

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

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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 affect 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 guide is helpful. But remember this guide cannot replace legal advice.

To get legal advice about your immigration status, immigrant benefits, or rights, you should talk to a qualified immigration lawyer. When you meet with an immigration attorney, they will ask you many personal questions— about your family, when you arrived in the United States, and your life experiences. These “screening questions” help an immigration attorney understand your legal situation and determine whether you might be eligible to apply for immigration remedies, benefits, and your next best steps. Sometimes, an immigration attorney will ask you questions that are difficult to talk about. It’s okay to ask for a break or to schedule another appointment.

Even if you have met with an immigration attorney in the past, it’s good to do additional screenings because: 1) your life situation may have changed in a way that might make you eligible for a remedy, 2) laws and regulations may have changed since your last screening, and 3) different lawyers may interpret the same set of facts differently. Like going to a doctor, getting a second opinion is usually a good idea.

All of the information you share with your attorney is confidential. To help find an immigration attorney in Hawaii, please check the Resource section.



Do you Know Your Immigration Status?

In Hawai'i, 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 noncitizens. 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 category.

Common Immigrant Category Terms

Compact States of Free Association (COFA): COFA residents are citizens of the Federal 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 permanently. As proof of your status, you have a 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): 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 must apply for SIJS before you are 21 years of age.

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, or sex or labor trafficking, you may be eligible to work and live in the U.S. under a U and T Visa. Eventually, you may be eligible for a green card.

Undocumented Noncitizen: You were born outside the U.S., and you do not have a legal right to be in the U.S. (*We are following the Biden Administration's language guidance and use the term "undocumented noncitizen" in this guide.*)

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 Noncitizen
Are You 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.
Are You at Risk of Being 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.	Only as a self-employed independent contractor. Review the section later about ITINs
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? (Pre K– 12)	Yes.	Yes.	Yes.	Yes.	Yes
Can You Get Federal Financial Aid for College?	Yes.	Yes.	Eligible for some, but not all types of federal aid and eligible for in-state tuition at any University of Hawai'i system school.	No. But you are eligible for in-state tuition at any University of Hawai'i system school.	No. But you are eligible for in-state tuition at any University of Hawai'i system school.
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, but you are eligible for an ITIN.
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, with no restrictions.	Yes, but not for long periods of time.	Yes.	DACA recipients must receive travel authorization before leaving the U.S.	No.

Undocumented Noncitizen 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 noncitizens do cross the border illegally, about 40 percent of all undocumented noncitizens come to the U.S. legally on a visa that has since expired.

You are not alone if you are an undocumented noncitizen. Many undocumented noncitizen youths grow up unaware of their undocumented status only learning about it when they first try to apply to college, for a job, or a driver's license. In 2012, there were one million undocumented children under 18 and 4.4 million undocumented noncitizen persons under 30 living in America. In 2017, it was estimated that up to 4,000 undocumented noncitizen youth and young adults live in Hawai'i.

Understanding the U.S. immigration system, going to school, and getting a driver's license are a few of the many hurdles facing undocumented noncitizen youth and young adults. In Hawai'i, undocumented noncitizen persons may get a driver's license and attend Hawai'i colleges and universities. This is not the case in many other states. Of course, you are also entitled to 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, see an immigration attorney. Don't wait.

10 Things Every Undocumented Youth Should Know

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

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.

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.

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.

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

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.

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.

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.

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

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 good idea to apply for U.S. Citizenship. Once you become a U.S. Citizen:

- You can not be deported. (If you have a green card, you can still be deported if you have problems with the law.)
- You can more easily help family members legally immigrate to the United States.
- You can get government jobs.
- You can more easily receive government benefits.
- You 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 had 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.
- Disclose your criminal record if you have one. (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 an Undocumented Noncitizen or Out of Status)

If you are an undocumented noncitizen or out of status (your visa has expired), you may be able to obtain legal status.

One of the most common immigration options for youth is Special Immigrant Juvenile Status or SIJS. SIJS is available to youth up to 21 who have been abused, abandoned, or neglected by one or both parents. Other options include U visas (for persons who are victims of certain crimes), a visa under VAWA (for persons who were abused by a U.S. citizen or permanent resident parent or spouse), a T visa (for persons who have been trafficked), and Asylum (for persons afraid of returning to their home country).

Many, but not all, of the options that may be available to you, are called “*humanitarian relief*.” There are different types of humanitarian relief. All of them depend on finding out if you have been harmed in the past or if you need to be protected from being possibly harmed in the future. To learn if you might be eligible for humanitarian relief, an immigration attorney will probably ask you many detailed, personal questions about your life experiences. It’s important to answer them as honestly and openly as possible, even if it feels uncomfortable or brings up painful memories. Sometimes, an immigration attorney will ask you questions that are difficult to talk about. It is okay to ask for a break or to schedule another appointment. The details you share will help an attorney determine your best next steps.

Don’t wait! Talk to an immigration lawyer to help you figure out if any of these options may help you gain legal status in the United States. 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

Special Immigrant Juvenile Status (SIJS) is available to youth and young adults who have been abused, abandoned, or neglected by one or both parents.

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 family court where the judge finds that:
 1. You are not able to reunite with one or both of your parents because of problems at home (abuse, neglect, or abandonment), and
 2. It is not in your best interest to go back to your home country.

If you already have an open family court case or are in foster care or on juvenile supervision/probation, you may be able to get the SIJS order in that court. Ask your social worker, probation officer, or your lawyer about getting SIJS status.

If you do not have an open family court case, you may need to seek legal guardianship if you are not living with your parents. If so, you will need the help of an attorney.

If you are living with one parent but have been abused, abandoned, or neglected by your other parent, your parent who you are living with can seek legal custody of you in family court in Hawai'i and ask the court to make the SIJS findings. Again, you will need the help of an attorney.

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.

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.

The U visa is available to victims of serious crimes (domestic violence, assault, sexual assault, robbery, and other crimes). To qualify for a U visa, you must assist the police in the investigation and/or prosecution of the crime. If you have been a victim of harm or serious crime, you have the right to protection by the police and can help in the investigation or prosecution of a crime. If you don't feel safe reaching out to the police, seek the help of a qualified service provider (sex assault treatment centers, domestic violence organizations, or legal service providers) and they can advise you of your options.

The T visa is for persons who have been trafficked. This usually means you have been forced to work against your will including forced labor or sex work. If you are under 18 years of age you may qualify for a T visa even if you were not forced to do sex work.

You may also be eligible for a visa under the Violence Against Women's Act (VAWA). If you have an abusive parent or spouse who is refusing to help you apply for legal residence you may be eligible for a green card on your own. The abuse doesn't have to be physical. It can be emotional or verbal abuse. The abusive parent must be a U.S. citizen or green card holder for you to qualify under VAWA.

If your parent was abused by a U.S. citizen or green card holder and you were not, you may still be able to apply for a green card under VAWA.

Asylum for Those Who Fear Returning to Their Home Country

You may apply for asylum as a minor if you:

- Want to have your case separate from your parents.
- Are under 18 years old.
- Are not in immigration court proceedings.

You may apply for asylum with USCIS as an unaccompanied minor, even if you are in immigration court proceedings if you:

- Have no parent or legal guardian in the United States available to provide care and physical custody.
- Are under 18 years old.
- Have no lawful immigration status in the United States.

Protections for those fleeing their home countries because of persecution (abuse, threats, or other serious harm) are found 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 also been successful.

If you are seeking asylum but have not applied, you should talk with an immigration attorney. 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.

Green Card through an Eligible Family Member

If a family member is a U.S. citizen or has a green card, this 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, and over 21.
- Children can only help a parent immigrate if 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 you get a green card!

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** asking your employer.

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 an Undocumented Noncitizen and Adopted

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

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 lived with your adopted parent(s) for 2 years (before or after the adoption).
- Your adopted parent(s) have had legal custody of you for 2 years (before or after the adoption).

The process will take longer if you are over 21, married, or 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.

If Adopted, 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.

DACA (Deferred Action for Childhood Arrivals)

DACA provides protection from deportation and a work permit to certain young immigrants for two years, subject to renewal. Nearly 800,000 people have been granted deferred action through DACA. President Obama, under pressure from youth activists, created the program by Executive Order in 2012.



In September 2017, the Trump administration ended the DACA program and on July 16, 2021, a federal court in Texas issued a ruling declaring the DACA program illegal. This decision was appealed and sent to the U.S. Court of Appeals for the Fifth Circuit.

Four Things to Know About DACA as of December 1, 2021!

- If you have DACA right now: you are still protected and will be able to continue renewing for now.
- If you are eligible for DACA but have never applied: DHS can still accept your application but will NOT be able to process it.
- Advance Parole will remain open for DACA Recipients.
- If your renewal application is already being processed: your renewal should continue as normal.

Note! Because this is a rapidly changing issue you need to check out current laws related to DACA before applying or reapplying for DACA status. Nationally, check out **United We Dream** (unitedwedream.org) and the [Immigrant Legal Resource Center!](#)

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
- Two identical passport-style photographs
- Check or money order of \$495 payable to U.S. Department of Homeland Security
- You may also choose to receive an email and/or text message notifying you that
- Make sure every form is completed in black ink, signed, and dated
- Photocopy of your work permit (both sides)
- Your form has been accepted by completing a G-1145 Form
- Make and save a copy of your DACA renewal packet

Should I renew my DACA if I have a new crime on 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 DAVA 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 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. Consider gathering the following types of documents to show positive factors:

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

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 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:** school 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.

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 help them you need to have a green card, be a U.S. citizen, or be a 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 children (unmarried and under age 21) to the U.S. 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

Generally, children can only help their parents come to the United States or get a green card if over 21 years old. Check with an immigration lawyer if you have a child under 21.

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.

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, Advisory, and Resources

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.

LGBTQ+ immigrants, transgender immigrants, and gender non-conforming immigrants encounter unique obstacles to securing protection and safety, particularly when caught up in the immigration enforcement and detention system and are frequently not housed in the section of their gender identity. One in four substantiated incidents of sexual abuse in immigration detention involved a transgender individual over a four-year period. Additionally, LGBTQ+, transgender immigrants, and gender non-conforming immigrants pursuing claims to protection that are related to their sexual orientation or gender identity often face discriminatory attitudes in the immigration court system that may lead to denials of immigration protection and longer periods of detention.

The National Immigrant Justice Center's LGBT Immigrant Rights Initiative provides legal services to LGBTQ+ immigrants across the country and engages in impact litigation targeting systemic flaws in the immigration system including the discriminatory adjudication of sexual orientation and gender identity-based claims and errors in the interpretation of refugee and asylum law. See the Resource Section for additional referrals.

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.

Involvement with Gangs

WARNING! Some youths 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 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 a 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, or tattoos that might be mistaken for being gang-related.
- 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 who 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. Some laws 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.

Deportation and Other Immigration Problems

When the U.S. government forces someone to leave the United States and return to their native 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 lived most of your life in the U.S., if you cannot speak the language of your country of origin, or 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.
- Being convicted of possession or selling drugs (including use and possession of marijuana).
- Being convicted of stealing.
- Being convicted of violent crimes such as rape, murder, assault, battery.
- Being convicted of domestic violence or violating a protection order.
- Being convicted for illegal possession of a gun.
- Being convicted of sex offenses.

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. Your criminal defense lawyer needs to know that you are not yet a U.S. citizen, so they can help avoid hurting your chances of becoming a U.S. citizen later.

Can I Possess Marijuana Where it is Legal?

As of 2021, 36 states and the District of Columbia have legalized medical marijuana, and eighteen states and the District of Columbia have legalized recreational marijuana for adults.

Noncitizen 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 noncitizen admits to an immigration official that they have ever possessed marijuana, the person can face very serious immigration problems – if they apply for a green card, apply for U.S. citizenship, travel 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 a government 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?

Many types of law enforcement officers 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 have contact with ICE.

- If you are near or at the border or an airport, you are most likely to have contact with CBP.
- USCIS is the agency that decides immigration applications, like an application for a visa, so you will not have 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, What Can you Do?

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!
- You have the right to call an attorney or your family.

- Ask to be released on bond and ask to have a hearing before an immigration judge.

IMPORTANT! In Hawai'i, 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 permit them 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 noncitizen, you should always carry your green card or other proof of lawful status with you.

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 the border do not have the right to an attorney if the immigration officer is trying to decide if they 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 or your 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.

Watch Out for Immigration Scams!

Not everyone who offers immigration services is honest. 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 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.



Those 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.
- 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!

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 all men living in the United States still must 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. For now, 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 www.sss.gov. 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 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 U.S. 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 result in your deportation.

In Hawai'i, you can register to vote at an early voting site, or your 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 <https://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 O'ahu call 453-VOTE (8683).

Hawai'i 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 criminal offense. It may also lead to deportation.*

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

Working in the United States

To work legally for any employer, you must:

- Be old enough to work.
- Have an identification document.
- Have proof that you are eligible to be employed in the U.S.



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 Hawai'i Department of Labor and Industrial Relations. If you are 14 or 15, your employer must get a work permit from the Hawai'i 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 an employer?

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 identity documents as well as documents 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:

- A U.S. passport
- A foreign passport with a stamp that shows you're a lawful permanent resident, COFA resident, or otherwise eligible to be employed
- A green card
- A work permit issued by U.S. Citizenship & Immigration Services (USCIS)

Examples of documents that prove your identity include:

- A Hawai'i driver's license or government-issued picture ID
- A school ID card with a photograph

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

- A U.S. social security card (unless it says "not valid for employment" or "valid only with work authorization")
- An original or certified U.S. birth certificate

- A work permit issued by USCIS.
- COFA residents can also provide an I-94 card or an I-766 Employment Authorization Form. COFA residents receive the I-94 card when they enter the United States. **If you need a copy of your I-94 form you can go to this government website: <https://i94.cbp.dhs.gov/>**

I am an undocumented noncitizen. Can I still legally work in the United States

Yes. You can create your own business and become self-employed! Federal and state laws generally do not require proof of immigration status for an individual to go into business for themselves and receive payment for goods or services.

Persons who go into business for themselves are often called “independent contractors.” Generally, the person paying an independent contractor has the right to control or direct only the result of the work and not what will be done and how it will be done.

Here are some examples of jobs that can be performed by independent contractors: construction, florist, auto mechanics, Uber or Lyft driver, real estate agent, housekeeper, catering, web designer, artist, writer, musician, and delivery driver. You can provide professional consulting services as an accountant, lawyer, engineer, interior decorator, or IT professional and many other endeavors.

If you decide to go into business for yourself, make sure you talk to an accountant and lawyer first. Keep in mind that you’ll have to pay taxes on your income, get an excise tax number, and you’ll also need to find out if your business is regulated and requires special licensing permission, get an Individual Taxpayer Identification Number (ITIN), and deal with other government forms and business protocols. Attorneys and accountants can advise you on how to do this.

You can visit the Internal Revenue Service (IRS) website’s Self-Employed Individuals Tax Center, for more information about what kind of work **you can and can’t do** working as a self-employed independent contractor.

Social Security Numbers and Individual Taxpayer Identification Numbers

What Is a Social Security Number (SSN)?

Your SSN is an important piece of your identity. You need a Social Security number to be employed, collect Social Security benefits, and receive some types of government services.

You don't need an SSN to get a driver's license, register for school, get private health insurance, or apply for school lunch programs or subsidized housing.



Who Can Get an SSN?

Citizens and immigrants who have been granted permission to work can have a legal SSN. You can get an SSN if:

- You were born in the U.S.
- You were admitted to the U.S. as a legal permanent resident.
- You were admitted to the U.S. and you have an I-94 form.
- You were admitted to the U.S. and your passport shows that you received work authorization.
- You have an I-766 form issued by the government permitting you to work in the U.S.

You *Don't* Need an SSN for:

- Bank accounts
- Educational tests
- School lunch or low-cost housing
- School
- Private Health Insurance
- Hawai'i's limited purpose instruction permit or driver's license (see the section on "Getting a Driver's License" for more information)
- Certain types of financial aid applications (see the section entitled "Going to College/Higher Education" for more information)

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

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

An Individual Taxpayer Identification Number (ITIN) is a tax processing number issued by the government tax office also known as the Internal Revenue Service (IRS). The IRS issues ITINs to individuals who are required to pay taxes but who do not have and are not eligible to obtain an SSN.

- If you are an undocumented noncitizen, applying for an ITIN will **not** get you in trouble with the immigration authorities. You do not need to show the IRS any immigration papers to get an ITIN and IRS will not share any information about you with immigration officials. You can use your ITIN number to pay taxes and open bank accounts, for example.



Does the following apply to you?

You MAY apply for an ITIN if:

- You do not have an SSN and [are not eligible](#) to obtain an SSN, and
- You are in one of the [following categories](#):
 - You are required to file a U.S. tax return,
 - You are a dependent or spouse of a U.S. citizen/resident alien, or
 - You are a dependent or spouse of a nonresident alien visa holder.
- You don't need immigration papers to get an ITIN.
- The IRS **will not** give your information to immigration.
- You can use the ITIN number to pay your taxes.

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.

Importantly, many pathways to legal residency or citizenship contain a requirement for “good moral character” and “paying back taxes.” Having a provable history of paying taxes is one way of showing “good moral character.”

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 2020, single persons may only have to pay taxes if they earned more than \$12,400 that year.

Immigrants are required to pay taxes the same as U.S. citizens. 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.

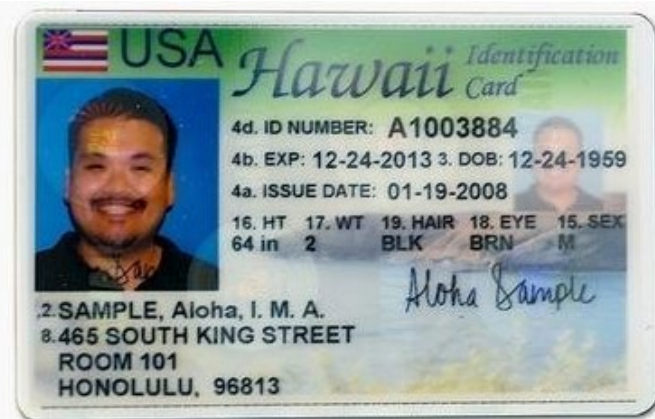
If you do not file a tax return or pay your taxes, there could be severe consequences:

- 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 (SSN) you should request an Individual Taxpayer Identification Number (ITIN).

Getting Identification Documents



It's important to have some sort of identification. You need an ID in many situations, including opening a bank account, gaining entry to some government buildings, or applying for jobs. The most common forms of identification are a driver's license or state issued identification card. A green card or other documents issued by the U.S. government, like a passport, are also acceptable forms of identification.

In Hawai'i, you may apply for a federally approved "Gold Star" driver's license or identification card (ID).

A "Gold Star" license allows you to enter federal buildings. And after May 23, 2023, if you want to fly on a commercial plane, you will need either a "Gold Star" card or a valid passport. To obtain a "Gold Star" card you will need to prove your identity, provide a social security number, and proof of lawful residence in the United States. These documents could include a green card, a birth certificate from a state or territory, or other identifying evidence of lawful presence in the United States. You will also need proof of residence in Hawai'i. A list of acceptable documents for "Gold Card" driver's license or ID can be found at: <https://hidot.hawaii.gov/highways/files/2020/02/Acceptable-Documents-for-a-REAL-ID-Compliant-Star-DL-SID-Print-Button-2020-02-21.pdf>

If you don't have these documents, you may want to apply for a limited purpose identification card or limited purpose driver's license.

If You Are Undocumented or Cannot Provide Proof of Lawful Residence, Can You Get a Hawai'i Driver's License or a State Identification Card?

Yes. Hawai'i laws allow you to obtain a driver's license or state identification card if you are undocumented or can't provide the required documents for a "Gold Star" license or ID.

Hawai'i has three types of driver's licenses for persons who cannot prove lawful residence in the United States: limited purpose instruction permits (for persons learning how to drive), limited purpose provisional driver's license (for licensed drivers under 18 years of age), and limited purpose driver's license (for licensed drivers 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 Limited Purpose Driver's License or ID Card

Each of the Hawai'i counties have different rules regarding the documentation needed to obtain a driver's license or ID card. 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 foreign passport, foreign birth certificate, and/or consular ID.
- Show that you live in Hawai'i. This could include school records, leases, bank statements, medical records, utility bills, etc.
- For a driver's license you will also need to pass a vision test, a written test on traffic safety, and a driving test.

If you have used false information in the past, such as a fake name or fake social security number, to obtain a driver's license or state identification card you could be referred for criminal prosecution if it's believed 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 or identification card talk with an attorney before applying for a new license or identification card.

If you have any outstanding traffic tickets, you should pay them before applying for a driver's 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.

Matricula Consular for Undocumented People and Legal Residents

Mexico and several other countries provide *matriculas consular*. *Marticular consular* is a photo identification card issued by Mexico and other countries to their citizens who live in the United States.

In the United States, *matricula consular* identification can help you to open bank accounts or to get an Individual Taxpayer Identification Number (ITIN) to pay federal income tax. In Hawai'i, you can use a valid, unexpired consular identification document to show proof of identity for a limited purpose instruction permit, a provisional driver's license, a limited purpose driver's license, or a limited purpose ID.

To get a Mexican *matricula consular* card, 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 in the United States. To prove you are a citizen of Mexico, you can show documents like a birth certificate or a Mexican passport (it can be expired). To prove you live in the United States, you can show documents like a student ID or a paycheck from a local company.

To obtain a Mexican *matricula consular* in Hawai'i call the Mexican Honorary Consulate at (808) 265-3050. The Mexican Honorary Consulate may also be able to help you obtain a Mexican passport.

For other countries, call the Consulate Office nearest to Hawai'i and ask if they issue *matricula consular* or passports.

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 Hawai'i system allows undocumented students to pay the same in-state resident tuition as other Hawai'i 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 Hawai'i 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 Hawai'i by domiciling and being physically present in Hawai'i for at least 12 months.
- Check with the University of Hawai'i Student Equity Excellence and Diversity program (SEED) on admission and residency requirements, scholarship opportunities, and program opportunities for first-generation or immigrant students. Your school counselor may also be able to provide you with additional information.



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 help you obtain state or private need-based grants and scholarships.

- You may be eligible for financial aid at a University of Hawai‘i system school. A SAR report is required for the Hawai‘i B Plus Scholarship program. It is not required for merit-based scholarships offered by the UH Foundation or for the Regent and Presidential Scholarship.

Where Can I Get More Information About the University of Hawai‘i’s for Undocumented Students?

To get more information call the University of Hawai‘i, Office of Multicultural Student Services at (808) 956-7348 or go to their website at <https://www.hawaii.edu/undocumented-students/resources/for-students/>

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.

- A COFA resident is eligible for certain federal financial aid programs.
- A green cardholder.
- 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.
- A person with a T visa (trafficking survivors)

In addition, you must meet **EACH** of the following requirements

- Have a valid Social Security Number (SSN).
- Be registered with Selective Service, if required (see the 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 an SSN. (If you don't have a social security number or an ITIN, the bank may allow you to instead just fill out a form. Check with the bank first to make sure that they will accept your ITIN or another form of identification.



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

Alternative forms of ID might include the following:

- 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 easy to accumulate debt and hard to get out of it. Credit cards usually have high interest rates and high fees for late payments and going over your borrowing limit. This means you may end up owing 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 off as much of your full balance as you can every month. Beware of unfamiliar credit card companies and those that offer "great deals"—these deals are usually temporary and involve a catch.

Receiving Public Benefits and Eligibility Charts

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 check with their local legal services agency. Another good resource is the materials on the National Immigration Law Center (NILC) website at www.nilc.org.

The Public Charge Rule

The Public Charge Rule is an assessment or evaluation by immigration officials to determine if someone applying for permanent residence (a green card) or for a visa to enter the U.S is likely to rely upon government assistance in the future.

If the U.S. government decides that the applicant is likely to become a public charge, the government can deny their green card or visa application.

- Public charge **DOES NOT APPLY** to you if you and your family are U.S. citizens. You should continue to enroll in the programs you are eligible for.
- Public charge **WILL NOT** affect you when you renew your green card or apply to become a U.S. citizen. However, if you plan to leave the country for 6 months or longer, it is a good idea to talk with an immigration attorney.
- Public charge **WILL NOT** affect you if you are applying for Temporary Protected Status (TPS), a U or T Visa, VAWA, Asylum, Refuge Status, or Special Immigrant Juvenile Status (SIJS) or a green card based on one of these statuses.
- Public charge **WILL NOT** affect you if you receive Medicaid (Quest), SNAP, housing subsidies like Section 8 or other public housing, federal financial aid for college, free and reduced school meals, Head Start or other early education programs, unemployment insurance, and other earned benefits like worker's compensation.
- Public charge **WILL NOT** affect you for getting COVID-19 testing, treatment, or receiving the free COVID-19 vaccination. COVID-19 stimulus checks or other disaster relief or tax credits **DO NOT count for public charge purposes.**
- There are only certain programs where public charge **WILL BE CONSIDERED** if those benefits are received by the person applying for a green card or visa. Those programs include cash assistance programs such as TANF/TANOF (welfare), General Assistance, and Social Security Insurance (SSI), or if the person is receiving long-term care in a nursing home paid for by public benefits.

IMPORTANT! If you are uncertain about using public benefits or have questions about the public charge rule, check with a legal service provider! Information on public charge can also be found at the [Immigrant Legal Resource Center](#).

Some of Hawai'i's Public Benefits

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

Hawai'i Medicaid Eligibility Chart (Medical and Behavioral Health Chart)

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 Other Lawfully Present Noncitizens	Undocumented-Noncitizens or other ineligible Noncitizens
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 waiting period	Eligible without 5 years wait period	Eligible	Eligible	Not Eligible
Former Foster Care Children 18 to under 26	Eligible without the 5 years waiting period	Eligible without 5 years wait period	Eligible if under 19 years	Eligible if under 19 years	Not Eligible
QUEST Integration (Non-Blind/ Disabled Persons)	Eligible if legal permanent resident 5 years or longer	Eligible without 5 years wait period	Eligible	Not eligible. Qualified Noncitizens 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 waiting period	Eligible without 5 years wait period	Eligible	Eligible	Not Eligible
Premium Assistance Program (Adults who do not qualify for QUEST Integration)	Eligible without the 5 years waiting period	Not eligible. Covered under Medicaid	Eligible	Eligible	Not Eligible
Federal Emergency Services medical assistance for certain non-citizens	Eligible without the 5 years waiting period	Not eligible	Eligible	Eligible	Eligible

Other Hawai'i Public Benefits

Hawai'i 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 Noncitizens
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>	Required	Eligible if a minor parent and head of household. Minor parent attending high school is still eligible (mandatory to participate)	Required	Required	Required	Although not a recipient, parent(s) are required to participate
Child Care Connection Hawai'i (Federal/State) <i>(childcare)</i>	Eligible. Must have an eligible child and be employed, in school, or a job training program	Eligible. Must have an eligible child and be employed, in school, or a job training program	Eligible. Must have an eligible child and be employed, in school, or a job training program	Eligible. Must have an eligible child and be employed, in school, or a job training program	Eligible. Must have an eligible child and be employed, in school, or a job training program	Eligible. Must have an eligible child and be employed, in school, or a 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)	<p>Eligible only if you:</p> <p>Received SSI (or application pending) on or before August 22, 1996,</p> <ul style="list-style-type: none"> You qualify as disabled, or Are a 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 Are a Lawful Permanent Resident with credit for 40 quarters of work (work may be performed by parents when the immigrant was under 18 or by the spouse during marriage), or Are a Veteran, active-duty military, their spouse, un-remarried surviving spouse, or child, or Are an American Indian born in Canada or another Native American tribal member born outside the U.S. 	<p>Eligible only if you are a:</p> <ul style="list-style-type: none"> Refugee, asylee, granted withholding of deportation/removal, Cuban/Haitian entrant, Amerasian status, but only during the first 7 years after the status was granted, 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 the immigrant was under 18 or by a spouse during marriage), or Veteran, active-duty military, their spouse, un-remarried surviving spouse, or child, or American Indian born in Canada or another Native American tribal member born outside the U.S. 	<p>Eligible only if you:</p> <ul style="list-style-type: none"> Received SSI (or application pending) on August 22, 1996, or You are a victim of trafficking, and only during the first 7 years after the status was granted, or Are an American Indian born in Canada or another Native American tribal member born outside the U.S.
Supplemental Nutrition Assistance Program (SNAP) Food Assistance	<p>Eligible only if you:</p> <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 Are a Lawful Permanent Resident with credit for 40 quarters of work (work may be performed by parents when the immigrant was under 18 or by a spouse during marriage), or Are receiving disability-related assistance, or Are a Veteran, active-duty military, their spouse, un-remarried surviving spouse, or child, or 	<p>Eligible only if you:</p> <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. The work may be performed by parents when the immigrant was under 18 or by a spouse during marriage), or Are receiving disability-related assistance, or 	<p>Eligible only if you are a</p> <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 a tribe member, or

	<ul style="list-style-type: none"> ● Are a member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S., or their spouse, serving spouse, or child, or ● Are an American Indian born in Canada or another Native American tribal member born outside the U.S. 	<ul style="list-style-type: none"> ● Are a Veteran, active-duty military, their spouse, un-remarried 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. 	<ul style="list-style-type: none"> ● Victim of trafficking, or ● American Indian born in Canada, or another Native American tribal member born outside the U.S.
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¹ **Qualified Noncitizens and Lawfully Present Noncitizens.** As used in this chart, qualified noncitizen and lawfully present noncitizen 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 members under section 450b(e); American Indians 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 (Obama Care). If you do not enroll in health insurance through the Federal Marketplace, you will not get the premium assistance plan coverage, even if you would have qualified for the premium assistance program.

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

Resources

Immigration – Legal Assistance

The Legal Clinic (TLC)

1020 South Beretania Street, Honolulu, Hawai'i 96814

808-777-7071

<https://thelegalclinichawaii.org/>

Hawai'i Immigrant Justice Center at Legal Aid Society of Hawai'i

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

www.legalaidhawaii.org/immigrant-justice-center.html

Catholic Charities Hawai'i

1822 Ke'eaumoku St., Honolulu, Hawai'i 96822

(808) 521-4357 O'ahu or (808) 961-7030 Hawai'i Island

www.catholiccharitieshawaii.org/programs-services/immigrants/

Pacific Gateway Center

723 C Umi St., Honolulu, Hawai'i

808 851 7010

<https://www.pacificgatewaycenter.org>

General – Legal Assistance

Volunteer Legal Services Hawai‘i

You can reach Volunteer Legal Services Hawai‘i by calling one of the following Intake numbers:

- Main/O‘ahu: 808-528-7046
- Maui: 808-727-8210
- Hawai‘i Island: 808-313-8210
- Kaua‘i: 808-698-8210

www.vlsh.org

Legal Aid Society of Hawai‘i: Kona

75-5656 Kuakini Highway, Suite 202
Kailua-Kona, Hawai‘i
808-329-3910

www.legalaidhawaii.org

Legal Aid Society of Hawai‘i: Hilo

305 Wailuku Drive
Hilo, Hawai‘i
808-961-2851

www.legalaidhawaii.org

Legal Aid Society of Hawai‘i: Kaua‘i

3016 Umi Street, Suite 220
Lihue, Hawai‘i
808-245-4727

www.legalaidhawaii.org

Legal Aid Society of Hawai‘i: Maui

21 North Church Street, Suite 401
Wailuku, Hawai‘i
808-499-4302

www.legalaidhawaii.org

Legal Aid Society of Hawai‘i: Lana‘i

730 Lanai Avenue,
Lana‘i, Hawai‘i
808-565-6089

www.legalaidhawaii.org

Civil Liberties – Legal Assistance

American Civil Liberties Union – Hawai‘i

808-522-5900

www.acluhi.org

Discrimination – Legal Assistance

Hawai'i Civil Rights Commission

830 Punchbowl St., Room 411

Honolulu, HI 96813

Telephone:

- O'ahu (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

www.tvaphawaii.org

National Human Trafficking Resource Center

1 (888) 373-7888

Text 'HELP' to 233733 (BEFREE)

Pacific Survivor Center

P.O. Box 3535

Honolulu, Hawai'i 96811

<http://pschawaii.org>

Know Your Rights with ICE –Immigrant Defense Project (IDP)

These sites provide information about how to prepare for encounters with ICE and if you or someone you know is detained by ICE:

- www.immigrantdefenseproject.org
- www.immigrantdefenseproject.org/ice-home-and-community-arrests/

Crisis or Considering Suicide

IMAlive - An Online Crisis Network

www.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: <http://transgenderlawcenter.org>
- TransLatin @ Coalition: www.translatinacoalition.org
- Queer Undocumented Immigrant Project (QUIP): <https://unitedwedream.org/our-work/lgbtq-justice/>
- National Center for Lesbian Rights: www.nclrights.org
- Immigration Equality: www.immigrationequality.org
- Lambda Legal: www.lambdalegal.org

Hawai'i LGBTQ+ Resources

- The Lavender Clinic: <https://lavendercenterandclinic.org/>
- Hawai'i Health and Harm Reduction Center: <https://www.hhhrc.org/>