

PUBLICATION

The "New" Alien Registration Requirement Starts April 11, 2025. What Now?

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On April 11, 2025, USCIS will begin enforcing a requirement that certain foreign nationals register with the agency and submit to fingerprinting if they remain in the U.S. for 30 days or longer. This alert summarizes the origins of the registration requirement; identifies who is (and who is not) required to register; explains the registration process created by this new policy; and outlines the potential penalties for failing to register.

Background

The requirement that foreign nationals register with the federal government after entering the U.S. is not new. The so-called "alien registration requirement" (ARR) originated in the WWII-era Alien Registration Act of 1940 (also known as the Smith Act), enacted on June 28, 1940, which required most noncitizens to register with and be fingerprinted by the federal government. In 1952, the Immigration and Nationality Act (INA) codified these requirements at §§ 261-266. These provisions have been part of U.S. immigration law, but enforcement has been inconsistent. While these provisions have been part of U.S. law for some time, the federal government has not prioritized its enforcement, as the vast majority of foreign nationals entering the U.S. are registered and fingerprinted as a part of applying for permission to enter the U.S. (e.g., a U.S. visa or ESTA authorization). Shortly after being inaugurated, President Trump issued the *Protecting the American People Against Invasion* executive order, which directs the Department of Homeland Security (DHS) not just to ensure that foreign nationals comply with the ARR but also to prioritize criminal and civil enforcement against those who fail to comply.

On March 12, 2025, USCIS published the Interim Final Rule in the Federal Register, *Alien Registration Form and Evidence of Registration*, that will become effective 30 days from publication, on April 11, 2025. This rule requires all non-U.S. citizens over the age of 14 to register and be fingerprinted if they remain in the U.S. for 30 days or longer and have not completed registration or fingerprinting processes through a visa application or other acceptable immigration process. Parents and legal guardians must ensure that their non-U.S. children below the age of 14 are registered, but these children will not need to complete fingerprinting until they reach the age of 14.

All non-U.S. citizens ages 18 and older must carry proof of registration at all times. Failure to register and/or present valid proof of registration could trigger civil penalties of up to \$5,000, imprisonment for up to six months, or both. These same civil penalties and misdemeanor charges are extended to the parents or guardians of children who fail to register. The rule also includes criminal penalties for an alien's failure to report a change of address within ten days of the change, if the alien was subject to the registration process.

Who Does NOT Need to Register?

Many authorized immigrants and nonimmigrants are not required to apply for registration and fingerprinting under the ARR, because they already satisfied the requirement through applying for a U.S. visa or ESTA travel authorization; others are categorically exempt. The following individuals are not required to apply for registration under the new ARR policy:

- Foreign nationals who remain in the U.S. for fewer than 30 days;

- Nonimmigrants and those already considered to be registered, including:
- Citizens of Visa Waiver Program (VWP) participating countries granted ESTA travel authorization;
- Lawful Permanent Residents;
- Non-U.S. citizens paroled into the United States under INA212(d)(5) even if the period of parole has expired;
- Non-U.S. citizens admitted to the United States as nonimmigrants who were issued Form I-94 or I-94W (paper or electronic), even if the period of admission has expired;
- Non-U.S. citizens whom DHS has placed into removal proceedings;
- Canadians who enter the U.S. and are issued an I-94 record (paper or electronic);
- Non-U.S. citizens issued an employment authorization document;
- Non-U.S. citizens who have applied for lawful permanent residence using Forms I-485, I-687, I-691, I-698, and I-700 and provided fingerprints (unless waived), even if the applications were denied; and
- Non-U.S. citizens issued Border Crossing Cards.

Who DOES Need to Register?

- All non-U.S. citizens, who will remain in the U.S. for more than 30 days and who did not complete the registration process in connection with a visa or ESTA admission, including:
- Canadian visitors who entered the United States at land ports of entry and do not have an I-94 record;
- Non-U.S. citizen children below the age of 14 who have not previously registered and who will remain in the U.S. for 30 days or more, will need to register (these children will be issued proof of registration but are not required to complete fingerprinting until they turn 14);
- **All non-U.S. citizen children, regardless of previous registration, who turn 14 years of age in the United States, must update their registration and be fingerprinted within 30 days after their 14th birthday;**
- Persons who entered without inspection and who have not been fingerprinted in connection with any pending application for immigration benefits;
- Permanent residents who obtained their green cards when under the age of 14 are required to register and complete fingerprinting through a Form I-90 once they reach the age of 14. The I-90 Form should be used for this type of registration rather than Form G-325R; and
- Non-U.S. citizens who submitted one or more benefit requests to USCIS and who do not yet have Alternate Proof of Registration as listed below, including those who applied for Deferred Action for Childhood Arrivals (DACA) or Temporary Protected Status (TPS), and were not issued an employment authorization document or other acceptable proof of registration, must register with Form G-325R.

Registration Process:

The registration form must be submitted online through an individual USCIS account (MyUSCIS <https://my.uscis.gov/>) Each noncitizen must have a unique account.

- Submit Form G-325R: DHS has introduced a new Form G-325R, which is now available in individual USCIS online accounts and will be used to collect the registration data. The current version of the form requests extensive biographic details, address history for five years, history of activities and planned actions in the U.S., estimated departure date, criminal history, and details for all immediate family members; and allows for uploading all relevant documentation related to the applicant's criminal history and other supporting documents. The form G-325R is not available on legal representative accounts and must be submitted through the applicant's own individual account.
- Attend Fingerprint Appointment: Once the G-325R has been submitted, this will trigger scheduling a Biometrics Services Appointment at a USCIS Application Support Center. At this time, fingerprinting does not require any additional fee, but a \$30 biometrics fee has been proposed and may be

implemented in the months to come. Fingerprinting will be waived for Canadians and for those registrants under the age of 14. If fingerprinting is waived, the applicant can download "Proof of Alien Registration" once G-325R is submitted.

- Download Proof of Registration and Carry at All Times: Once registration and fingerprinting (if required) are completed, the individual will be able to download and print proof of registration, which they must carry with them at all times if 18 or older.

Evidence of Registration

Acceptable Proof of Registration may include any of the following:

- Proof of Registration issued by USCIS following submission of G-325R online and completion of biometrics (if required);
- Alternate Proof of Registration: If the applicant has one of the following documents, this is sufficient proof that the individual is ALREADY registered. [full list at 8 CFR 264.1(b)]:
 - **Form I-94**, Arrival-Departure Record – noncitizens admitted as nonimmigrants; noncitizens paroled into the U.S. under 212(d)(5) of the INA; noncitizens who claimed to have entered prior to July 1, 1924; and noncitizens granted permission to depart without the institution of deportation proceedings;
 - **Form I-551**, Permanent Resident Card;
 - **Form I-766**, Employment Authorization Document (EAD);
 - **Form I-862**, Notice to Appear, for those noncitizens against whom removal proceedings are being instituted;
 - **Form I-863**, Notice of Referral to Immigration Judge, for those noncitizens against whom removal proceedings are being instituted;
 - Valid, **unexpired nonimmigrant DHS admission or parole stamp** in a foreign passport; and
 - **Form I-186**, Nonresident Alien Mexican Border Crossing Card.

Penalties:

Failure to comply with the registration and fingerprinting requirements may result in a fine of up to \$5000, imprisonment of up to six months, or both. Noncompliance is considered a criminal offense. **This applies to the parents or guardians of children who fail to comply.**

Failure to carry proof of registration for those 18 years or older could result in a misdemeanor punishable by a fine of up to \$5000, imprisonment of up to 30 days, or both. Noncompliance is considered a criminal offense.

Failure to register one's change of address is a misdemeanor punishable by a fine of up to \$5000, imprisonment of up to 30 days, or both. Noncompliance is considered a criminal offense. In addition, failure to comply with the change of address notification is a deportable offense unless the alien can establish the failure was reasonably excusable or not willful.

What To Do Now:

- Review the list of Alternate Proof of Registration documents listed above to confirm whether you have this documentation available and if so, carry this documentation with you:
 - Those who hold valid nonimmigrant status (L-1/L-2, TN, H-1B/H-4, ESTA entry, etc.): Your I-94 printed from cbp.gov or issued through USCIS with an approval notice meets the registration and fingerprinting requirement if you are over the age of 14, so no additional registration is required. Continue to carry a copy of your I-94 (and if expired, receipt notice showing any timely filed extension) and notify USCIS of any changes in your home address within ten days of a move through your myUSCIS account;

- Those who are Lawful Permanent Residents: Carry your "green card" at all times as proof of satisfying the registration and fingerprinting requirement if you are over the age of 14. Continue to carry a copy of your green card (and if expired, receipt notice showing any timely filed I-90 renewal or I-751/I-829 removal of conditions filing) and notify USCIS of any changes in your home address within ten days of a move through your USCIS account;
- If you are the parent of a child under the age of 14 who has previously registered (e.g., either in nonimmigrant status H-4, L-2Y, TD, or a permanent resident), you must register your child under this new procedure within 30 days following the child's 14th birthday:
 - Parents should create a separate USCIS account for each child. Within 30 days of your child's 14th birthday, you will need to update their registration on Form G-325R and ensure your child completes required fingerprinting or, in the case of a permanent resident child (who is not included on a pending I-751 or I-829), file Form I-90 to replace the child's permanent resident card to have the child fingerprinted; and
- If you do not have a green card and are not in valid nonimmigrant status, or are unclear if you have acceptable Alternate Proof of Registration, contact your immigration counsel or a member of our **Immigration team**.
- For all non-U.S. citizens present in the United States, regardless if subject to the registration requirement, if you are changing your address, make sure you continue to notify USCIS through your online account or by filing a paper AR-11 within ten days of your move.

Although most foreign nationals over the age of 14 have already been registered if they applied for a visa prior to arriving in the U.S. (and do not need to register again), those foreign nationals who are present in the U.S. and are not registered will be required to submit a Form G-325R to register after April 11th. Failure to properly complete registration and fingerprinting for children can trigger criminal penalties for their parents and guardians. Canadians traveling by land who plan to stay longer than 30 days will now be required to complete a registration or opt to apply for a Form I-94 upon arrival.

As a reminder, proof of registration is not an immigration status and does not establish employment authorization or any other immigration benefit under the INA or any U.S. law.

We strongly recommend that all foreign nationals review the official USCIS announcement (<https://www.uscis.gov/alienregistration>) to determine: (i) whether you are subject to the registration requirement; (ii) whether your current registration meets the requirements listed in the announcement; or (iii) whether you fall into the category of those not registered.

Please contact your Baker Donelson **Immigration attorney** if you have any questions regarding the registration requirements and completion of the registration form, as well as for guidance to ensure compliance with the new foreign national registration requirement.