

FAQs: How to Receive Your Paycheck If You've Been Detained or Deported

This resource page goes over steps you can take to ensure that you are able to obtain your wages if you are detained or deported by ICE. If you are a California worker, there are additional state laws and the California Labor Commissioner's Office may be able to assist you. For free legal help, contact Asian Law Caucus at 415-896-1701.

1. What can I do in advance, if I'm worried about being detained or deported, to ensure I get my last paycheck?

There are steps that you can take now, so that you receive your last paycheck.

1. Ask your supervisor or employer if there are specific policies for someone else to pick up your paycheck for you (sometimes, this is called third-party paycheck pick up). For example, find out if your employer will require a notarized authorization form.
2. Plan ahead of time and complete any necessary steps that your employer's policies require. If there are no specific policies, you may wish to tell your employer who will pick up your paycheck, in case an emergency prevents you from doing so. Provide your employer any necessary forms and contact information for the person authorized to pick up your check. Or you may ask your employer to mail your final paycheck and provide an address, if you prefer.

We recommend that all of these requests be in writing. At the end of this FAQ, you will find sample letters that you can give to your employer. The first sample letter requests that the paycheck be mailed, and the second one states that an authorized person will be coming to pick up your check.

You may also want to contact a local nonprofit that can help you complete a Power of Attorney. This can give someone authority to make financial decisions in your absence. It may also help someone receive your final paycheck on your behalf. It is important to make sure your power of attorney is someone you trust.

2. How can I get my last paycheck if I'm detained or deported?

If you are detained or deported, contact your employer as soon as you are able. Notify your employer about your detention or deportation and request your final paycheck. If you are unable to contact your employer personally, ask the person authorized to receive your paycheck to do so.

If you were unable to make arrangements ahead of time, your employer may need you to authorize someone to receive your paycheck on your behalf. You can use the sample letters at the end of this FAQ to ask your employer to mail your final paycheck to an authorized person or have them pick it up in person.

If you are a California worker, your final paycheck may have also been sent to the Labor Commissioner's Office. Sometimes, employers send paychecks to the Labor Commissioner when an employee cannot be contacted. Contact information for the Labor Commissioner can be found [here](#).

3. How long does an employer have to pay my last paycheck in California?

In California, employers are required to pay any unpaid wages to a departing employee quickly. Generally, they are required to pay your wages no later than 72 hours after your employment ends—or, if the employer terminates you, on the very same day.

If your employer is keeping your job open for you while you are detained, they are still required to pay you for any hours worked, on your regular payday.

If your employer does not pay you within the timeframe required by California law, you may be able to recover a “waiting time penalty.” You can recover this penalty by filing a claim with the California Labor Commissioner's Office. You do not need an attorney to file a claim with the California Labor Commissioner's Office. More information on filing a claim is available [here](#). You have three years to file a claim to recover waiting time penalties.

4. What if my employer does not properly pay my last paycheck in California?

Your employer is legally required to pay the wages you earned. If your employer refuses to pay all the wages that you are owed, you can file a claim with the Labor Commissioner's Office. You do not need an attorney to file a claim with the California Labor Commissioner's Office. More information on filing a claim is available [here](#). You generally have three years to file a claim for your unpaid wages.

5. What should I do to get my final payment if I am an independent contractor in California?

Note that if you are an actual independent contractor, California employment laws do not apply. In that case, we recommend that you check the terms of your contract regarding payment.

You may be able to get unpaid wages if you were misclassified as an independent contractor. Many people who are told they are “independent contractors” are actually employees under California law. This is called “misclassification.” Misclassification occurs when an employer treats employees as independent contractors to avoid complying with state employment laws. You may have been misclassified if the hiring party exercises control over how you do your job, among other factors.

If you think you are [misclassified](#), please contact the Labor Commissioner’s Office and consider filing a wage claim. You do not need an attorney to file a claim with the California Labor Commissioner’s Office. More information on filing a claim is available [here](#). You generally have three years to file a claim for your unpaid wages.

6. How can I cash a paycheck if I’ve been deported?

If you need to cash your check outside of the United States, you may be able to do so virtually if you still have access to your American bank account. Alternatively, you may need to find a bank that accepts United States checks or use a check-cashing service. Some banks may also allow you to sign over the check to someone else so that they can cash the check for you; this is called a “third-party check.” We recommend that you ask your bank ahead of time if they accept “third-party checks.”

Further information on this topic can also be found on this [page](#), under Resources and “International Check Cashing brochure.”

The following sample letters are examples of written requests that you can make to your employer to ensure that you receive your last paycheck.

Sample Letter #1
For Requesting Mailing of Final Wages

[Date]

[Employer Name
Employer Address
City, State, Zip code]

Re: Final Paycheck for [Worker's Name], [Employee ID, if applicable]

Dear [Employer],

Please deliver all the remaining wages that I am owed to:

[Worker's Name]
Care of [Name of Person Authorized to Receive Your Check]
Address
City, State, Zip Code]

Please note that in California, if an employee is discharged or resigns, all wages owed must be paid promptly or the employee may be due penalties. (Lab. Code § 203.)

If there needs to be further coordination regarding my final paycheck, please contact [Name of Authorized Person and Contact Information].

Thank you for your assistance.

Sincerely,

[Worker's Signature]

[Printed Worker Name]

Sample Letter #2
For Requesting In-Person Pick-Up of Final Wages

[Date]

[Employer Name
Employer Address
City, State, Zip code]

Re: Final Paycheck for [Worker's Name], [Employee ID, if applicable]

Dear [Employer],

I am authorizing [Name of Person Authorized to Pick Up Your Check] to pick up my paycheck in person at my regular place of work during normal working hours.

Please note that in California, if an employee is discharged or resigns, all wages owed must be paid promptly or the employee may be due penalties. (Lab. Code § 203.)

If there needs to be further coordination for the pick up of my final paycheck, please contact [Name of Authorized Person and Contact Information].

Thank you for your assistance.

Sincerely,

[Worker's Signature]

[Printed Worker Name]