OREGON FINANCIAL PREPAREDNESS PACKET

A General Guidance Handbook for Asset Protection
WHAT’S INSIDE

1. POWER OF ATTORNEY
   - Overview of power of attorney
   - Financial Power of Attorney sample form
   - Attorney-in-fact instructions

2. ACCESSING FUNDS
   - Instructions for keeping bank account open
   - Instructions for closing bank account
   - Transferring funds

3. VEHICLE MATTERS
   - How to sell the car yourself
   - Keeping the car if you still owe money
   - Having a trusted family/friend sell your car
   - Oregon DMV Legal Form

4. PAYING YOUR BILLS
   - Paying off credit cards and loans
   - What to do if you’re unable to pay bills
   - Signing up for automatic bill pay

5. COLLECTING UNPAID WAGES
   - Your wage rights
   - What to tell your employer
   - Legal help with wages
This checklist can help you prepare if you may have to leave the country without warning. Here are some actions you can take for your financial security.
1. SIGN A DURABLE FINANCIAL POWER OF ATTORNEY

You can give another adult you trust the power to handle your financial matters. To do this, you must sign a document called a durable financial “power of attorney.”

In Oregon, you can use a sample form, or you can draft your own document. The document does not need to be notarized, but you can have a witness sign it if you want.

The sample form included in this packet will meet most people’s legal needs. If you own real property such as a house, you will need a different form (see section 5 below).

Give your trusted adult (called your “attorney-in-fact”) a detailed list of all the accounts and assets you want that person to manage, including the name of your bank or financial institutions, retirement and bank account numbers, and location of other assets.

Ask the person to keep clear records of all the actions they take as your attorney-in-fact.
These instructions and form are not legal advice and are for educational purposes only. They may not be appropriate for your situation. We recommend that you consult with an attorney to ensure that your legal documents are appropriate for your individual circumstances, especially if your financial situation is complicated. We do not guarantee that these forms will be legally binding.

If you are reading the Spanish translation of this document, make sure to fill out the English version of the form.

This form gives a person you choose (called your “attorney-in-fact”) legal authority to make many kinds of financial transactions on your behalf. Choose a person you trust who is 18 or older to be your attorney-in-fact. It is best if this person is a U.S. citizen or lawful permanent resident.

Oregon law does not require this form to be notarized in order to be valid. If you choose, you can notarize it or have a witness sign it.

This form does not give your attorney-in-fact the authority to buy or sell real property (such as a house) on your behalf. If you wish to give authority to someone else to sell your house, you should contact a real estate agent or lawyer. Title insurance companies will not accept this form.

Banks, credit card companies, and other institutions may have additional requirements before they will allow another person to make financial transactions on your behalf. Check with your bank or other companies with which you do business to find out their requirements.

You and your attorney-in-fact may wish to go in person to your bank branch. You could introduce your attorney-in-fact to the manager and leave a copy of this form with the manager.

DURABLE FINANCIAL POWER OF ATTORNEY

In the State of OREGON
Country of ___________________________

My name is _____________________________________________.

By signing below, I give _________________________________
who is at least age 18, full authority to act as my agent (attorney-in-fact) and to carry
out any of the following transactions on my behalf, as if I were present. If this person
dies before me or for any reason fails to qualify as my attorney-in-fact, then I appoint
__________________________________________________as my attorney-in-fact.

This power of attorney revokes all powers of attorney that I have previously given to
any person. The powers I grant with this power of attorney remain with my agent
until my death or until I revoke this power, and include authority to

1. Conduct any and all transactions from my checking, savings, investment,
   retirement or any other financial accounts, such as signing checks or drafts;
   depositing funds; cashing checks or other negotiable instruments;
   transferring and withdrawing funds; and liquidating the accounts.

2. Access, store, or remove my property from any safe deposit box or leased
   storage facility rented in my name, solely or with others, or which I have
   been authorized to use.

3. Modify, cancel, select payment options under, and in all other respects to
   manage investments, retirement plans, annuities, and insurance contracts.

4. Ask for, collect, receive, and deposit or disburse any money that is now or
   may become due to me.

5. Settle any of my legal claims or disputes now existing or that may arise.

6. Buy, sell, trade, maintain, or dispose of any personal property, including any
   vehicle, that I own, or in which I may have any right, title or interest.

7. Take control or possession of, manage, maintain, operate, or improve any
   businesses that I own outright or with others.

8. Complete, amend, execute, and deliver any tax return; pay any tax due or
collect any tax refund due; make and respond to lawful inquiries from any taxing authority.

9. Renew, modify, or terminate any ongoing consumer contracts as allowed by their terms, such as cell phones, car leases, storage facility rentals, or rental furniture.

10. Renew, modify, or terminate my apartment or mobile home lease or rental agreement, as allowed by its terms.

11. Sign any document and perform any act necessary or desirable to permit my children to qualify for and receive any and all governmental benefits they may lawfully request or receive, such as housing, food, medical, and disability assistance.

I give to my attorney-in-fact full power and authority to do each and every act, as fully as I might or could do if personally present. I acknowledge that any change in the status of my mental competency, whether temporary or permanent, shall not change or terminate the effectiveness and validity of this document.

This power of attorney takes effect as soon as signed below, unless I check one or both boxes below to have it become effective only:

☐ Upon my arrest, deportation, or my becoming “financially incapable,” as defined by ORS 125.005.
☐ If the following specific date or circumstance occurs: __________________________

__________________________________________________

I release from liability anyone who, in good faith and believing them to be authorized under this power of attorney, relies on actions taken by or omissions of my agent. Third parties may assume that this authority continues until my agent has actual notice of my death or my decision to revoke this power of attorney.

Signed ____________________________ Date signed ___________________

Optional:
Witnessed by ____________________________ Date ________________
You may be able to access your money from your home country, or you may need to close your bank account. Check your bank’s capability and requirements.

**IF YOU WANT TO KEEP YOUR BANK ACCOUNT OPEN:**
- Find out if your bank has branches or ATMs in your home country and make sure you have a debit card. Most banks are in a network that enables their customers to access funds in another country. Ask if your ATM card works in your home country.
- Tell your bank you are relocating so they don’t freeze your account. Ask about any fees for withdrawals outside the United States or fees for exchange rate differences.
- Put your spouse, family member, or trusted friend who will remain in the United States on your account as a joint account holder. You will need to go with this person to the bank to set this up.
- Sign up for online banking or download your bank’s mobile app if available.

**IF YOU WANT TO CLOSE YOUR BANK ACCOUNT:**
- Tell the bank how you want to receive your remaining funds. The options are usually either a check or transfer.
- If you choose a check, your bank will make out the check to the primary account holder. Your bank can send the check to you in another country, but it will take 45–60 days to clear.
- If you choose to transfer, your bank can deposit your funds into a new account in your home country. Call your bank and find out what their process is. The options are usually a bank draft or wire transfer.
- Find out if your bank provides money remittance services. If it does, learn about the process to initiate a transaction remotely (online, call center, or smartphone app).
- Be careful about how much cash you carry. Cash can be easily lost or stolen.
DECIDE WHAT TO DO WITH YOUR VEHICLE

IF YOU STILL OWE MONEY ON YOUR CAR AND WANT TO SELL IT YOURSELF:

• Contact your lender(s) to find out how much you need to pay off the car. If you do not have enough money, make sure you sell the car at a price that will be enough to pay off your balance to the lender(s).

• Put the sale terms in writing and get the payment from the buyer in cash or a certified check.

• After you sell the car, immediately tell your auto insurance company to cancel your policy and fill out forms at your local Department of Motor Vehicles (DMV) to transfer the title of the car to the buyer.

IF YOU WANT A TRUSTED FRIEND OR FAMILY MEMBER TO SELL THE CAR FOR YOU:

• Fill out the Oregon DMV “Power of Attorney for Vehicle Title or Registration” provided in this packet. Give the person instructions for how to handle the car sale.

IF YOU STILL OWE MONEY ON YOUR CAR AND WANT TO KEEP IT FOR YOUR FAMILY:

• Set up automatic bill pay and have your car payments automatically withdrawn from your account.
I authorize the person or firm named below to act as my representative and to sign my name to any forms necessary concerning the titling and/or registration of the vehicle described below.

This power of attorney is valid only if the following sections are completed:

- Name of person or firm appointed as attorney and
- Plate number, vehicle identification number or title number, and
- Signature of owner.

NAME OF PERSON OR FIRM APPOINTED AS ATTORNEY (PRINTED):

▼ DESCRIPTION OF VEHICLE ▼

PLATE NUMBER | YEAR | MAKE | BODY STYLE

VEHICLE IDENTIFICATION NUMBER | TITLE NUMBER

NAME OF OWNER (PRINTED)

SIGNATURE OF OWNER

X

NAME OF JOINT OWNER (PRINTED)

SIGNATURE OF JOINT OWNER

X

THIS POWER OF ATTORNEY MAY NOT BE TRANSFERRED TO ANY OTHER PERSON OR FIRM

(See instructions on back for exercising power of attorney.)

The power of attorney must be exercised by the person or firm named as representative on the form. To properly exercise the power of attorney, write the name of the owner followed by the representative's signature.

Example: Sharon Smith by Jane Doe

(Sharon Smith is the owner and Jane Doe is the person named as representative on the power of attorney.)

If the named representative is a company, the representative must sign and countersign.

Example: Sharon Smith by Morrison’s Garage

George Morrison, owner

The power of attorney must be exercised on the title or document for which the authority was granted in order to be valid.
MAKE SURE YOU PAY YOUR BILLS

YOU ARE STILL RESPONSIBLE FOR ANY DEBT OR BILLS YOU OWE IN THE UNITED STATES AFTER YOU LEAVE THE COUNTRY.

Plan for how you will make these payments. You may be able to set up direct deposit and automatic bill pay for your accounts:

If you have credit cards or loans, and you have time before you leave the United States, contact your credit card company or lender immediately and notify them of your situation. Give the company your new address in your home country where they can send your bills.

If you are unable to do this, contact the lender after arriving in your home country and update your mailing address with them.

Sign up for automatic bill pay to have credit card or loan payments withdrawn from your account, or send all payments from your home country by certified mail with return receipt requested so you can keep a record of payment.
COLLECT YOUR UNPAID WAGES

YOU HAVE THE RIGHT TO COLLECT WAGES FOR ANY WORK YOU HAVE DONE.

It does not matter if you do not have work authorization or a Social Security Number.

☑ Tell your employer your new address and ask them to send your paycheck there.

☑ If your employer does not give you your last paycheck, get legal help.

To file a complaint with the Bureau of Labor and Industries (BOLI):

www.oregon.gov/BOLI
or contact an attorney who specializes in wage claims

If you are low-income, contact the legal aid office for your county:

www.oregonlawhelp.org
If you are renting your home, your family may be able to continue living there after you have left the United States, depending on the terms of your rental agreement.

If you have a fixed-term rental agreement (meaning one that ends on a certain date in the future), and the rent is still paid on time, your family can continue to live there at least for the term of the fixed lease. Your landlord may choose to end or renew your lease at the end of its term.

If you have a month-to-month rental agreement, and the rent is still paid on time, your family can continue to live there until either they or the landlord decide to terminate the rental agreement.

Your family can ask the landlord to enter into a new rental agreement. If all current occupants are listed on your rental agreement, you will have a better chance of getting the landlord to agree to continue or enter into a new rental agreement. If you have people living in your apartment who are not on the agreement, and the landlord has not accepted rent while knowing that they were living there, the landlord can give them a 24-hour notice to move out (add three days if the notice is mailed and not posted). If the landlord has accepted rent while knowing that they were living there, the landlord can still ask them to apply to live there and can deny their rental application if they do not qualify.

If your family cannot pay the rent after you are gone, the landlord may give them a written notice to pay rent or move out within 72 hours. If they do not pay or move out, the landlord can take them to eviction court.
IF YOU OWN YOUR HOME:

You have the right to keep any property you own in the United States, but you must determine the best way to manage your mortgage and/or the property. You must pay your mortgage on time to avoid foreclosure.

If you want to sell your property, you can authorize someone you trust, who will stay in the United States, to do it on your behalf. You cannot use the power of attorney form in this packet for this purpose. You must create a different power of attorney form that contains specific information about the property, and it must be notarized. Consult with a real estate agent or lawyer to make sure your document meets legal requirements.

1. **Resolve the mortgage.** Your existing mortgage will say whether someone can take over the mortgage. Some mortgages prohibit transferring the mortgage to another party; other mortgages require the lender’s consent. You must contact your lender to see if your mortgage is transferable, and, if so, what forms you need to complete the mortgage. The lender will decide whether you can transfer the mortgage depending on if the recipient would qualify for that mortgage. If you do not have a mortgage, make sure you have the mortgage satisfaction forms to prove you do not need the lender’s permission to transfer or gift the property.

2. **Execute a deed.** You must execute a new deed in the new owner’s name only. Contact your city or county clerk’s office, a real estate agent, or an attorney about what should be included in the new deed.

3. **Prepare tax forms.** You will be subject to state taxes for transferring the property. You must fill out a state income tax filing. Check to see if your local county or city charges an additional tax.

4. **Transfer utilities, insurance, and other services.** After the home is fully transferred, you must put all the utility bills, insurance, and other services in the new owner’s name.

If you own a home with someone else, like a spouse, and would like to transfer the home to them, you can transfer your share of the property to your co-owner or co-mortgager.

To do this, you must take these four actions. The actions are the same if you transfer the home or give it as a gift.
MANAGE YOUR PUBLIC BENEFITS

FOR TANF & SNAP:

For TANF, a relative who is taking care of your child may sign a TANF application and complete the application process. Generally, relative means a person related to the child by blood, marriage, or adoption, but there are specific rules for who counts as a relative. Check with your DHS caseworker.

For TANF, a person not related to the child may serve as authorized representative for not more than 60 days.

For both SNAP and TANF, the head of household, spouse, or any other responsible member of the household can designate an authorized representative to apply for benefits, report changes, and obtain and use benefits for the household. There are specific rules for who may serve as an authorized representative; check with your DHS caseworker.

RECEIVING BENEFITS

Your dependents have the right to continue receiving Social Security benefits if they are U.S. citizens and/or “qualified aliens.”

If you receive your dependent’s benefits via direct deposit, make sure the dependent or the dependent’s caretaker has access to your bank account.

If you receive your dependent’s benefits on a prepaid debit card, make sure the dependent or the dependent’s caretaker contacts DHS or the Social Security Administration to get a new card in their name.

If your dependents do not have legal status in the United States, they cannot receive benefits for any month that they are not in the United States.

Many kinds of public benefits, like health insurance, WIC, SNAP, and housing assistance, do not count towards being a possible “public charge.” Receiving cash assistance like SSI or TANF could count toward being a “public charge.”

To learn more about when receiving public benefits might affect your immigration status or your ability to travel outside the U.S., call the Public Benefits Hotline (a project of Oregon’s legal aid programs) or visit the website below:

1-800-520-5292

www.nilc.org/get-involved/community-education-resources/pubcharge
You can receive a tax refund for any overpaid taxes or tax credits you are owed from your earnings in the United States. Even if you are not a lawful permanent resident or lawfully present, you may be eligible for a tax refund.

Get an Individual Tax Identification Number (ITIN) or renew your ITIN, because it can substitute for a Social Security Number (SSN) for taxes and other financial purposes. Your spouse and any dependents you intend to claim must also have an ITIN or SSN.

- Also check www.nclr.us/ITIN

A resident spouse can file taxes jointly with a deported spouse. The deported spouse would have to include any income they earn outside the United States on the return.

Filing taxes can be useful in future immigration cases if an ITIN holder is able to adjust his or her status. ITIN filings can serve as proof of income, residency in the United States, and good moral character.

If you have lived in the United States for 30 consecutive days or 183 cumulative days in the last three years, you should complete Form 1040.

If you have not lived in the United States for 30 consecutive days or 183 cumulative days in the last three years, you should complete Form 1040NR or Form 1040NR-EZ to receive a refund.
TAX RESOURCE CONTACT INFORMATION

WHERE TO SEND FORMS

If you do not have a spouse in the U.S. and have already left the country, send your tax forms to this address if you are NOT including a check or money order:

- Department of the Treasury Internal Revenue Service
  Austin, TX 73301-0215 U.S.A.

Send your tax returns to this address if you ARE including a check or money order:

- Internal Revenue Service
  P.O. Box 1303
  Charlotte, NC 28201-1303 U.S.A.

If you are applying for an ITIN, send the return and the W-7 as indicated in the W-7 instructions to:

- Internal Revenue Service ITIN Operation 3651 S. Interregional, Hwy 35 Mail Stop 6090-AUSC
  Austin, TX 78741-0000 U.S.A.

WHERE TO RECEIVE SUPPORT

If you have problems with the IRS or ITINs, you may be able to get help at the Oregon Statewide Low Income Taxpayer Clinic. Contact:

1-888-610-8764 or 503-224-4086

Or, contact the IRS International Taxpayer Service Call Center: Open Monday through Friday, 6 a.m.–11 p.m. EST.

Phone: (267) 941-1000 (not toll free)
Fax: (267) 941-1055
In the United States, a notary public is NOT a lawyer. If you use a notary to help you with immigration, tax, or other legal forms, you are taking a big risk. You could lose your money and important documents. You could hurt your chances of becoming a lawful resident or citizen of the United States. A notary does not have the specialized training necessary to do your immigration, tax, and other legal forms correctly.

Immigration consultants must either be lawyers or licensed by the Board of Immigration Appeals. If they are a lawyer, ask in what state they are licensed to practice. If it is Oregon, call the Oregon State Bar at 800-452-8260. If they are licensed in another state, call their home state’s bar association.

To find out whether an immigration consultant is licensed, call the Board of Immigration Appeals at 703-305-9029. In Oregon, a person who helps you with your taxes must be licensed by the Oregon Board of Tax Practitioners.

Notary services are available at most banks and many nonprofit organizations for a very low cost ($10-$20) or for free.
For additional recommendations regarding your financial rights in the face of deportation, please visit the following resources:

**Protecting Assets & Child Custody in the Face of Deportation, by Appleseed:**

www.appleseednetwork.org/deportationmanual/

**Financial Handbook for Families Facing Detention and Deportation by Families for Freedom:**


**Community Resource & Family Preparedness Webpage by Latino Network:**

www.latnet.org/community-resources

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