



No More Deaths
No Más Muertes

HELPING MIGRANTS AND IMMIGRANTS RECOVER DETAINED MONEY AND BELONGINGS

Best practices

The purpose of this document is to provide organizations working with deported individuals the information they need to help those individuals recover their belongings and money. None of these remedial strategies are intended as a sustainable replacement for just and sensible policies which would rule out deportation without money and belongings in the first place, but they may be useful in the meantime while we also advocate for true resolution to the problem.

1. General Principles

These are some general principles that we believe are important when working with deported individuals and their property. Humanitarian organizations working in the difficult post-deportation context will find that these principles often conflict with each other and that no strategy satisfies them all. This work is fundamentally remedial.

First, respect the agency of the individual, who is the rightful owner of the property. Offer help if you can but also mention solutions that do not involve your help, and leave the choice to the individual. If he or she decides to entrust you and your organization with

his or her property (for the purpose of recovering it), make sure you are both clear on the game plan, including a timeline.

Second, 100% of money and property recovered must be delivered to its owner, to the extent feasible. The distinction between humanitarian assistance and compensated services must be kept absolutely clear.

Unfortunately, practical limitations do arise when trying to apply this principle. For example, recovered personal effects tend to include used clothing, which, if not delivered in person, is expensive to mail, and in fact illegal to mail in Mexico due to customs

regulations; you may therefore have no choice but to withhold the used clothing and mail everything else. Any such limitations must be applied impartially and transparently to all individuals, and any undelivered property must be either safeguarded for later delivery or donated for humanitarian purposes.

Third, strategies that involve a humanitarian organization officially receiving the deported individual's property in its own name are preferable to strategies that involve an individual humanitarian volunteer doing so.

Fourth, for safety reasons, strategies that involve an individual spending more time at the border working on their property-recovery problem or awaiting an

imminent solution to it should be avoided at all costs. If they have the means to move on now, and you have the means to send their property to them at home, that is preferable.

Fifth, on the other hand, strategies that require an individual to place less trust in you are preferable to strategies requiring more trust.

Sixth, resist normalizing the situation. Though a given solution may become the default for a time because it is the least problematic or least exploitative option in the context, it is still important to convey to the individual (and remind yourself) that this is not a fully satisfactory remedy in the face of what is ultimately an injustice that must be ended.

2. Checks

No More Deaths has not found a way for someone to get a US prison check cashed simply, immediately, and cheaply in Mexico. Deportation precludes all the unproblematic ways of cashing a check.

Some of the strategies we discuss here may be adaptable to other kinds of checks besides prison

Option 1: Arrange for the check issuer to reissue the check to someone in the US

A check does not contain money. The money is in the issuer's account until the check is used to withdraw it—or until it is withdrawn another way. Most if not all jails will release a former inmate's funds to a third party, if they are authorized to do so *by the inmate*. They vary in the authorization they require, ranging from a simple phone call to a notarized letter. They may also require that the check they already issued be returned, or impose a waiting period if it cannot be returned.

(Note: What applies to former inmates also applies, normally, to current inmates. Humanitarian organizations working directly with incarcerated and detained people could address this problem proactively, helping people get their funds disbursed

checks, such as payroll checks, which a deportee may also occasionally be carrying. We focus exclusively on prison checks, the overwhelming majority.

to a third party so that they will not have an uncashable check to deal with after deportation.)

The third party who receives the inmate's funds on their behalf could be a humanitarian organization or could be a family member or trusted friend. Some facilities may be more relaxed about one or the other, though both should be an option.

- Contact the facility that issued the check and ask to speak with the Inmate Accounts or Inmate Trust department. Identify yourself and explain the situation. Ask what they need to reissue the inmate's funds to a third party.
- Explicitly ask about different kinds of third parties. Sometimes, family members' names are already on file and less onerous forms of authorization are required for them.

- If a notarized letter is required, this increases the difficulty. Work with a notary public based in the neighboring US border community. (An additional possibility is to get the notarization done at a US consulate in Mexico.) In order to perform a valid notarization for someone who has been deported from the US, the notary public will need solutions to two problems: how to verify the identify of someone who (in most cases) does not possess a US government-issued ID, and how to perform the notarization within the physical jurisdiction in which he or she is authorized to work.
- The notary law of Arizona, as of other states, provides specific alternative forms of identity verification that notaries can use. These include the testimony of a credible witness—perhaps a family member who has traveled to the border to meet the deportee. For the notarization to be legally valid, the deportee’s presence within the geographical boundaries of the state of Arizona will be required. This requirement can be satisfied at many Ports of Entry without placing the deportee in any danger, as long as the notary is willing to meet him or her there.

If the individual decides to have their funds reissued to a US-resident family member or trusted friend:

- Confirm with the friend or family member that they are willing and able to receive and cash the check.
- If the owner of the check needs money immediately, that same family member may be in a position to send it (by the usual methods for deportees receiving emergency money from their family) in anticipation of receiving the check from the prison.
- Take down the name, phone number, and mailing address of the family member so that you can provide it to the detention facility as well as follow up later.

If the individual decides to have their funds reissued to your humanitarian organization:

- Your organization needs to be in a position to receive people’s funds and to deliver them once received.
- Ideally, your organization can establish a fund to advance people their money the same day in anticipation of receiving the check from the prison. No More Deaths advances up to \$300, which is enough to meet almost everyone’s immediate humanitarian needs; for example, a bus ticket all the way to Chiapas costs about \$100 with the discount available to repatriated Mexicans.
- Any amount not advanced must be sent to its owner or to a family member. Therefore it is important to collect reliable contact information, *and* to provide your own contact information.
- If the recipient (the owner or their designated family member) is in Mexico, the best method for sending the recovered money is by depositing it in their bank account directly, at a branch of their bank. It is instantaneous and costs nothing: all that is required is the person’s account number and their name as confirmation. Many people do have bank accounts, at BanCoppel, Banorte, or Banco Azteca; avoid Oxxo’s “Saldazo” service, if you can, because it doesn’t provide the name confirmation.
- If the person doesn’t have a bank account but does have a *credencial de elector* or other valid ID, you can use a money-transfer service such as MoneyGram or Western Union to send them the money. Later you can confirm by phone (MoneyGram) or online (Western Union) that the money was picked up. Pay the money-transfer fee yourself if you have the budget to do so, rather than subtracting it from the money recovered. It is, counterintuitively, cheaper to send money from the US to Mexico than to send it from one place in Mexico to another (from the border to the interior, at least).

- If the recipient is in the US, the above methods can be used, or there is an additional method that is more economical than a money transfer and quite reliable: purchase a money order from the US Postal Service and send it by mail.

Option 2: Send the endorsed check to a US family member with a bank account

Some deported individuals may have a US-resident family member or trusted friend who has the ability to deposit a third-party check in their bank account. If so, they may prefer to endorse and send the check to this person, rather than going through the process of having the check reissued to that person.

- Confirm with the friend or family member that they are willing and able to receive and deposit the check. They need to be confident about their ability to do so: most banks have a policy of not accepting third-party checks for deposit. Don't go out of your way to convince someone it's possible, let alone guarantee it.
- The ability to deposit a third-party check in one's bank account depends mainly on the bank (large corporate banks are the safest bet) and the amount (smaller amounts are less likely to be a problem). We can tentatively suggest using the ATM to deposit the check instead of going to the teller, though the teller won't necessarily refuse it.
- If the owner of the check needs money immediately, that same family member may be

Important: It is a good idea to develop relationships and even special arrangements with the jails whose checks you are seeing in your part of the border.

in a position to send it (by the usual methods for deportees receiving emergency money from their family) in anticipation of receiving the check in the mail.

- You mailing the check on behalf of the owner, as opposed to them mailing it themselves, requires them to trust you with the endorsed check, but the advantage is that you can mail it domestically within the US and they cannot. Ask the owner of the check to endorse it by signing the back. Then place it in an envelope and address it.
- Put your organization's address as the return address. If your organization doesn't currently have a US address, a PO box is easy to acquire.
- Collect the name and phone number of the check owner as well as the name and phone number of the recipient.
- Ideally, though it costs more, you should mail the check with tracking or certification.
- Include a note to the recipient reiterating your conversation and mentioning anything you forgot to mention.

Option 3: Casas de cambio

This option is so problematic that it should be seen as a last resort. *Casas de cambio* are currency exchange businesses, licensed to exchange dollars for pesos and vice versa. A handful of *casas de cambio* in border towns, seeing an opportunity—a huge unmet demand, in fact—are buying prison checks from deportees at grotesque rates, up to 80%, as in Nuevo Laredo. The lowest fee we have found in Nogales is 25%, and that was in the past; currently

there are no *casas de cambio* buying checks in Nogales at any price.

The way this business works is essentially as in Option 2: after buying the endorsed check, the buyer deposits it in a US bank account to which he or she has access (probably an individual account, not one officially owned by the *casa de cambio*). However, when the bank notices that the account is being used this way on a large scale, it suspends it. The inherent

risk in this business probably helps to explain the high rates charged; it is not *just* rank opportunism, there are also real losses involved.

All we can recommend for humanitarian organizations with regard to *casas de cambio* is:

- Provide deportees with full information about them and offer an alternative if at all possible.
- If they go, offer to accompany them. Monitor whether rates are consistent or vary arbitrarily.

- Your organization may even wish to consider entering into dialogue/negotiation with these businesses if you believe that it would be in the best interest of those you serve.

People will continue to patronize these businesses as long as they have no other way of accessing money that is theirs and that they need to ensure their immediate safety.

3. Money orders

Money orders function similarly to checks in that they can be cashed or deposited. Unlike checks, money orders do in a sense contain money. They are typically purchased by Border Patrol or ICE with the person's cash while he or she is in short-term custody, though some jails may also use money orders instead of checks for refunding the balance of inmate accounts. A money order cannot be reissued by the agency that purchased it, only cashed or deposited as is. If it is lost, the money is most likely lost forever.

Unlike checks, money orders may be left blank. If law enforcement leaves the money order blank, that makes it easier for a family member or humanitarian organization to cash. (It also makes it easier to steal, so it's important to pay attention and make sure the person presenting the money order to you is the original owner of the funds.) In the following tips, "you" refers to whoever is attempting to recover the money on behalf of its owner.

- MoneyGram and Western Union money orders come with an 800 number that you can call to verify that the money order is still outstanding and no stop payment has been placed. You just have to enter the serial number of the money order. This provides reassurance of its validity, if not a guarantee.

- If the "pay to the order of" line is blank, *print* your own name. Then either take it to a store that sells the same type of money order and ask to cash it, or endorse the back and deposit it in your bank account.
- If the "pay to the order of" line is already filled in with the owner's name, look for the "purchaser/signer for drawer" line. Both MoneyGram and Western Union money orders include this line. If it is blank, *sign* (don't print) your own name. Then either take it to a store that sells the same type of money order and ask to cash it, or endorse the back with the words "Not used for intended purpose" written above your signature and deposit it in your bank account.
- If both lines are already filled in, proceed according to Option 2 for checks.
- Although some companies, including MoneyGram, sell "international" money orders, in our experience these are not cashable in Mexico, not even at a MoneyGram location. (Nor are regular domestic US money orders cashable there.) The only truly international money orders that we know of are those sold by the US Postal Service, and those may only be cashable at the post office (Correos de México).

4. Prepaid debit cards

Step 1: Activating the card

The card may or may not be activated before release. If it is not yet activated and you are on the border, use a US cell phone that receives signal and dial the 800 number on the back of the card to activate. If you are not near the border, ask the deported

individual if they have a friend or family member in the United States who may be able to call the 800 number and activate the card (they will need to give the card number). 800 numbers in the United States cannot be dialed internationally.

Step 2: Accessing the PIN (personal identification number)

Often the assigned PIN is the birth month and day (mm/dd) of the deported individual. Since dates are written the other way (dd/mm) in most other countries, this causes confusion. Confirm that the birthday is being entered as a PIN as mm/dd.

If the PIN is totally unknown, you can call the 800 number on the back of the card and ask the customer

service representative to reissue a PIN. You must call from a US phone since US 800 numbers cannot be dialed from foreign phones. Some cards require a Social Security Number to verify the identity of the cardholder. In this case, it is necessary to explain to the operator that the cardholder does not have a SSN.

Step 3: Accessing money from debit card

Option 1: Card reader

If your organization is regularly encountering deported individuals with debit cards, and you are on the US–Mexico border and receive US signal on a smart phone or tablet, you may want to consider purchasing a “Square” (<http://squareup.com>) which comes with an app where you can swipe debit cards and charge them for the exact amount of your choice. There is a 2.75% fee per transaction, which the

organization should absorb if its budget allows. Two complications of this model are that the Square must be associated with a bank account where the money will be deposited, and that the organization will need to have cash reserves including exact change on-hand to be able to provide a cash exchange when the card is swiped.

Option 2: ATM in Mexico or other country

This option can likely be accomplished by a deported individual without accompaniment from a volunteer. Once they have an activated card and correct pin, they can go to a local ATM and take all the money out at once, if possible. A fee is charged for every transaction, including just checking the balance on

the card. The biggest barrier in retrieving money through an ATM is that the amount that can be withdrawn is restricted by what the ATM will give—so for example, if the person has 199 pesos on a card, and it only gives cash in 100-peso increments, they will receive 100 and lose the 99.

Option 3: Purchases

If someone has already retrieved all the money they can through an ATM and still have a balance, they can use it for purchases in Mexico. This option is not

highly recommended because a large fee is charged for each international transaction.

We have found that in the United States we can retrieve people’s money from their card for them

down to the last cent. This method takes advantage of purchases that a volunteer or the organization wants or needs to make, like gas or groceries.

First, a volunteer can use the card to fill their gas tank for the full amount on the card. For example, a card with a \$12.49 balance was used to buy \$12.49 worth of gas and \$12.49 was delivered to the migrant.

Second, and a bit more complicated: Safeway grocery stores will allow you to make a purchase

with a card and get cash back in an exact amount of your choosing, including cents (we do not know of any other retailer that does so). If a volunteer has something to buy at Safeway, they can buy it with the card, take out the full remaining balance as cash back, and add cash equal to the purchase they made. For example, a card with \$12.49 could be used to buy a \$1.00 bottle of water, with cash back of \$11.49 to empty the card; then the volunteer would take \$1.00 from his or her own pocket and give all the cash to the migrant.

If the card will not work

If the debit card still does not work after being activated, you can call the detention center that issued the card and see if they will reissue the money

in the form of cash or a check by mail—either to a friend or family member, or to your organization.

5. Missing belongings

When someone is deported to Mexico without their belongings after being detained by Border Patrol

- Connect them to the Mexican consulate in the location of their detention. The consulate has a working relationship with BP. If BP still has the property, the consulate should be able to pick it up and send it to the person at home. The consulate in Tucson has a 24-hour Protection hotline whose operators are trained to take these requests. In the absence of such a hotline, the deported individual should speak to the Department of Protection for help with *recuperación de pertenencias*.
- Alternatively, a family member or your organization can pick up the property from BP with a notarized letter from the deported individual. See above (Section 2, Checks) on the challenges of arranging notarization for deportees.
- Or you may be able to obtain the property indirectly, through either the Mexican consulate or the attorney who represented the deportee (assuming, as is likely, that BP filed charges against them, or else designated them as a material witness), if they agree to get it and give it to you.
- It is very unlikely that property recovery will be quick enough, by *any* of these means, for the deportee to receive their property before they have to leave town. They will simply have to travel without it. Too often, deported individuals wait around at the border for days, hoping to be able to leave with their belongings instead of without, and always end up leaving without. It is easy to give a desperate person the impression that there is hope when there isn't, such as by saying "I'll try but no promises."
- The story may be different if someone has *already* recovered the property for them, whether the deportee's lawyer, the consulate, a family member, or a humanitarian organization (perhaps even your own). If they believe that's the case, you can help them make contact, which may be all that is needed.
- It can be difficult to determine if BP still has the property or if it has been destroyed. The general

rule is that property is destroyed after 30 days, but there are exceptions. You can always call BP directly and ask. At Tucson Sector headquarters (where detained property is normally held, rather than at the individual Stations), the person to speak to is the Seized Property Specialist in the

Asset Forfeiture department. If the property has been destroyed, it is better for the dispossessed individual to get that information sooner rather than later. If the property has not yet been destroyed, but is scheduled to be, it is possible to ask for an extension.

When someone is deported to Mexico without their belongings after being detained by CBP at the Port of Entry

- If there is a local border consulate that provides attention to repatriated nationals on the Mexican side after deportation (as in Nogales), they are in a good position to assist the person.
- Arrangements vary from place to place, but in Nogales, the belongings remain at the Port of Entry and their owner can actually go and claim them in person. They simply approach the gate and tell the first CBP officer they encounter that they are not there to cross but to pick up their

belongings. Accompaniment is highly helpful in this scenario.

- In other places, the local border consulate receives and stores the belongings and the owner can claim them from the consulate instead of CBP.
- As with BP, the typical retention period at the Port of Entry is only 30 days from the date of arrest. Extensions may be possible.

If the person was detained by a nonfederal agency, such as a police or sheriff's department

- It is best to call that agency for their particular policy. The consulate probably does not have a relationship with them and a family member or humanitarian organization is the only hope. Most agencies require a notarized letter.
- Typically the agency that has the property is the agency that did the initial arrest, but it is easy to be wrong about who the arresting agency actually is. In Arizona, the local jails into which

people are booked are county jails, operated by sheriff's departments, but either the sheriff or the city police (or a federal agency, in fact) may have arrested them. In ideal cases, the individual still has the receipt for the property to be recovered and it identifies the agency.

- As with BP, the typical retention period is only 30 days from the date of arrest. Extensions may be possible.

Some general points about providing property-recovery assistance

- If your organization decides to start handling recovered property itself, it needs to have the human and material **resources** to pick up, safeguard, and deliver belongings appropriately and responsibly. No More Deaths has allotted a vehicle, a Mobile Mini rental, and an ample postage budget for this work.
- It is important to obtain **reliable contact information** from each person, at least a phone number or two, to be able to send the property when/if you get it, and provide your contact information. We have found that an address is

usually not enough, a phone number is also vital to be able to alert the recipient about the package. They may need to go to the post office to claim it.

- **Shipping methods:** we prefer to use the post office. We avoid international mail, sending packages to Mexico *in Mexico* instead. Being based on the border is very helpful. We use *correo registrado* unless the belongings are valuable, such as jewelry and smartphones, in which case we use the courier service Estafeta, but this is fairly rare.

- We send any **cash** by bank deposit or money transfer, the same methods described above under reissued checks. We make sure that the amount the person receives is the exact same amount we received for them. We do not use their money to pay shipping charges or money-transfer charges.
- Missing belongings is one aspect of dispossession by deportation for which a proactive approach, **reaching people while they are still incarcerated**, is particularly important. Given the short retention periods, which exceed most people’s sentences; given the amount of time it can take to get the property back in the deportee’s hands if the property-recovery effort is initiated only after deportation; given the fact that the local consulate may not be willing to intervene until after deportation; and given the fact that non-Mexicans may have no access to consular property-recovery assistance at all, either before or after deportation, and are quite out of the reach of humanitarian organizations *del norte* once deported—given all this, a proactive property-recovery service for incarcerated migrants is a very worthwhile project for a humanitarian organization to undertake.
- A population to focus on is those foreign nationals who are arrested on your part of the border but **incarcerated on a different part of the border**. This is a population that is likely to need your help due to the fact that there is as yet no national-level coordination between BP and ICE on return of belongings, only local-level arrangements (if that) between them. People incarcerated far from where they were arrested will also be deported far from where they were arrested, by a faraway ICE office with no contact with your local BP sector. In Arizona, it is individuals with longer federal sentences, 150 days or more, who are regularly incarcerated out of state.
- Another factor is people’s **nationality**: who is less likely to get consular help with this problem and therefore more likely to need your help? Mexico has far more consulates along the border than all of the Central American countries combined, with more resources and more reach.
- If your organization isn’t currently working with incarcerated migrants, **a relationship or two could help you get started**. No More Deaths began its property-recovery project in 2008 with an arrangement with the Federal Public Defender to receive its clients’ belongings and deliver them after deportation. This arrangement (like another arrangement established later with the Consulate of Mexico) not only enabled us to obtain people’s belongings for them without having to get a notarized letter, it also got us started serving incarcerated migrants, who we otherwise had no access to. By communicating by mail with inmates whose property we had received from the FPD, we reached additional people: their cellmates and others to whom they, and their counselors and case managers, spread the word. We now regularly receive letters from inmates requesting property-recovery assistance whom we are in a unique position to help, as well as many we cannot help but could refer to another organization if we knew of one.
- It is not obligatory to obtain inmates’ property through the FPD and consulate: we have also used **the notarized-letter method** to pick up inmates’ property directly from BP. We provide the inmate with the form to sign and get notarized. It is significantly easier to get something notarized as an inmate than as a deportee.
- There are also **other ways to reach the people who need your help** than referrals from the FPD. You could simply contact the case-management division at a federal prison for “criminal aliens” and ask if you could send a flyer and some forms.

- It is also not necessary to work with inmates by mail, if your organization has the capacity and opportunity to work with them **in person**, perhaps through a prison-ministry program or by making a special arrangement with the jail.
- **You can research incarcerated migrants' court cases**—name and nationality; date,

location, and agency of arrest; charges filed; prison sentence; and attorney of record—using the Public Access to Court Electronic Records (PACER) system, online. You must provide a credit card and are charged 10 cents for each page that you view, but you are not actually billed unless you exceed a certain number of pages per quarter.

6. Money stuck in detention center account

When a migrant is transferred between multiple detention centers, sometimes the money will not be transferred with him or her, or will not arrive in time before he or she is released to ICE for deportation. In those cases, the money remains in an account in their name.

- Obtain a detailed detention history, including estimated dates in each detention center.
- Obtain full name, date of birth, Marshal number, and A number.
- Obtain information for sending the money to the deported individual or a family member (at least a name and phone number).
- Call the detention centers, starting with the most recent, and ask to speak to inmate accounts.

Explain the situation to the employee working in inmate accounts and give him or her the information needed to look up the inmate's account (name, date of birth, and Marshal number or A number).

- If there is no money on this account, call the next detention center backwards by date and repeat the previous step.
- Once the money is found in an account, ask for the money to be released, either in the form of a check to a family member in the United States or, if that is not an option, then mailed to your organization.
- If the check comes to your organization, cash the check by following the steps in section one and send money to the person or a family member.

7. Money impounded or seized as evidence

Unfortunately these are complicated cases that depend on the policies of the agency holding the money. Typically, the best first step would be to

contact the consulate of the person's country of origin that is closest to where this occurred, and ask for their advice and assistance.

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While this document contains the best practices we are aware of for the recovery of money and belongings after deportation, others may be aware of other effective strategies that we have not encountered. Please contact us (action@nomoredeaths.org) if you have had success in any ways that are missing here.