

Strict New Alien Registration and Paper Carrying Requirements for Noncitizens

The U.S. Department of Homeland Security (DHS) has published an Interim Final Rule that imposes a combination of stricter new registration requirements as well as new civil and criminal penalties for various groups of individuals who are physically present in the United States. An initial lawsuit against the new registration and penalties requirements failed and therefore, on or by April 11, 2025, the following will apply to all noncitizens:

Any noncitizen, regardless of their age, present in the United States for 30 days or more as of April 11, 2025, who does not have proof that they are registered as being present in the United States must register their presence via an online registration system within 30 days of their arrival into the United States. To register, individuals must first create an online account with U.S. Citizenship and Immigration Services (USCIS) at <https://my.uscis.gov/> and then complete a Form G-325R. The registration form asks many intrusive, potentially unconstitutional, incriminating questions, and therefore, anyone contemplating completing the registration form first consult with an attorney.

Noncitizens who are now subject to this new registration requirement include:

- Individuals who entered the United States without inspection (e.g., “snuck in”).
- Canadians who entered at a land port and were not issued evidence of registration, such as a Form I-94.
- Individuals present in the United States under either the Deferred Action for Childhood Arrivals (DACA) or temporary protected status (TPS).

Noncitizens who are considered to have already registered include those who are:

- Lawful permanent residents.
- Parolees.
- Nonimmigrants who were issued a Form I-94, even if expired.
- Immigrant or nonimmigrant visa holders, even if expired.

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- In removal proceedings.
- Holders of an employment authorization document, even if expired.
- Individuals who applied for lawful permanent residence using Forms I-485, I-687, I-691, I-698 or I-700, even if the applications were denied.
- Holders of a Border Crossing Card.

Noncitizens found to have willfully failed or refused to register will be subject to a fine not to exceed \$5,000 or imprisonment of not more than six months, or both.

- Noncitizen who entered the United States prior to turning the age 14 and are still present in the United States after turning 14 must re-register and submit fingerprints within 30 days of their 14th birthday, even if previously registered. Parents or guardians of noncitizen minors under 14 are obligated to register any of their children or other dependents who fall under this registration requirement or else they may themselves face criminal and civil penalties for failing to do so. The re-registration process for affected noncitizen minors is the same process as listed above.

The Interim Final Rule also creates additional criminal and civil penalties for noncitizens age 18 or older who are found at any time to be not carrying on their person physical proof that they are registered with DHS or who are found to not have registered a change in their home address within 10 days of their address change, including a fine not to exceed \$5,000 or imprisonment of not more than 30 days, or both. Additionally, any noncitizen who has failed to comply with the change-of-address notification requirements is deportable unless they can establish that such failure was reasonably excusable or was not willful.

Noncitizens may file a change of address notice with USCIS through the creation of an individual USCIS account and then the filing of Form AR-11.

The above requirements are likely to be subject to additional challenges in federal court and may also be changed in whole or in part prior to becoming final regulations.

For questions regarding these requirements, please contact Shareholder Ben Kurten or your Reinhart attorney.



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