that you are not yet a U.S. citizen, so you can avoid hurting your chances of becoming a U.S. citizen later.

Can I Possess Marijuana in Places Where it is Legal?

As of January 2018, 28 states and the District of Columbia have legalized medical marijuana. Eight states and the District of Columbia have legalized recreational marijuana for adults.

Immigrants may reasonably think that using marijuana according to these state laws will not hurt their immigration status. Unfortunately, that's wrong!! It is still a federal crime to possess marijuana, and immigration is part of federal law.

If a non-citizen admits to an immigration official that he or she has ever possessed marijuana, the person can face very serious immigration problems – if he or she applies for a green card, applies for U.S. citizenship, travels outside the United States, or ICE just questions them on the street. This is true even if the person was never convicted of a crime, just used marijuana at home, and it was permitted under state law.

Some immigration officers are asking noncitizens if they have ever used marijuana– especially in some states that have legalized marijuana.

What to do: Legal Self-Defense for Noncitizens

Don't use marijuana until you are a U.S. citizen. Don't work in the marijuana industry. If you have a real medical need and there is no good substitute for medical marijuana, get legal counsel first.

Never leave the house carrying marijuana, a medical marijuana card, paraphernalia (like a pipe), or accessories like marijuana T-shirts or stickers. Don't have photos or texts about you and marijuana on your phone, Facebook, or anywhere else. Never discuss marijuana use or possession with any immigration or border official, unless you have expert legal advice that this is OK.

If an official asks you about marijuana, say that you don't want to talk to them and you want to speak to a lawyer. You have the right to remain silent. Stay strong – once you admit it, you can't take it back. If you did admit this to a federal officer, get legal help quickly.

Know Your Rights if You Are Stopped or Arrested



What Types of Law Enforcement Officers Might Try to Question Me?

There are many types of law enforcement officers who might try to question you including: state or local police officers, federal officers such as the F.B.I. or Joint Terrorism Task Force members.

Law enforcement officers from the Department of Homeland Security may also want to question you. The Department of Homeland Security has three different parts: Immigration and Customs Enforcement (ICE), U.S. Citizenship & Immigration Services (USCIS) and Customs and Border Protection (CBP).

If you are already within the U.S., you are most likely to come into contact with ICE. If you are near or at the border or an airport, you are most likely to come into contact with CBP. USCIS is the agency that decides immigration applications, like an application for a visa, so you will not come into contact with them unless you apply for an immigration benefit.

If Law Enforcement Officers Want to Question You at Any Place Other Than an Airport or Port of Entry to the United States:

You have the same right to remain silent that U.S. citizens have. You don't have to answer questions that law enforcement officers, including ICE officers, may ask if you are stopped, arrested or in jail. Do not say anything about where you were born or how you entered the United States. Do not say that you are a U.S. citizen if you are not!

- Do not show any documents, unless you have proof of lawful immigration status. Above all, do not show any false documents!
- Do not sign anything without first talking to a lawyer. If you have been arrested by ICE, you may be signing a deportation order, which could result in being deported immediately without a

chance to fight your case. Even if ICE officials say you are just signing a “voluntary departure,” beware, this is usually a deportation order!

IMPORTANT! In Hawaii, if you are stopped while driving a car, the officer can require that you show a driver’s license, car registration, and proof of car insurance. You are not required to give additional information.

If Law Enforcement Authorities Come to Your Home:

Law enforcement authorities, including immigration officials, can only come into your home if they have 1) your **permission**, or 2) a **search warrant**.

Never open the door or give law enforcement permission to enter your home. Ask to see a search warrant. A search warrant is a special order signed by a judge that allows law enforcement officials including immigration officials to enter the place described in the warrant to look for and take items identified in the warrant.

If the officials claim that they have a **search warrant**, do **NOT** open the door to see it. Ask them to slip it under the door. If the officials do not show you one, you do NOT have to open the door (no matter what they say). If you are shown a search warrant, make sure the information about your name and address is correct before letting them in.

If immigration officials tell you they have a **warrant for your arrest**, do not let them into your home. Ask to see the arrest warrant. An arrest warrant is a special order that allows law enforcement and immigration officials to take you into custody. Ask them to slip it under the door (no matter what they say).

If you are shown an arrest warrant, make sure the information is accurate. If the information is accurate, step outside your home and close the door behind you. Even if law enforcement and immigration officials have a warrant for your arrest, that does not give them permission to enter your home.

- Do not sign anything that they give you.
- You have the right to remain silent. Do not say anything, especially about where you were born or your immigration status.

If Immigration Authorities come to your workplace:

- Do Not Panic!
- Do not run! If you try to run away, the immigration officers will assume that you are in the U.S. illegally and you will likely be arrested. The best course is to continue to work and follow their instructions or to calmly ask if you are free to leave.
- Remember, if you are asked any questions, you have the right to remain silent. Do not answer any questions you do not want to answer.

What are my rights if I am stopped at an airport or other ports of entry to the United States?

At an airport or port of entry, immigration officials have the right to stop you, detain you, and search your belongings. If you are a non-citizen, you should carry your green card or other proof of lawful status with you at all times.

Keep in mind that at an airport or other port of entry, law enforcement officials can also ask you questions about whether you have permission to be in the United States.

Generally, non-U.S. citizens stopped at an airport or border do not have the right to an attorney if the immigration officer is trying to decide if you should be admitted or allowed to re-enter the United States. If you are questioned about anything other than your immigration status, you have the right to an attorney.

Preparing yourself/family for immigration proceedings.

Before you find yourself in one of the situations above, do the following:

- Find the name of a trustworthy immigration attorney who helps people in immigration court. Always carry the attorney's contact information with you. Make sure the attorney reviews any immigration documents you have and ask the attorney for a written contract before making any payments.
- If you already applied for an immigration benefit or are in deportation proceedings, you will have what's called an "A number" that will be on all your immigration-related paperwork. Know your "A number" and leave it in a safe place in your home where your family can find and access it.
- If you have kids of your own in the United States, prepare a document that authorizes an adult to take care of your minor children in case you are picked up by immigration authorities.

Adoption and Your Immigration Status

If you are adopted, you might be able to change your immigration status for the better. The laws are complicated, so talk to a lawyer — but here’s some basic information.

If You Are Undocumented

If you are adopted by U.S. citizen or green card holder parents, they can petition for you to become a permanent resident (in other words, get a green card). If one or both of your adoptive parents is a U.S. citizen, the process is much faster. If you are adopted by green card holders, it can take years.

You must meet all these requirements:

- You are adopted before your 16th birthday. (If the same family adopts your brother or sister earlier, you can be up to age 18 at the time of the adoption).
- You live with your adopted parent(s) for 2 years (before or after the adoption).
- Your adopted parent(s) have legal custody of you for 2 years (before or after the adoption).

The process will take longer if you are over 21, married, or you come from a country that has signed a certain international treaty called The Hague Convention (because the treaty requires certain additional steps).

If You Already Have a Green Card and Are Adopted

If one or both of your adoptive parents becomes a U.S. citizen, and you are under 18 when adopted, you may automatically become a U.S. citizen too.

If you are over 18 when you are adopted, you can still apply for U.S. citizenship for yourself. You must meet the “normal” requirements—having a green card for 5 years, staying out of trouble with the law for 5 years, etc. See the section entitled “[U.S. Citizenship](#)” for more information.

Can You Help Your Birth Parents Get a Green Card or U.S. Citizenship?

Once you are adopted, you cannot help your birth parents for immigration purposes. However, if you legally separate from your adoptive parents and reunite with your birth parents, you might be able to help them. In that case, here's how it works:

- If your adoptive parents helped you get an immigration benefit (for example, they helped you get a green card), then you *cannot* help your birth parents.
- If you never got any immigration benefit through your adoptive parents, then you *might be able to* help your birth parents. Remember, for this to happen, you must be legally separated from your adoptive parents.

Helping Family Get Immigration Status or Come to the U.S.

You can help family members come to the U.S. or get immigration status, if they are already here. To do this, you need to have a green card, be a U.S. citizen or U.S. National. If you have DACA you cannot help your family come here.

- U.S. citizens, U.S. Nationals, and green card holder residents can apply for their spouses and unmarried children.
- U.S. citizens and U.S. Nationals over 21 can also apply for their married children, parents, and brothers and sisters.

U.S. citizens and U.S. Nationals can bring their spouses or young kids (unmarried and under age 21) fairly quickly. All the other categories may require years of waiting. The number of years depends on the person's country of origin and how the person is related to you.

Some things like asylum, U visa, T visa, or the VAWA self-petition allow you to help certain family members come here or get papers.

If you have Special Immigrant Juvenile Status (SIJS), you can't help your birth parents get papers.

Note that your family members will have to show that they don't have any criminal or immigration problems that make them ineligible to get papers.

Having a Child Will Not Help You Get Papers

Kids can only help their parents come to the United States or get a green card if the child is over 21 years old.

WARNING! The process of helping family members get immigration status is complicated, and you could possibly hurt the person you are trying to help, especially if they have a criminal history or past immigration violations. Make sure to talk to a lawyer first.

Immigrants and the U.S. Military

What Is Selective Service?

The Selective Service System is a national database that is used to keep information about men who could be recruited to the military. The U.S. government has not required men to serve in the military since 1973, but men still have to register with the Selective Service.

I'm Not a U.S. Citizen—Do I Still Have to Register for the Selective Service?

If you are a male between the ages of 18 and 25 and you live in the United States, then you must register with the Selective Service—even if you are here without papers. In other words, U.S. citizens, green card holders, COFA residents, U.S. Nationals, and undocumented men (including DACA recipients) all must register. It's the law. Women and girls do NOT have to register for the Selective Service. Men living temporarily in the United States on a valid visa (such as a student visa, work visa, U visa, T visa, or another temporary visa) are NOT required to register.



How Do I Register for the Selective Service?

You can register by filling out a form at any U.S. Post Office or on the Selective Service System website at sss.gov/Home/Registration. You do not need a social security number to register. The Selective Service does not collect any information to find out what your immigration status is.

What Could Happen if I Don't Register for the Selective Service?

Failing to register for the Selective Service could prevent you from getting federal financial aid for college, a federal job, or federal job training. It could also affect your chances of getting a green card or becoming a U.S. citizen. Failing to register can also (in rare cases) lead to prison time or a big monetary fine.

Can I Join the Military if I Am Not a U.S. Citizen?

Immigrants with green cards can join the U.S. military if they have lived in the United States. However, jobs in the military are more limited for green card holders than for U.S. citizens because immigrants cannot become commissioned officers or get jobs that require a security clearance. Immigrants who have been granted DACA, temporary protected status, or asylum may also be able to join the military if they have certain language or job skills that the military needs. Undocumented immigrants cannot join the military.

Voting

Who Can Vote?

To vote, you must be 18 years old and a U.S. citizen. This is true everywhere in the United States. Do not try to vote if you are not a U.S. citizen. Doing so could prevent you from getting papers later on.

In Hawaii, you can register to vote at a voting site on election day, or online or by mail. Once you register, you are covered for all future

elections. However, if you move to a new address or change your name, you need to re-register.



If You Are Eligible, You Should Register to Vote

Voting is not required by law. However, it is one of the basic rights and responsibilities of U.S. citizenship. If you don't make your voice heard by voting, who else is going to do it for you?

It Is Easy to Register

Voter registration forms are available in public libraries and online at olvr.hawaii.gov. To get a form in the mail, call 1-800-442-VOTE (8683) if you live on the Neighbor Islands or if you live on Oahu call 453-VOTE (8683).

Hawaii also allows you to register to vote when you are 16 years old. Remember though, you can't vote until you are 18 years old!

If You Are Not a U.S. Citizen, Don't Register to Vote and Don't Vote!

Yes, it is easy to register to vote. This is great for U.S. citizens, but sometimes it leads noncitizens to register to vote accidentally. *If you are not a U.S. citizen, registering to vote is a serious offense. It may also lead to deportation.*

WARNING! If you are not a U.S. citizen, do not register to vote or vote.

Social Security Numbers

What Is a Social Security Number (SSN)?

Your SSN is an important piece of your identity. To work legally, you need a SSN. Many other institutions also use your SSN as an ID number.

Most people born in the United States get a SSN shortly after they are born.



Who Can Get an SSN?

Citizens and immigrants who have been granted permission to work can have a legal SSN. If you are not authorized to work, you can apply for an SSN to receive government benefits (such as financial assistance, food stamps, etc.)

You *Don't* Need an SSN for:

- Bank accounts
- Educational tests
- School lunch or low-cost housing
- School
- Private health insurance
- Filing taxes
- Hawaii's limited purpose instruction permit or driver's license (see section on "[Getting a Driver's License](#)" for more information)
- Certain types of financial aid applications (see section entitled "[Going to College / Higher Education](#)" for more information)

Although these programs may ask for a SSN, if you don't have a SSN, just tell them and they can give you another ID number.

If You Can't Get an SSN, You Should Get an Individual Taxpayer Identification Number (ITIN)

Having an ITIN will allow you to pay your taxes, open a bank account, etc. If you are undocumented, applying for an ITIN will *not* get you in trouble with the immigration authorities. To get an ITIN, call 1-800-829-3676 and ask for form W-7.

WARNING! It is a crime to use someone else's SSN — don't do it!

Working in the United States

To work legally in the United States, you must:

- Be old enough to work,
- Have some kind of identification document, and
- Have proof that you are eligible to work in the United States.



How Old Do I Have to Be to Work?

If you are 18, you can get any kind of job. If you are 16 or 17, you must get a permit to work from the Hawaii Department of Labor and Industrial Relations. If you are 14 or 15, your employer must get a work permit from the Hawaii Department of Labor and Industrial Relations, and your work hours will be limited. Some jobs you can get at any age. They include: babysitting in someone's home, performing in television, movie or theatrical productions, and mowing a neighbor's lawn.

What Documents Will I Need to Show to Work Legally?

Once you're hired for a job, you will usually need to complete a form called an I-9. Part of this form will require you to provide identifying documents as well as documentation showing that you are legally allowed to work in the United States. Do not say that you are a U.S. citizen if you are not!

Examples of documents that prove both your identity and ability to work in the United States include:

- A U.S. passport
- A foreign passport with a stamp that shows you're a lawful permanent resident
- A green card
- A work permit issued by U.S. Citizenship & Immigration Services (USCIS)

Examples of documents that prove your identity include:

- A Hawaii driver's license or government issued picture ID
- School ID card with photograph

Examples of documents that prove your ability to work in the United States:

- U.S. social security card (unless it says “not valid for employment” or “valid only with work authorization”)
- Original or certified U.S. birth certificate
- A work permit issued by USCIS

Paying Taxes

Taxes are the money people must pay to the government for things like public schools, parks, roads, and other services. Taxes can be taken out of your paycheck at the federal, state, and local levels.

Do I Have to Pay Taxes?

Generally, if you are working, you will have to pay taxes, and every year you will have to file paperwork with the government called an income tax return. Only people who make a certain amount of money must pay income taxes. For example, in 2017, single persons may only have to pay taxes if they earned more than \$10,350 that year.



You have to pay taxes whether or not you have immigration status. Undocumented immigrants are required to pay taxes the same as anyone else. Paying taxes will NOT get you in trouble with the immigration authorities, and in fact could make it much easier for you to get immigration status later if you don't have it already.

If you do not file a tax return or pay your taxes, there could be severe consequences:

- The government could charge you more money
- You could go to jail
- It could negatively impact your immigration status and affect your chances of getting a green card or becoming a U.S. citizen

How Do I Pay Taxes if I Don't Have Papers?

If you are working, but do not qualify for a social security number, you should request an Individual Taxpayer Identification Number (ITIN).

ITIN

- You don't need immigration papers to get one
- The government tax office (also known as the Internal Revenue Service or the "IRS") **will not** give your information to immigration
- You can use it to pay your taxes

- It does **not** give you permission to work in the United States legally or provide eligibility for Social Security benefits or other tax-related benefits
- You **cannot** have both a social security number and an ITIN

What if I've Been Working, but Haven't Paid Taxes?

If you have a social security number, but you haven't paid your taxes, you should file a tax return right away. You will find out if you owe money, or you will receive a refund if you already paid too much money.

If you don't have papers, you should apply for an ITIN. Then, you will be able to file a tax return for all the previous years.

Check with an accountant or tax attorney if you need assistance.

Receiving Public Benefits and Medicaid Eligibility Chart

The government has many different public benefits programs. Some are run by the state or local government and some are run by the federal government. Some benefits are for people with disabilities and some are for people with low incomes. This section focuses on benefits for low-income people.

If you think you may be eligible for a benefit, be sure to check first. Immigrant youth in the foster care system can ask their social workers. Others may want to check with their local legal services agency. Another good resource on immigrant eligibility for public benefits are the materials on the National Immigration Law Center (NILC) website at www.nilc.org.

The information below is specific to Hawaii. If you live in another state, some of the information will be the same and some will be different. Even if you live in Hawaii, the charts below provide only general information and eligibility for benefits may change from time to time. If you have any questions about apply for benefits, check with a local legal service provider.

Hawaii Medicaid Eligibility Chart (Medical and Behavioral Health Care)

Hawai'i Medicaid Programs	Lawful Permanent Resident Adults (age 19 and over)	Lawful Permanent Resident Children Under Age 19	Residents from the Compact States of Free Association (COFA)	Qualified Non-Citizens and Lawfully Present Non-Citizens ¹	Undocumented Immigrants or other ineligible Non-Citizens
State Children's Health Insurance Program (S-CHIP) Under age 19	Not Eligible	Eligible without the 5 years wait period if income over QUEST Integration standard	Eligible	Eligible	Not Eligible
Pregnant Women/Girls	Eligible without the 5 years wait period	Eligible without 5 years wait period	Eligible	Eligible	Not Eligible
Former Foster Care Children 18 to under 26	Eligible without the 5 years wait period	Eligible without 5 years wait period	Eligible if under 19 years	Eligible if under 19 years	Not Eligible
QUEST Integration (Non Blind/ Disabled)	Eligible if legal permanent resident 5 years or longer*	Eligible without 5 years wait period	Not eligible. COFA Adults may apply for the Premium Assistance Program	Not eligible. Qualified Non-Citizens and Lawfully Present Adults may apply for the Premium Assistance Program	Not Eligible
QUEST Integration (Aged, Blind or Disabled Persons 18 years and older)	Eligible without the 5 years wait period	Eligible without 5 years wait period	Eligible	Eligible	Not Eligible
Premium Assistance Program ² (Adults who do not qualify for QUEST Integration)	Eligible without the 5 years wait period.	Not eligible. Covered under Medicaid	Eligible	Eligible	Not Eligible
Federal Emergency Services medical assistance for certain non-citizens ³	Eligible without the 5 years wait period	Not eligible	Eligible	Eligible	Eligible

Other Hawaii Public Benefits

Hawaii Programs	Lawful Permanent Resident Adults (age 18 and over)	Lawful Permanent Resident Children Under Age 18	Lawful Permanent Residents with Less than 5-Years Residency	Residents from the Compact States of Free Association (COFA)	Qualified Non-Citizens and Lawfully Present Non-Citizens	Undocumented Immigrants
TANF/TANOF (Federal / State) <i>(cash assistance)</i>	Eligible	Eligible without the 5-year wait period	Eligible	Eligible	Eligible	Not Eligible
Aged Blind & Disabled (State) <i>(cash assistance)</i>	Eligible	Eligible	Eligible	Eligible	Eligible	Not Eligible
General Assistance (State) <i>(cash assistance)</i>	Eligible	Not Eligible	Eligible	Eligible	Eligible	Not Eligible
First to Work (Federal/State) <i>(work, education or training required)</i>	Eligible	Eligible if a minor parent and head of household. Minor parent attending high school is still eligible (mandatory to participate)	Eligible	Eligible	Eligible	Although not a recipient, parent is eligible if a member of the recipient household
Child Care Connection Hawaii (Federal/State) <i>(child care)</i>	Eligible. Must have an eligible child and be employed, in school, or job training program	Eligible. Must have an eligible child and be employed, in school, or job training program	Eligible. Must have an eligible child and be employed, in school, or job training program	Eligible. Must have an eligible child and be employed, in school, or job training program	Eligible. Must have an eligible child and be employed, in school, or job training program	Eligible. Must have an eligible child and be employed, in school, or job training program
Preschool Open Doors (POD) (State) <i>(pre-school)</i>	Eligible. Must have a POD age eligible child	Eligible. Must have a POD age eligible child	Eligible. Must have a POD age eligible child	Eligible. Must have a POD age eligible child	Eligible. Must have a POD age eligible child	Eligible. Must have a POD age eligible child and birth documents

Federal Benefits Chart

Federal Program	"Qualified" Immigrants Who Entered the U.S. Before August 22, 1996	"Qualified" Immigrants Who Entered the U.S. After August 22, 1996	"Not Qualified Immigrants"
Supplemental Security Income (Cash Assistance)	Eligible only if: <ul style="list-style-type: none"> ● Receiving SSI (or application pending) on August 22, 1996, or ● Qualify as disabled, or ● Refugee, asylee, granted withholding of deportation/removal, Cuban/Haitian entrant, Amerasian status, <i>but only during the first 7 years after the status was granted</i>, or ● Lawful Permanent Resident with credit for 40 quarters of work (work may be performed by parents when immigrant was under 18 or by spouse during marriage), or ● Veteran, active duty military, their spouse, unremarried surviving spouse, or child, or ● American Indian born in Canada or other Native American tribal member born outside the U.S. 	Eligible only if: <ul style="list-style-type: none"> ● Refugee, asylee, granted withholding of deportation/removal, Cuban/Haitian entrant, Amerasian status, <i>but only during the first 7 years after the status was granted</i>, or ● Lawful Permanent Resident with credit for 40 quarters of work, but must wait until 5 years after entry before applying (work may be performed by parents when immigrant was under 18 or by spouse during marriage), or ● Veteran, active duty military, their spouse, unremarried surviving spouse, or child, or ● American Indian born in Canada or other Native American tribal member born outside the U.S. 	Eligible only if: <ul style="list-style-type: none"> ● Receiving SSI (or application pending) on August 22, 1996, or ● Victim of trafficking, only during the first 7 years after the status was granted, or ● American Indian born in Canada or another Native American tribal member born outside the U.S.
Supplemental Nutrition Assistance Program (SNAP) Food Assistance	Eligible only if: <ul style="list-style-type: none"> ● Have been in qualified immigrant status for 5 years or more, or ● Were granted refugee, asylum, withholding of deportation/removal, Cuban/Haitian entrant, Amerasian status, or ● Lawful permanent resident with credit for 40 quarters of work (work may be performed by parents when immigrant was under 18 or by spouse during marriage), or ● Are receiving disability-related assistance, or ● Are a Veteran, active duty military, their spouse, unremarried surviving spouse, or child, or ● Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S.; their spouse, serving spouse, or child, or ● American Indian born in Canada or other Native American tribal member born outside the U.S. 	Eligible only if: <ul style="list-style-type: none"> ● Are under 18 years old, or ● Have been in qualified immigrant status for 5 years or more, or ● Were granted refugee, asylum, withholding of deportation/removal, Cuban/Haitian entrant, Amerasian status, or ● Lawful permanent resident with credit for 40 quarters of work (work may be performed by parents when immigrant was under 18 or by spouse during marriage), or ● Are receiving disability-related assistance, or ● Are a Veteran, active duty military, their spouse, unremarried surviving spouse, or child, or ● Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S.; their spouse, serving spouse, or child, or ● American Indian born in Canada or other Native American tribal member born outside the U.S. 	Eligible only if: <ul style="list-style-type: none"> ● Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S., who is now lawfully present in the U.S.; spouse, surviving spouse or child of tribe member, or ● Victim of trafficking, or ● American Indian born in Canada or another Native American tribal member born outside the U.S.

¹ **Qualified Non-Citizens and Lawfully Present Non-Citizen.** As used in this Chart, qualified non-citizen and lawfully present non-citizen means: Refugees, Asylees, Battered Non-citizens, Victims of Trafficking, Cuban/Haitian entrants, Iraqi or special immigrants, individuals granted withholding of deportation, adults with US military connection (Vet/Active US Armed Forces include child/spouse); Amerasians; Indian Tribe Indian Tribe section 450b(e); American Indian born in Canada(section 289 of INA); in receipt of SSI, or determined blind/disabled prior to August 22, 1996; or admitted for permanent residency prior to January 1, 1972(section 249 of INA).

² This program only pays for the premiums of certain silver plans offered on the federal Marketplace. If you do not enroll in health insurance through the Marketplace, you will not get health insurance, even if you qualify for the premium assistance program.

³ Undocumented immigrants, non-citizens and other ineligible non-citizens who are not eligible under a Federal or State funded Medical assistance program only. Emergency medical services provided to undocumented aliens and other ineligible aliens are paid directly to hospitals and eligible providers on a fee-for service basis, provided residency and all other financial eligibility criteria is met.

Getting Identification Documents



It's important to have some sort of identification. You need an ID in many situations, including when opening a bank account or if stopped by the police.

The most common form of ID is a driver's license. You can also use a green card for ID, or other documents issued by the U.S. government. If you don't have any of those, consider these options:

State ID

You can get a Hawaii State ID if you are a U.S. citizen, U.S. national, legal permanent resident or legally authorized to be in the United States. To get a Hawaii State ID you can go to any county driver license office. You will need to have documentary proof of your legal name, date of birth, social security number, legal presence and proof of your principal residence address.

You must be 10 years old or more to get a State ID. If you are under 18 years of age, your parent or guardian must sign the application. You don't have to take any driving related tests to get a State ID.

You can't get a State ID over the internet or through the mail. For more information on the Hawaii State ID, read [this PDF](#) from Hawaii.gov.

Matricula Consular for Undocumented People and Legal Residents

Mexico and several other countries provide "matriculas consular" to their citizens who are living in the United States. This section will talk about Mexico as an example. The details are similar for other countries that have the matricula.

To get a Mexican matricula, you do not need to show that you have immigration papers; you only need to show that you were born in Mexico and now live here. To prove you are Mexican, you can show documents like a birth or baptismal certificate, or a Mexican passport (it can be expired). To prove you live in the United States, you can show things like a student ID or a paycheck from a local company.

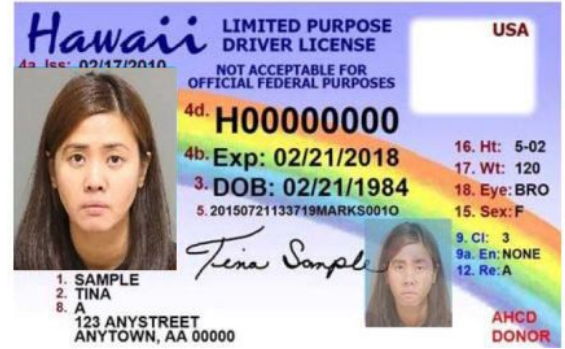
Call the consulate from your home country closest to where you live to check on the details of what you need. You could also speak to your consulate about the possibility of applying for a passport from your country of origin. Not every bank, police department, or other institution recognizes a matricula as a valid ID. However, many do. In Hawaii, you can use a valid, unexpired consular identification document for a limited purpose instruction permit, provisional driver's license, and limited purpose driver's license.

Getting a Driver's License

Every state has different driving laws. The following information is for Hawaii.

Who Needs to Apply for a License?

If you have a license from another **state**, you can legally drive in Hawaii.



A foreign license is only valid from certain countries and you must have entered the U.S. as a tourist and remained in that status for a year or less. If you are in school or worked, you would no longer be considered a tourist. Some of the foreign licenses recognized by Hawaii are from: Australia, Canada, India, Japan, Korea, Western Samoa, and most European countries.

If You Are Undocumented, Can You Get a Hawaii Driver's License?

Yes. As of January 1, 2016, you can get a driver's license even if you are undocumented. Hawaii has three types of licenses for undocumented persons: limited purpose instruction permits (for persons learning to drive), limited purpose provisional driver's license (for licensed drivers under 18 years of age), and limited purpose driver's license (for licensed driver's 18 years of age and over).

All driver's license exams are offered in English and the following languages: Chinese, Chuukese, Hawaiian, Ilokano, Japanese, Korean, Marshallese, Samoan, Spanish, Tagalog, Tongan and Vietnamese.

How to Apply for a License

Each county in Hawaii may have different rules regarding licenses. Be sure to check with the county office where you live. Generally, each county will require you to:

- Provide official and original identification documents—not copies—that show who you are. This might include a passport, birth certificate, and/or consular ID.
- Show that you live in Hawaii. This could include school records, leases, bank statements, medical records, utility bills, etc.
- Pass a vision test, a written test on traffic safety, and a driving test.

If you have any outstanding traffic tickets you should pay them before applying for a license. If you have used false information, such as a fake name or fake social security number, in the past to get a driver's license, you could be referred for criminal prosecution if Driver's License Office thinks that you used that false information for certain bad reasons, like avoiding paying child support or stealing someone's identity. If you used false information in the past to get a driver's license, talk with an attorney before applying for a new license.

WARNING! You should talk to an attorney before applying for a driver's license if you are undocumented and used false information in the past to get a driver's license, or have a criminal record (as an adult), or have old deportation orders.

Going to College / Higher Education

I Want to Go to College, but I'm Undocumented — Will I Have to Pay More in Tuition?

It depends. The University of Hawaii system allows undocumented students to pay the same in-state tuition as other Hawaii students at all of its community colleges and universities. (In many other states, undocumented students must pay out-of-state or foreign student tuition which is much higher.)

If you are undocumented, you may be eligible for in-state tuition in Hawaii if you:

- Attended a public or private high school in the United States for at least three years
- Graduated from high school or acquired a GED or CBASE
- Filed for Deferred Action for Childhood Arrivals (DACA), filed for legal status, or filed an affidavit with the University stating your intent to file such an application as soon as possible.
- Establish residency in Hawaii by domiciling and being physically present in Hawaii for at least 12 months. Check with the University or your school counselor for more information on the residency requirement.



Other States That Let Undocumented Students Pay In-State Tuition

These states include: California, Utah, New York, Oklahoma, Washington, Kansas, Illinois, New Mexico, Nebraska, Texas, Colorado, Minnesota, Oregon, Massachusetts (only for DACA recipients), Connecticut, Maryland, and Rhode Island. The University of Michigan also allows undocumented students to pay in-state tuition at its universities.

If I'm Undocumented, Am I Eligible for College Financial Aid?

- If you have DACA, you can use your Social Security Number (SSN) to complete the Federal Application for Federal Student Aid (FAFSA) form. Even though DACA students are NOT eligible for federal financial aid, completing the FAFSA form will allow you to receive a Student Aid Report (SAR). The SAR form may be helpful in obtaining state or private need-based grants and scholarships.
- You may be eligible for financial aid at a University of Hawaii system school. An SAR report is required for the Hawaii B Plus Scholarship program. It is not required for merit-based scholarships offered by the UH Foundation or for the Regent and [Presidential scholarships](#).

Where Can I Get More Information About the University of Hawaii's Program for Undocumented Students?

To get more information call the University of Hawaii, Office of Multicultural Student Services at (808) 956-7348 or go to their website at <http://opmanong.ssc.hawaii.edu/undoc.html>

I have legal status in the U.S. Can I Receive Federal Financial Aid?

To receive federal financial aid, you must be one of the following:

- A U.S. citizen or U.S. national
- COFA residents are eligible for certain federal financial aid programs.
- A green card holder
- A refugee, asylee, or parolee
- An abused spouse or child of a U.S. citizen or green card holder with a pending or approved immigration application OR
- A person with a T visa (trafficking survivors)

In addition, you must:

- Have a valid social security number
- Be registered with Selective Service, if required (see section entitled "[Immigrants and the U.S. Military](#)" for more information)
- Have a high school diploma or a GED certificate
- Be enrolled or accepted for enrollment as a regular student working toward a degree or certificate
- Be able to show financial need AND
- NOT have been convicted for certain drug crimes or subject to involuntary civil commitment for a sexual offense

Banks and Credit Cards

Can I Open a Bank Account if I Don't Have a Social Security Number?

Yes, some banks and credit unions will accept an Individual Taxpayer Identification Number (ITIN) instead of a social security number. If you don't have a social security number or an ITIN, the bank may allow you to instead just fill out a form. To open a bank account, you will also need two forms of identification. Check with the bank first, to make sure that they will accept your ITIN or another form if you don't have a social security number.



The Forms of ID that the Bank Will Accept Include

At least one of the following:

- Driver's License
- Passport
- State ID
- Military ID
- Matricula Consular
- Green Card

The second one can be one of these:

- Work ID
- School ID
- Credit card
- Debit card from another bank

WARNING! Do *not* use a false social security number! If you do, the bank will find out, and it will close your account, return your money, and not let you open another account.

Can I Apply for a Credit Card without a Social Security Number?

It depends on the credit card company. Some will accept an ITIN, and most offer a “prepaid” credit card in which you deposit the money first and use it as your credit limit. These cards are mainly for establishing credit for people who don't have any credit history or have bad credit.

Be careful with credit cards! It is very easy to accumulate debt and can be very hard to get out of it. Credit cards usually have very high interest rates and high fees for late payments and for going over your limit. This means you may end up owing much more money to the credit card company than you ever charged on the credit card! It is very important to understand how credit cards work, and to pay them off every month. Beware of unfamiliar credit card companies and those that offer “great deals”—these deals are usually temporary and involve a catch.

RESOURCES

Immigration - Legal Assistance

Hawaii Immigrant Justice Center at Legal Aid Society of Hawaii

808-536-4302 or 1-800-499-4302

legalaidthawaii.org/immigrant-justice-center.html

The Legal Clinic (TLC)

1020 South Beretania St., 2nd floor

Honolulu, HI 96814

808-777-7071

tlchawaii.org

General – Legal Assistance

Legal Aid Society of Hawaii: Honolulu

924 Bethel Street

Honolulu, Hawaii

808-528-7046

legalaidthawaii.org

Legal Aid Society of Hawaii: Kauai

3016 Umi Street, Suite 220

Lihue, Hawaii

808-245-4727

legalaidthawaii.org

Legal Aid Society of Hawaii: Lanai

730 Lanai Avenue,

Lanai, Hawaii

808-565-6089

legalaidthawaii.org

Volunteer Legal Services Hawaii

545 Queen Street, Honolulu, Hawaii

808-528-7046

vlsh.org

Legal Aid Society of Hawaii: Hilo

305 Wailuku Drive

Hilo, Hawaii

808-961-2851

legalaidthawaii.org

Legal Aid Society of Hawaii: Kona

75-5656 Kuakini Highway, Suite 202

Kailua-Kona, Hawaii

808-329-3910

legalaidthawaii.org

Legal Aid Society of Hawaii: Maui

21 North Church Street, Suite 401

Wailuku, Hawaii

808-499-4302

legalaidthawaii.org

Civil Liberties – Legal Assistance

American Civil Liberties Union – Hawaii

808-522-5900

www.acluhi.org

Discrimination - Legal Assistance

Hawaii Civil Rights Commission

830 Punchbowl St., Room 411

Honolulu, HI 96813

Telephone:

- Oahu (808) 586-8636
- Kaua`i: 274-3141, Ext. 6-8636
- Maui: 984-2400, Ext. 6-8636
- Hawai`i: 974-4000, Ext. 6-8636
- Lana`i and Moloka`i: 1(800) 468-4644, Ext. 6-8636

Human Trafficking Victim Assistance Services

Susannah Wesley Community Center – Comprehensive Case Management Services, Statewide

Trafficking Victim Assistance Program

(808) 721-9614

tvaphawaii.org

National Human Trafficking Resource Center

1 (888) 373-7888

Text 'HELP' to 233733 (BEFREE)

Pacific Survivor Center

P.O. Box 3535

Honolulu, Hawaii 3534

pschawaii.org/contact-us

Crisis or Considering Suicide

IMAlive - An Online Crisis Network

imalive.org

24 hour online network chat line

National Suicide Prevention Lifeline

1 (800) 273-8255

The Trevor Project

(call, chat, text, social network)

24/7 Crisis intervention and suicide prevention for LGBTQ youth

1 (866) 488-7386

National LGBTQ+ Resources

- Transgender Law Center: transgenderlawcenter.org
- TransLatin @ Coalition: translatinacoalition.org
- Queer Undocumented Immigrant Project (QUIP): unitedwedream.org
- National Center for Lesbian Rights: nclrights.org
- Immigration Equality: immigrationequality.org
- Lambda Legal: lambdalegal.org

Hawaii LGBTQ+ Resources

- The Lavender Clinic: lavendercenterandclinic.org
- Hawaii Health and Harm Reduction Center: hhrc.org