

13. Handling Valuables

This section describes how to approach issues related to your valuable personal property in the event of detention or deportation, including potential confiscation or destruction of property, options for handling property still in possession, factors to consider when choosing a path, and how to plan ahead.

This section targets Preparing Immigrants, but contains useful information for Detained and Supervised Immigrants as well. It addresses the following questions:

[What is Valuable Personal Property?](#) > [What Types of Valuable Personal Property Do You Have?](#) > [Planning in Advance – What Are the Options?](#) > [Other Factors to Consider](#) > [What Happens to Your Property if You Are Detained?](#) > [Avoiding or Mitigating the Risk of Loss](#) > [How Can You Get Your Possessions or Property Back?](#) > [Checklist for Handling Valuables](#)

Each Chapter is intended to provide generalized information on a particular topic. In many cases, laws may differ from state to state. Therefore, this information is not intended to replace state-specific legal assistance. Nothing in this manual is intended to create an attorney-client or fiduciary relationship.

What Is Valuable Personal Property?

Any of your possessions that are worth money or that you would be disappointed to lose can be considered valuable personal property, and should be assessed in accordance with this chapter.

What Types of Valuable Personal Property Do You Have?

If you have valuables of any kind, it is important to decide how those valuables will be handled in the event that they are detained or deported. The first step in this process is to determine what types of valuable personal property you or your family have..

Common Kinds of Valuable Personal Property

- Electronics, machinery and appliances;
- Jewelry and clothing;
- Furniture and art;
- Identification (license, ID card, passport, birth certificate); or
- Family heirlooms, photographs and sentimental items.

Keep in mind that each type of property is different, and the factors to consider and the strategy for handling the valuables may differ as well.

Planning in Advance – What Are the Options?

Once you have a grasp on what valuable personal property you own, devise a plan to handle a detention or deportation scenario. Generally, you have four main options:

- (1) sell the property;
- (2) transfer the property to another person, either temporarily, or permanently as a gift;
- (3) ship the property to their home country; or

(4) store the property in the U.S., either in a storage unit or safety deposit box. Keep in mind that depending on the type and size of the property, one or more of these options may not be available.

Sale

1. *Determine the price*

If you decide to sell the property, first you should determine the appropriate price for the property. If you know the original price of the property, you can use that as a starting point and discount for any damage to the property or time that has passed. Otherwise, if you have access to the internet, you should search for similar items of property (for example, on second-hand websites like ebay.com, craigslist.com, Facebook Marketplace, or other similar commerce sites; businesses shown as examples only with no endorsement) to determine how much to charge.

2. *Determine how you will sell the property*

Next, you should sell the property through any number of methods. Some examples include

- a privately negotiated sale;
- through an online second-hand sale or auction website; or
- to a reputable buyer or broker of used goods (such as a pawn or consignment shop).

At completion of the sale, you should document the terms of the sale. A simple document containing the following information will be handy in case of future disputes regarding the sale:

- (1) a description of the item;
- (2) the date;
- (3) the agreed upon price;
- (4) the printed names and signatures of the buyer and the seller; and
- (5) a quick statement that the buyer has had a chance to inspect the property and is satisfied with the condition, and/or that the property is being sold “as is” and with no warranties by the seller.

3. Consider how to accept payment

Form of payment is another important consideration. To protect against fraud, consider avoiding accepting personal checks. Personal checks may be written from a bank account that does not have enough money to cover the amount of the check. It is best to receive payment in cash, a bank certified check, or money order. Electronic payment applications (such as Venmo and Zelle) are also often quick and secure ways to receive payment, however you should consider whether you will have continued access to the application used once outside the United States, and ensure that you will have access to the financial infrastructure necessary to convert a digital cash payment into currency that is usable or that can be deposited into a bank account you will be able to continue to access.

Transfer

If you want to transfer the property to another person, you have two options – you can give the property to another person on a permanent basis as a gift, or you can transfer the property to another person temporarily, with the expectation that it will be returned upon request in the future.

If you seek to transfer the property to your minor child, you should consider transferring the property to another adult or setting up a formal transfer pursuant to certain statutes that allow assets and property to be held in an adult custodian's name for the benefit of a minor. This is discussed in more detail in Chapter 2, Assets and Benefits of Minor Children.

If participating in a temporary transfer, it is best to create a document reflecting the agreement between the parties (transferring only physical possession, not ownership, and only temporarily), signed and dated by all participants.

Storage

For small items like jewelry, identification and documents, you may want to store them in a safety deposit box at a reputable bank. The cost for a safety deposit box varies depending on size, and rent for such a space is charged annually. For larger items like furniture, art, or machinery, you should consider obtaining a storage unit.

Storage options make the most sense for immigrants who plan to return to the U.S. or who have family members or relatives who will use the items soon. It does not make sense to store items for long periods of time given the associated cost. Additionally,

before storing valuable property in a safety deposit box or storage unit, you should ensure they understand the terms of the agreement, in particular as it relates to duration, cost, method and frequency of payment, ability to authorize a third party to retrieve the property on your behalf, and consequences for failure to make payments under the agreement or to retrieve the property at the end of the agreement's term. For more information, see [Chapter 4. Managing, Accessing and Closing a Bank Account – Safety Deposit Boxes](#).

Outsource

You can appoint an individual with “limited” or “special” power of attorney to take any of the actions described above. For more information, see [Chapter 9. Powers of Attorney](#).

Other Factors to Consider

Deciding how to handle valuable personal property in the event of detention or deportation is a decision that cannot be made without careful consideration of your personal circumstance. Below are the sorts of things that you should consider:

Value vs. Cost

You should consider the value of the item in comparison to the cost of shipment or storage. For example, it would not be economical to store or ship a large item of little value, because cost of storage or shipment depends on size and weight of the item.

Availability

Consider shipping only items not available in your home country, rather than incurring the additional cost of shipment for items you could purchase again in your home country following deportation. Similarly, if the item is widely available in the U.S., it may make more sense to sell in the U.S., and then repurchase in your home country, rather than incur the interim cost of storage.

Financing

If you still owe money on an item, you should review all documents and loan agreement relating to the loan to be sure you understand the consequences of non-payment and your options for sale of the item or termination of the financing arrangement.

It may be necessary to repay the remaining amount owed on the item of property prior to sale, or there may be requirements associated with returning the property to the lender. You can contact the company that provided the financing if you have questions.

Tax Considerations

It is possible that the sale, purchase, or transfer of an item of personal property can result in tax liability or benefit. If you are dealing with a high-value item, consider consulting a tax professional.

Impact on Others

You should consider the impact on other individuals using the item of personal property when deciding whether to sell, store, transfer, or ship the property. For instance, if a relative or dependent lives in the home and uses the furniture or appliances, it may be most cost- and time-efficient to transfer the items to them rather than sell and replace the property.

Similarly, you should consider whether failure to pay money owed on an item of personal property could cause harm to family members that remain in the U.S. Careful review of the terms of any loan documents and agreements and conversations with any lenders or landlords should provide clarity on consequences of this nature.

Impact on Immigration Status

If removal proceedings are pending or anticipated, you should consider how your handling of property will affect such proceedings. Likewise, if you plan to return to the U.S., this weighs in favor of complying strictly with all regulations and acting fairly in the context of a sale.

What Happens to Your Property if You Are Detained?

Confiscation or destruction of personal property is a risk if you are detained. It is common for people who are detained to have their belongings lost, destroyed, or stolen.

Even in the event that belongings are managed in accordance with proper protocols, the relevant government agencies (including U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), the U.S. Marshals Service, and the Bureau of Prisons) all have different regulations regarding what belongings can follow a detainee along the chain of custody and how long personal possessions will be held for safekeeping.⁸ Also, immigrants are often transferred between agencies, which increases the potential for lost or destroyed items.⁹

If you are carrying cash at the time that you are apprehended, that cash will be taken. Often, the cash is eventually returned in a form that may be unusable to you – either in the form of checks or money orders that cannot be cashed in your home country, or in the form of prepaid debit cards that may be difficult, confusing, expensive, or impossible to activate.

Avoiding or Mitigating the Risk of Loss

The best way to manage this risk is to know your rights and plan ahead.

Avoid Carrying Large Amounts of Cash

Aside from the obvious risk of loss, if you are deported with more than \$10,000 in cash, you are required to file FinCEN Form 105 with the CBP.¹⁰ Failure to report currency can result in a civil and even criminal charge and forfeiture of money in an amount to be determined by CBP or ICE officials. Additionally, immigration processing and detention facilities administered by ICE are directed to establish limits on whether, and if so, how much cash each detainee may keep in their personal possession while in detention. Any

⁸ See U.S. Customs and Border Protection Directive: Short-Term Holding Facilities Handling, Storage, Transference, and/or Return of Detainee Personal Property (2024), available at: https://www.cbp.gov/sites/default/files/2024-08/cbp_directive_no_5240-010.pdf; See Inmate Personal Property, 28 CFR Part 553 Subpart B, available at: <https://www.ecfr.gov/current/title-28/part-553/subpart-B>; See U.S. CBP National Standards on Transport, Escort, Detention, and Search, available at: <https://www.cbp.gov/sites/default/files/assets/documents/2020-Feb/cbp-teds-policy-october2015.pdf>; Additionally, see: <https://www.americanimmigrationcouncil.org/research/deported-no-posessions>

⁹ Available at: https://www.vice.com/en_us/article/what-happens-to-your-stuff-when-you-get-deported

¹⁰ Available at: https://www.fincen.gov/sites/default/files/shared/fin105_cmir.pdf

removal of cash from a detainee must be done in the presence of the detainee and at least two officers, and must be accompanied by an inventory and receipt. You should demand to receive a receipt documenting all funds confiscated while in detention and request return of all documented confiscated funds upon discharge.¹¹

Make Arrangements for Handling of Valuables in Advance

Be sure you know where all your valuables are located, and keep a list of what valuables and property you have (in a secure place or on your phone or computer). Consider giving a trusted friend or family member, or someone with power of attorney, a copy of the list. A “special” or “limited” power of attorney will allow the agent to do specific acts listed; for example, to sell your couch or ship a box of jewelry to another country.

If you rent your home or apartment, review your lease for information on what the landlord can do if personal property is abandoned in the residence. It is best to arrange for a trusted person to have keys to ensure that someone can remove your personal property within a reasonable amount of time if you are detained or deported.

It may make sense to keep smaller valuable items in one or two places in the home, that way they are easily accessible for anyone handling personal property in the event of detention or deportation.

Know Your Rights

Property on your person

Once in custody, immigrants generally have 30 days to get their valuables back from CBP. Arrangements between the U.S. and Mexico provide that “all feasible steps” should be taken to return property to its owner when they are released. Despite lapses in procedure and performance, knowledge of the rules will allow you to advocate for yourself more effectively.

Property in your home

In general, tenants will not lose their property by failing to remove it after the termination of a lease. Tenants have the right to enter the premises to remove their property within a

¹¹ See current ICE Performance-Based National Detention Standards (2011) for funds and personal property, available at: <https://www.ice.gov/doclib/detention-standards/2011/2-5.pdf>;

See current ICE National Detention Standards (NDS) for Non-Dedicated Facilities (2019) for funds and personal property, available at:

https://www.ice.gov/doclib/dro/detention-standards/pdf/funds_and_personal_property.pdf; See current ICE Family Residential Standards (2020) for funds and personal property, available at:

https://www.ice.gov/doclib/frs/2020/2.3_FundsPersonalProperty.pdf

reasonable time after a lease is terminated. Most often, tenants do not lose the right to their property even if they fail to remove it from the property within a reasonable time after the end of the lease; however, some locales hold that tenants may give up the right to recover their property by not removing it within a reasonable time.

How Can You Get Your Possessions or Property Back?

Make sure you know your options for retrieving your valuables if confiscated; that way, you can make an informed decision when confronted with a fast-moving situation.

By Mail

It may be advisable for you, if given the option, to mail certain personal property confiscated at the time they are taken into custody to a relative, friend, or attorney who can keep it in a safe place. Note, however, that you run the risk of being deported without those items, which will be especially problematic with respect to identification and money.

Pickup

If deported, CBP will not mail your leftover personal property anywhere. Leftover belongings can only be picked up by the owner or an individual with power of attorney.¹² It is wise to appoint a person with power of attorney in advance.

If you are unable to arrange for pickup of property, there are certain organizations that offer assistance in specific parts of the country. No More Deaths is one such organization.¹³

Petition

File a petition with Customs and Border Protection to get your possessions back. Recent changes require filing of the petition with CBP even if the confiscation took place through customs officials or through ICE officers.¹⁴

¹²Available at:

https://www.vice.com/en_us/article/what-happens-to-your-stuff-when-you-get-deported

¹³Available at: <https://nomoredeaths.org/en/>

¹⁴Available at: <https://ilw.com/articles/2010.0706-DuPont.shtm>

Theoretically, it should be possible to obtain the return of personal property and all or nearly all the funds seized by the government. It is crucial to a successful petition to show that the funds or assets were not used or obtained in the commission of a crime and that seizure of the funds would violate the excessive fines clause of the 8th Amendment to the U.S. Constitution.¹⁵ Consult with an attorney regarding you petition.

¹⁵Available at: <https://constitution.congress.gov/constitution/amendment-8>

Checklist: Handling Valuables

- Figure out what types of valuables you have, both in your home, car and on your person. This may include: electronics, jewelry, furniture, art, clothing, machinery, appliances, identification (license, ID card, passport, birth certificate), heirlooms, photographs or sentimental items.
- Understand that your property may be taken from you and destroyed.
 - Make arrangements in advance for the handling of valuables to minimize this risk.
 - Know your rights regarding property and cash on your person if you are detained.
 - If your belongings or cash are taken, you may petition to get them back by filing with Customs and Border Protection.
- Avoid carrying a lot of cash.
 - If you plan to carry more than \$10,000 out of the U.S., you are required to report it.
 - Failure to report can result in civil or criminal penalty, or you could have the money taken away.
- Decide how you want your valuables handled if you are detained or deported.
 - Explore the following paths: shipping valuables to your home country; selling your valuables; transferring valuables (either by gift or on a temporary basis); storing valuables (in a safety deposit box or storage unit, depending on size).
 - Familiarize yourself with the basic process for each option, including the consequences that may result, and follow up that may be necessary.
 - Let your family or household members know about your plan. Provide clear, written instructions.
 - Consider appointing a person with limited power of attorney to implement your plan.

- Know the pros and cons of each option, and how your choice will impact you and your family.
 - Factors to keep in mind: value of item vs. cost of storage; availability of the item in home country; reliance of others remaining in the U.S. for the item; sentimental value of the item; tax consequences of transfer or sale; whether you still owe money on the item, including under any loans agreements or other agreements; whether you intend to return to the U.S., if deported.
 - Talk to your relatives and, if possible, your attorney about these issues.
 - The best strategy will depend on the type of item, as well as your personal circumstances.