

14. Taking Money Across the Border

Taking cash or things like cash (such as checks, money orders, etc.) across the border presents both legal and practical concerns. This section discusses these concerns, which are relevant to all people leaving the United States, both in the deportation context and otherwise. The section will answer these questions:

What Legal Obligations Do You Have When Taking Cash or Things Like Cash When Leaving the United States? > What Practical Issues Should You Consider if You Are Facing Deportation? > How Do You Find and Receive Your Unclaimed Assets?

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 Legal Obligations Do You Have When Taking Cash or Things Like Cash When Leaving the United States?

There is no limit to how much cash you may take when leaving the country. However, if you take more than \$10,000 in (i) cash, (ii) traveler's checks, (iii) checks that have not been made out to a specific person or (iv) money orders across the border at one time, he or she must fill out a form called "Report of International Transportation of Currency or Monetary Instruments" or FinCEN Form 105. This form may be obtained from a customs officer at the point of departure from the U.S. or online at [FinCEN Form 105 | CMIR, U.S. Customs and Border Protection](#). If you do not make this declaration, the currency may be seized.

You do not need to report checks or money orders made payable to you if they have not been endorsed or do not include any restrictive endorsements. Although these checks are not required to be reported, you should consider reporting the checks to avoid any delays in crossing the border.

Is There a Cost to Filing This Form?

No. There is no cost for filing FinCen Form 105. The form may be obtained for free from the customs officers or customs website.

Is There a Duty or Tax on the Money Reported?

No. Customs does not charge taxes on cash or things like cash that must be reported in FinCEN Form 105.

What May Happen if the Cash or Money is Not Reported or Not Properly Reported?

If you do not report amounts greater than \$10,000, then customs may seize the money. If the money is seized by customs, there is a risk that the money will not be returned to you. In some cases, especially if there is related criminal activity, there may be criminal penalties for failing to report the money.

What Practical Issues Should You Consider if You Are Facing Deportation?

There are risks associated with transporting large amounts of cash or things like cash across the border or generally when leaving the country. Cash and checks are generally not retrievable if lost or stolen while traveling.

If you are facing deportation, you should consider carefully whether you are willing to take this risk. There may be other options for removing cash assets from the United States upon deportation.

For Preparing and Supervised Immigrants

Preparing and Supervised Immigrants who are able to go to the bank in person may request a bank draft made out to “payee.” This is slightly safer than cash because the draft can be cancelled if lost or stolen. But the lost or stolen draft must be cancelled before another person finds the draft and cashes it, and it may be difficult to cancel the draft quickly if you have already been deported due to business hours, time differences, and other logistical barriers. Also, some banks charge fees to issue and cancel a bank draft, and banks in your home country may charge a fee to cash the draft.

For Detained Immigrants

If you have been detained and will not be released prior to deportation, it may be impossible to go to the bank in person. However, you can take certain steps so that you will have the cash when they arrive in their home country.

Withdrawing Cash While In Detention

If you are in detention and have cash in a bank account, you can withdraw that cash using a variety of methods. One option is for you to give your bank card to a trusted friend or family member and ask them to withdraw the cash. Later, this person can send the money to you via Western Union (or another similar service) once you reach your home country. See [Chapter 15 on Remittance Transfers](#) for more. Keep in mind that the individual withdrawing the money will need to know your PIN number to get the cash and will have access to all of your money.

Another option is to have the bank card itself mailed to a trusted friend or family member in your home country. You can then retrieve the card and withdraw the cash upon arrival.

Third, if you have a chance to set up a Power of Attorney, your agent can authorize a bank draft or wire transfer of the money to your account in your home country (assuming you have a bank account in your home country) or, alternatively, the agent can send a check or money order directly to you in your home country.

Withdrawing Cash Outside of the United States

As discussed above, a United States bank account is accessible in many foreign countries through ATMs. Whether this is a useful or reliable method for extracting cash will depend on your individual circumstance, including whether and to what extent ATMs are available. Note that this option also requires that you keep the United States bank account open after deportation. Nevertheless, in certain situations, this option may be best.

How Do You Find and Receive Your Unclaimed Assets?

You may have property in an account that has been unclaimed of which you have no knowledge. These assets may have come from various sources, and many times people are unaware of their existence. You can reclaim this property by contacting the unclaimed property office in your state, or you can go to <https://www.usa.gov/unclaimed-money> or <https://www.unclaimed.org/> (sponsored by the National Association of Unclaimed Property Administrators) for instructions on doing a more general search that covers more than one jurisdiction.