

TEXAS IMMIGRANT ALLIANCE



*Learn How to Protect
Yourself and Your Family*

**IMMIGRATION
PREPAREDNESS
KIT**

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This Kit has been prepared for families living in Texas. If you live outside Texas, you should consult with experts in your area to better understand how the information shared applies to you and your family. This Kit contains only general legal information and does not constitute legal advice.

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WHAT TO DO IF YOU ARE STOPPED BY THE POLICE

Traffic stops or arrests by the police can lead to serious consequences for a person's immigration situation, including, for example, being transferred to immigration custody, deported from the U.S. or jeopardizing one's immigration status.

RESPECT THE LAW



- **Avoid committing crimes.**
- **Follow all traffic laws.** For example:
 - Buy car insurance and register your vehicle;
 - Make sure your license plates are valid and visible;
 - Don't speed; and
 - Always use your turn signal.
- **Pay any pending fines you owe.**
- It is helpful to have a photo ID. **Get a U.S. ID, if you can.**

IF YOU ARE STOPPED BY THE POLICE



- **Stay calm and be respectful.**
- If asked, **give your name, date of birth, and address.** Never lie, and don't show fake documents.
- **You do not have to answer any questions about your immigration status,** where you were born, or how and when you came to the U.S.
- **Ask if you are free to go.** If the officer says yes, walk away calmly. If the officer says no, you have been arrested and you have the right to know why.

IF YOU ARE ARRESTED BY THE POLICE



- Say that you wish to remain silent and ask to speak to an attorney.
- Special considerations for non-citizens:
 - **Before accepting a guilty plea or any other type of agreement,** ask your attorney about the effect a criminal conviction would have on your immigration status.
 - **Do not discuss your immigration status with anyone except your attorney.**
 - While in jail, an immigration agent may visit you. **Do not answer any questions or sign anything before speaking with an attorney.**

AVOID TRAFFIC STOPS

Follow these simple steps to decrease your chances of being stopped by the police for a traffic violation.



WHAT TO DO IF YOU ARE DETAINED BY IMMIGRATION

If you haven't been detained by Immigration yet, it could be better to remain silent and not answer questions about your country of origin or immigration status. Once you are detained by Immigration, it is important to know how to exercise your rights because not everyone will automatically be given the opportunity to appear before an immigration judge to defend themselves from deportation.

DO NOT SIGN ANYTHING WITHOUT SPEAKING TO AN ATTORNEY FIRST.

- Don't be pressured into signing any document, like a voluntary departure or an expedited removal order.

If you sign, you could lose your only opportunity to see an immigration judge or to obtain legal status in the future.

EXPRESS YOUR FEAR OF RETURN.

- If you are afraid to return to your country of origin, you have a right to an interview with an immigration officer.
- For some people – like those with prior deportations or those who have been present in the U.S. for less than two years when they are encountered by Immigration – this interview could be the only way to avoid deportation and to see a judge.

If you are afraid to return to your home country, tell every Immigration agent you see until they give you an interview about your fear.

PROVIDE PROOF THAT YOU'VE BEEN IN THE U.S. FOR MORE THAN 2 YEARS OR YOU ENTERED LEGALLY.

- Under a new rule, people without immigration status run the risk of being expelled from the U.S. immediately, without the right to see an immigration judge or apply for an immigration benefit or relief from deportation.
- However, many people should be able to demonstrate that they are not subject to this expedited deportation process, known as "expedited removal".

You should be prepared to prove that you are not subject to expedited removal. For example:

- **If you've been in the U.S. for more than 2 years,** say: "I've been here for more than 2 years and I am not subject to expedited removal" and provide documents that show your physical presence in the U.S. for at least 2 years.
- **If you entered the U.S. legally,** for example, with a tourist visa, say: "I entered with a visa and I am not subject to expedited removal" and provide evidence that you entered with a visa.

- Additionally, everyone who is afraid to return to their country of origin should say so and ask for an interview about their fear. This can be another way to defend yourself from expedited removal.

SEEK HELP.

- Contact an immigration attorney and/or a family member you trust.
- Consider contacting your consulate. Your consulate may be able to help you find an attorney or contact your family.

FIND A REPUTABLE IMMIGRATION ATTORNEY

- **Find an immigration attorney with experience and a good reputation.**

AS A CLIENT, YOU HAVE A RIGHT TO:

- ✓ Be informed about your case, including the risks and benefits of applying for an immigration benefit.
- ✓ Make decisions related to your case.
- ✓ Receive a complete copy of your file.
- ✓ Fire your attorney if you are not satisfied with their services.

- **Avoid fraudulent service providers.** In the U.S., notaries are not attorneys and are prohibited from providing legal advice, which includes preparing immigration applications.

REPORT ABUSE AND MISCONDUCT BY IMMIGRATION AGENTS.

- **Immigration agents should respect your basic human rights and civil liberties. It is important to report abuses committed by government agents, such as:**

- Coercion, intimidation, or threats
- Discrimination or inappropriate questioning
- Physical, verbal, or sexual abuse
- Forcing you to sign papers that you do not understand or do not want to sign
- Denying you an interview with an asylum officer if you have expressed a fear of returning to your home country

IF YOU SUFFER ABUSE OR MISCONDUCT:

- **Write down everything that you remember about the incident**, including the name of the official and agency, and the day, hour, and place where the abuse occurred.
- **File a complaint** with the Office for Civil Rights and Civil Liberties of the Department of Homeland Security. Go to <https://www.dhs.gov/file-civil-rights-complaint> for more information.
- **For additional assistance, contact a reputable attorney or a civil society organization.**

FINDING A LOVED ONE WHO HAS BEEN DETAINED BY IMMIGRATION

- Finding a loved one who has been detained by immigration authorities can be difficult, so you must be persistent.
 - Use the ICE detainee locator: <https://locator.ice.gov/odls/homePage.do>
 - Call your local ICE/ERO office: <https://www.ice.gov/contact/ero>
 - Call ICE detention centers: <https://www.ice.gov/detention-facilities>
 - Call the local consulate for the home country of your loved one: <http://www.sos.state.tx.us/border/intlprotocol/embassies/>

**PROTECT
YOURSELF!
PLAN AHEAD**

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PROTECT

MAKE A SAFETY PLAN FOR YOUR FAMILY

It is important to make a safety plan in case you are detained by Immigration. Planning ahead now will help you and your family in the future.

❑ **Gather copies of important documents and keep them in a safe place**

- If you are detained, evidence that shows that you have lived in the U.S. for a long time and that you have strong ties to the community could help you get out of detention or help you fight your case. Use the attached **List of Essential Documents** to help you identify the types of documents that you should gather. Save the documents in a safe place and tell a trusted friend or family member where to find them.

❑ **Prepare a list of emergency contacts**

- **What should your family do if you are detained?** Whom should they call? Fill out the attached **Emergency Contacts list** to provide your family with important contact information that they might need in the future.

❑ **Find a reputable immigration attorney**

- Talk to an immigration attorney to make sure you know your legal options and whether you qualify for some form of immigration relief. Find an attorney that specializes in deportation defense who can represent you in case you are detained. Keep their telephone number on you at all times.

❑ **Identify someone who can help you with your children**

- **What would happen to your children if you were detained?** Plan ahead and identify a caregiver who can take care of your children if you are detained.
 - The caregiver could be your spouse or the other parent of your children. It could also be a family member, your children's godparent, or a close friend or neighbor. You don't have to name the same caregiver for all your children. It is better if your children's caregiver has legal immigration status, but it is not necessary. The most important thing is that you choose someone you trust.
- Make sure your children's caregiver is ready and able to care for your children. Talk with your children's caregiver now about the following things:
 - How long will the caregiver be able to care for your children? You should plan that they may have to care for your children for an indefinite period of time.
 - How much will it cost to take care of your children? Who will pay for it?

- Who else lives with the caregiver? If the caregiver lives with other people, do any of those people have a criminal history or a history of abuse or neglect with CPS?
 - Will there be adequate supervision for your children?
 - Does the caregiver know your children's medical needs or special education requirements?
 - Does the caregiver know what school your children attend?
- **Make sure everyone knows the plan.** Your children should know who will care for them in case of emergency and how to contact that person. You should add your children's caregiver as an emergency contact at your children's school.
 - Make sure the caregiver knows where to find your children's birth certificates and Social Security cards.
- ❑ **Consider signing a Special Power of Attorney or a Chapter 34 Authorization Agreement**
- If you are detained, your children's caregiver could have problems making decisions for your children without your written authorization to do so. Consider signing a **Special Power of Attorney** or a **Chapter 34 Authorization Agreement** to help the caregiver make daily decisions about your children's care, including school matters and medical treatment. A Special Power of Attorney information sheet and a sample Special Power of Attorney are attached.
- ❑ **Make a financial plan**
- **Who will be in charge of your financial matters if you are detained?** Who will pay your rent and other bills? If you cannot collect your paycheck, who will be able to collect it for you? Use the attached **Important Financial Information document** to help you think through these questions.
 - Make sure that all of the adults in your home are named on the lease. If only one adult is named on the lease and that adult is detained, the landlord could evict everyone else in the house in their absence.
 - Make sure that a trusted family member or friend has a copy of the key to your home.
 - Consider signing a Power of Attorney to help a trusted family member or friend make decisions on your behalf concerning your finances or property.
 - You should also start saving money to pay a bond or an attorney in case you are detained.

LIST OF ESSENTIAL DOCUMENTS

Gathering your essential documents now will help you request a bond or fight your case if you are detained by immigration authorities in the future. Use this list as a guide – not all of the documents listed will apply in every case.

INSTRUCTIONS:

- 1. Gather copies of as many of the following documents as possible to show how long you have lived in the U.S., and that you have many ties to this country and your community.*
- 2. Keep the documents in a safe place and tell a family member or friend where they can be found. Also consider carrying with you an extra copy of those documents that show you have been living in the U.S. for at least the last two years.*



YOUR IDENTITY DOCUMENTS

- Birth certificate, Texas ID or license, matricula consular, Social Security card, work permit, green card, passport, or other photo ID.

FAMILY TIES

- Birth certificates for all of your children
- Evidence of legal status of all of your family members with lawful immigration status (birth certificate, passport, Social Security card, green card, work permit)
- Marriage certificate, if you are married to a citizen or lawful permanent resident (LPR)
- Judicial orders regarding your family (protective orders, child support orders, or custody orders)
- Any Special Power of Attorney* or Chapter 34 Authorization Agreement for children
- Copy of Emergency Contacts* list
- Copy of the Important Financial Information document*

**Samples attached*

IMMIGRATION DOCUMENTS

- Copy of any applications or petitions filed with Immigration on your behalf (USCIS)
- Acknowledgement of receipt or notice of approval of any application filed with Immigration (USCIS)
- Any G-28, Notice of Appearance, you signed authorizing an attorney to represent you
- Any document or correspondence that you have received from the Immigration Court
- Any document that you have received from an Immigration official (CBP or ICE), for example a copy of your Notice to Appear, custody paperwork, or arrest documents

EVIDENCE OF YOUR RESIDENCE IN THE U.S. FOR AS LONG AS YOU HAVE LIVED IN THE COUNTRY

- Contract, mortgage, or rent receipts for each of the places you have lived
- Tax returns, W-2 forms for each year that you have lived in the U.S.
- Evidence of the public benefits you and/or your children receive (Medicaid, TANF, Food Stamps)
- Bank account records
- Gas/electricity/water/cable bills
- Your children's school records
- Medical records for yourself and your children

EVIDENCE OF YOUR TIES TO THE COMMUNITY AND OTHER POSITIVE FACTORS

- Certificates that you have received (diploma or GED, classes attended, community service activities)
- Certificates or awards that your children have received from school or other activities
- Deeds for a house or title to land
- Evidence of church membership or attendance
- Letters of support from friends, family members, employers, or leaders in the community
- Police reports that you have filed or other evidence that shows you and/or your immediate family members have been the victim of abuse

Continue saving these types of documents. Add them to your file as you receive them to demonstrate that you continue to live in the U.S., have strong ties to this country, and contribute to society. The more evidence you have, the better.

EMERGENCY CONTACTS

Prepare a list of contacts to call in case of emergency and keep it up to date. Try to make sure that one of your emergency contacts has legal immigration status in the U.S.

EMERGENCY NUMBERS

IMMEDIATE EMERGENCY: 911

POLICE: _____

FIRE FIGHTERS: _____

POISON CONTROL: _____

FAMILY MEMBERS

NAME

DOB

A# (Immigration file #)

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

WHO TO CONTACT IF I AM DETAINED

MY CHILDREN'S CAREGIVER

NAME: _____

RELATION: _____

CELL #: _____

HOUSE #: _____

WORK #: _____

EMAIL: _____

ADDRESS: _____

IS THERE A POWER OF ATTORNEY OR AUTHORIZATION AGREEMENT? (YES/NO) _____

RESPONSIBLE ADULT WHO HAS ACCESS TO OUR IMPORTANT DOCUMENTS

NAME: _____

RELATION: _____

CELL #: _____

HOUSE #: _____

WORK #: _____

EMAIL: _____

ADDRESS: _____

IMMIGRATION ATTORNEY

NAME: _____

LAW FIRM: _____

WORK #: _____

CELL #: _____

FAX #: _____

EMAIL: _____

ADDRESS: _____

CONTACT FOR OUR LOCAL CONSULATE: _____

See the other side for information about my children.

INFORMATION ABOUT MY CHILDREN

CHILD 1

NAME: _____ CELL#: _____
SCHOOL: _____ TEL. OF SCHOOL: _____
MEDICAID PLAN: _____ MEMBER ID#: _____
NAME OF DR.: _____ TEL. OF DR.: _____
ALLERGIES: _____
MEDICAL CONDITIONS: _____
MEDICATIONS: _____

CHILD 2

NAME: _____ CELL#: _____
SCHOOL: _____ TEL. OF SCHOOL: _____
MEDICAID PLAN: _____ MEMBER ID#: _____
NAME OF DR.: _____ TEL. OF DR.: _____
ALLERGIES: _____
MEDICAL CONDITIONS: _____
MEDICATIONS: _____

CHILD 3

NAME: _____ CELL#: _____
SCHOOL: _____ TEL. OF SCHOOL: _____
MEDICAID PLAN: _____ MEMBER ID#: _____
NAME OF DR.: _____ TEL. OF DR.: _____
ALLERGIES: _____
MEDICAL CONDITIONS: _____
MEDICATIONS: _____

CHILD 4

NAME: _____ CELL#: _____
SCHOOL: _____ TEL. OF SCHOOL: _____
MEDICAID PLAN: _____ MEMBER ID#: _____
NAME OF DR.: _____ TEL. OF DR.: _____
ALLERGIES: _____
MEDICAL CONDITIONS: _____
MEDICATIONS: _____

SPECIAL POWER OF ATTORNEY INFORMATION SHEET

What is a Special Power of Attorney?

It is a private agreement giving another person authorization to make decisions on your behalf.

Is it necessary to create a Special Power of Attorney?

It is not necessary to have a Special Power of Attorney, but it is recommended. If your children's caregiver does not have a Special Power of Attorney, that doesn't mean that they can't care for your children, or take them to the doctor, or register them in school. However, a Special Power of Attorney makes everything easier and less complicated.

Who can be in charge of my children?

Any adult you trust and who can accept the responsibility. It is better if the caregiver has legal immigration status, but it is not necessary.

What powers can I give to this person?

Whatever power you yourself have. In the attached sample Special Power of Attorney, we have included examples of powers that you can give to your children's caregiver. If you do not want to give all of the enumerated powers, you can cross out the power that you do not want to give and write your initials next to the crossed-out power.

Is it necessary for it to be notarized?

Yes. A notary has to certify your signature on the Special Power of Attorney, but a notary cannot help you create a Special Power of Attorney.

Do both parents need to sign?

No. It is better if both parents sign, but it is not required.

Does it matter if there is a court order regarding my child?

It depends. You can only give the caregiver powers that you yourself have. If there is a court order that says which powers you have, you cannot give additional powers. The Special Power of Attorney doesn't change the terms of a court order.

How long does a Special Power of Attorney last?

It's up to you. In the Special Power of Attorney, you can decide if you want it to expire on a specific date or if you want it to last until you revoke it.

Can I revoke a Special Power of Attorney whenever I want? How do I revoke it?

Yes, you can revoke it at any moment by destroying the original Special Power of Attorney and all of the copies of it, or by notifying the caregiver in writing that you are revoking it. Additionally, you should notify your children's school, medical professionals, and others who have received a copy of the document.

Who can help me create a Special Power of Attorney?

You should get help from a lawyer to create a Special Power of Attorney. You can also prepare one yourself. While a notary must certify your signature on the Special Power of Attorney, notaries cannot give legal advice or assistance.

What do I do with the Special Power of Attorney after creating one?

After creating a Special Power of Attorney, make a copy. Give a copy to the person who will be in charge of your children and save the original with your other essential documents.

Are there other legal documents that I can create in place of a Special Power of Attorney to give legal authorization to my children's caregiver?

Yes, there is also something called the Authorization Agreement.

An Authorization Agreement is a form created by the state, under Chapter 34 of the Family Code of Texas. It is similar to a Special Power of Attorney, except that it can be used only in certain circumstances and is better recognized under the law.

A Chapter 34 Authorization Agreement could be appropriate if:

- There is no court order regarding your children, including a custody, child support, or divorce order; and
- Both parents are available to sign the agreement.

If you believe that a Chapter 34 Authorization Agreement is the best option for your family, you should speak to an attorney to help you create one.

IMPORTANT FINANCIAL INFORMATION

Who will be in charge of your property and your financial matters if you are detained? Use the following form as a guide to help you plan ahead. Fill out the form with your important financial information and save it in a safe and private place.

INFORMATION ABOUT MY JOB

NAME OF EMPLOYER _____

ADDRESS _____

TELEPHONE _____

WHO CAN COLLECT MY PAYCHECK IN CASE OF EMERGENCY?

NAME: _____ RELATION: _____

CELL #: _____ HOUSE #: _____

WORK #: _____ EMAIL: _____

ADDRESS: _____

BANK INFORMATION

NAME OF BANK: _____

SAVINGS ACCOUNT #: _____ CHECKING ACCOUNT #: _____

WHO HAS ACCESS TO MY BANKING INFORMATION? _____

PERSONAL AND REAL PROPERTY

WHAT PERSONAL AND REAL PROPERTY DO I HAVE? _____

If you have personal or real property and you think you are going to want to sell it or place someone else in charge of it, consider creating a Power of Attorney. A Power of Attorney is a private agreement that authorizes someone to make decisions on your behalf, including about your property and finances.

MONTHLY EXPENSES

WHO NORMALLY PAYS THE MONTHLY EXPENSES? _____

WHO ELSE COULD PAY THE EXPENSES IN CASE OF EMERGENCY? _____

Fill out this table to give more information about your monthly expenses and how to pay them.

EXPENSE	NAME AND ADDRESS	TELEPHONE NUMBER	AMOUNT TO PAY	DUE DATE
<i>EXAMPLE: rent</i>	<i>Blue Bonnet Apts. 123 Main St., Edinburg, TX</i>	<i>956-333-4444</i>	<i>\$500</i>	<i>Third day of the month</i>
Rent/ mortgage				
Electricity				
Gas				
Water				
Trash				
Phone				
Cable				
Car				
Car insurance				
Medical				

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SPECIAL POWER OF ATTORNEY

THE STATE OF TEXAS §

§ KNOW ALL BY THESE PRESENTS:

COUNTY OF _____ §
(County)

THAT I, _____ of _____,
(Parent's name) (Parent's address)
_____, _____, hereby appoint my
(Parent's phone number) (Parent's email address)
_____, _____ of _____,
(Relationship to the designated person) (Name of designated person) (Address of designated person)
_____, _____, as my attorney of fact to act for
(Phone number of designated person) (Email address of designated person)
me and in my name, place, and stead to do the following acts:

1. To maintain physical possession of my child _____;
(Child's name)
Date of Birth: _____
(Month/Day/Year)
Last 4 Digits of Social Security Number: _____;
(Last 4 digits of SSN, if any)
Hereinafter referred to as "the child";
2. To provide care, control, possession, protection, moral and religious training, and reasonable discipline to the child;
3. To support the child, including providing the child with clothing, food, shelter, medical care, and education;
4. To receive payments for the support of the child, including but not limited to public benefits, and to hold or disburse any funds for the benefit of the child;
5. To consent to medical, psychiatric, and surgical treatment of the child, including but not limited to emergency and invasive procedures;
6. To access any medical, dental, and educational records of the child;
7. To register the child for school and to authorize participation in school activities and placement in special educational programs.

I give and grant unto said attorney full power and authority to do and perform every act necessary and proper to be done in the exercise of any of the foregoing powers as fully as I might or could do if personally present. I hereby ratify and confirm all my attorney shall lawfully do or cause to be done by virtue of this power of attorney.

Nothing in this document can or should be construed as in any way limiting my own powers as the parent of the child. I do not relinquish my rights to the child. In executing this document, I do not relinquish any of my parental rights nor do I relinquish conservatorship of my child. This document is not to be interpreted as granting conservatorship rights to anyone else.

Any and all prior powers of attorney given with respect to the child, _____, are
(Child's name)
revoked and replaced by this one.

Choose one:

This Power of Attorney will expire on _____, 20__.
(Date)

This Power of Attorney may be voluntarily revoked by me upon written notice from me to said attorney in fact.

Signed this _____ day of _____, 20__.
(Day) (Month)

(Parent's signature)

SWORN AND SUBSCRIBED to before me by _____ on this _____ day of _____, 20__.
(Parent's name) (Day) (Month)

NOTARY PUBLIC

CAREGIVER'S AFFIDAVIT

THE STATE OF TEXAS §

§ KNOW ALL BY THESE PRESENTS:

COUNTY OF _____ §
(County)

I, _____ of _____,
(Name of designated person) (Address of designated person)
_____, _____, hereby promise to comply with
(Phone number of designated person) (Email address of designated person)
Power of Attorney on _____, _____ to provide care
(Child's name) (Child's DOB and last 4 digits of SSN)
for and support the child, and to make all decisions regarding his/her education or medical needs,
or any other decision needed that is not mentioned in this document to serve his/her best interest.

I, _____ solemnly swear that I will faithfully discharge the duties of
(Name of designated person)
this Power of Attorney of _____ according to the law and his/her best interest.
(Child's name)

Signed this _____ day of _____, 20__.
(Day) (Month)

(Signature of designated person)

SWORN AND SUBSCRIBED to before me by _____ on this _____ day
(Name of designated person) (Day)
of _____, 20__.
(Month)

NOTARY PUBLIC

