



## **POLICY ALERT: Registration Requirement<sup>1</sup>**

March 25, 2025

### **What Happened?**

In late February, the Department of Homeland Security (DHS) announced that it would take steps to ensure that noncitizens abide by their obligation under 8 USC § 1302 to register with the U.S. government, and treat failure to do so as a civil and criminal enforcement priority.<sup>2</sup> On March 12, 2025, DHS issued an [interim final rule](#) (IFR) designating a new Form G-325R for use by noncitizens who previously had no way of registering their presence with U.S. immigration authorities.<sup>3</sup> The form is now available to view in the U.S. Citizenship and Immigration Service (USCIS) online portal, although the interim final rule is not scheduled to go into effect until April 11, 2025.<sup>4</sup>

This short Policy Alert will describe the existing registration requirement in the Immigration and Nationality Act (INA), the changes announced in the IFR, how immigrant survivors are affected, and what practitioners can do in response to the IFR.

### **What's *Not* New About the Registration Requirement?**

The registration requirement and associated penalties for violating it are not new. The Alien Registration Act of 1940 generally required all noncitizens present in the United States longer than 30 days to register and be fingerprinted.<sup>5</sup> This requirement was later incorporated into the INA at 8 USC § 1304, which authorizes the Attorney General and

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<sup>1</sup> Copyright 2025, ASISTA Immigration Assistance.

<sup>2</sup> See American Immigration Council, *The Trump Administration's Registration Requirement for Immigrants* (March 11, 2025), <https://www.americanimmigrationcouncil.org/research/trump-administration-registration-requirement-immigrants>.

<sup>3</sup> DHS Interim Final Rule, *Alien Registration Form and Evidence of Registration*, 90 FR 11793 (March 12, 2025), <https://www.federalregister.gov/documents/2025/03/12/2025-03944/alien-registration-form-and-evidence-of-registration> (including a link to submit a public comment until April 11, 2025).

<sup>4</sup> USCIS G-325R, Biographic Information (Registration) (Last updated March 12, 2025), <https://www.uscis.gov/g-325r>.

<sup>5</sup> The Alien Registration Act of 1940 was used as a basis for identifying and interning people of Japanese descent during World War II. See *supra* note 2.

Secretary of State to “prepare forms for the registration and fingerprinting of [noncitizens],” inquiring into “(1) the date and place of entry of the [noncitizen] into the United States; (2) activities in which [they] ha[ve] been and intend to be engaged; (3) the length of time [they expect] to remain in the United States; (4) [their] police and criminal record, if any [ ]; and (5) such additional matters as may be prescribed.”<sup>6</sup>

DHS regulations already identify forms that satisfy the registration requirement at 8 CFR § 264.1. These include documents regularly issued to noncitizens by immigration authorities such as the I-94 arrival-departure records; valid, unexpired nonimmigrant admission or parole stamps in a non-US passport; lawful permanent resident cards (“green cards”); border-crossing cards; employment authorization documents (EADs or “work permits”); and Notices to Appear in removal proceedings.<sup>7</sup> In addition, some forms completed by noncitizens in the process of applying for immigration benefits satisfy the registration requirement. These include I-485 applications for permanent residence, I-687 applications for status as a temporary resident, and I-698 applications to adjust status from temporary to permanent residence.<sup>8</sup>

Willful failure or refusal to register is already a federal misdemeanor punishable by a fine of up to \$5,000 or imprisonment for up to six months, or both.<sup>9</sup> Use of fraud in registration is likewise a federal criminal offense, and a noncitizen convicted of fraud in the completion of the registration requirement “shall” be detained and removed from the United States.<sup>10</sup> A noncitizen’s failure to carry and maintain in their possession documentation of registration is a federal misdemeanor punishable by a fine of up to \$5,000 or imprisonment for up to 30 days, or both.<sup>11</sup> Finally, a noncitizen who fails to update their address in accordance with 8 USC § 1305 (whether or not they are convicted of violating the statute) “shall be taken into custody and removed [...] unless

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<sup>6</sup> 8 USC § 1304. A separate program authorized by this INA provision, called “the “National Security Entry-ExitRegistration System” (NSEERS), or “Special registration” was initiated in 2002 and required noncitizen males aged 16 and over from 25 Muslim-majority countries to submit to biometrics collection and interrogations in person at local USCIS field offices. See Rights Working Group and Penn State Law, *The NSEERs Effect: A Decade of Racial Profiling, Fear, and Secrecy* (May 2012), [https://pennstatelaw.psu.edu/file/clinics/NSEERS\\_report.pdf](https://pennstatelaw.psu.edu/file/clinics/NSEERS_report.pdf). In 2011, DHS stopped using the NSEERs program, and in 2016, removed the regulatory framework. See DHS, *Removal of Regulations Relating to Special Registration Process for Certain Nonimmigrants*, 81 FR 94231, <https://www.federalregister.gov/documents/2016/12/23/2016-30885/removal-of-regulations-relating-to-special-registration-process-for-certain-nonimmigrants>.

<sup>7</sup> 8 CFR § 264.1(b).

<sup>8</sup> 8 CFR § 264.1(a).

<sup>9</sup> 8 USC 1306(a). The same applies to a parent or legal guardian's willful failure or refusal to register their noncitizen children. *Id.*

<sup>10</sup> 8 USC 1306(c). The same applies to a parent or legal guardian's willful failure or refusal to register their noncitizen children. *Id.* A conviction for fraudulentRegistration constitutes a ground of deportability under INA 237(a)(3)(B)(i); 8 USC § 1227(a)(3)(B)(i).

<sup>11</sup> 8 USC § 1304(e); 18 USC §§ 3559(a)(8), 3571(b)(6).

such [noncitizen] establishes to the satisfaction of the Attorney General that such failure was reasonably excusable or was not willful.”<sup>12</sup>

### **What Is New About the Registration Requirement?**

The IFR creates a new mechanism (Form G-325R) by which noncitizens who previously had no way of registering are able to comply with the requirement. The IFR identifies these noncitizens to include:

- 1) noncitizens who entered without inspection and have not otherwise completed or been issued a designated registration form under 8 CFR § 264.1; and
- 2) Canadian nonimmigrants traveling for business or pleasure who were not issued an I-94 and have not otherwise completed or been issued a designated registration form under 8 CFR § 264.1.

Notably, the IFR identifies noncitizens applying for TPS or asylum who arrived without inspection as potentially being included in the class of noncitizens lacking registration, because the forms used to apply for those types of relief are not included in the list of registration forms. However, once an asylum applicant receives an EAD during the pendency of their application, or an applicant is *granted* TPS or asylum (and receives an EAD), they will be considered registered. See 8 CFR § 264.1(b).

According to the IFR, noncitizens required to register using Form G-325R must submit it electronically to USCIS using their own unique myUSCIS.gov account. There is no fee for submitting the form, although the IFR requests comments from the public about the possibility of adding a biometrics services fee of \$30 per registrant. Once a noncitizen completes the G-325R, USCIS will issue a Biometrics Services Appointment notice instructing them to appear at an Application Support Center for the collection of biometrics. Upon the completion of biometrics, USCIS will issue “Proof of Alien Registration” with a unique identifier printed on the document. For those not required to have biometrics taken, such as noncitizens under the age of 14, proof of registration will be triggered upon the completion of the G-325R.<sup>13</sup> All noncitizens above the age of 18 are required to carry evidence of their registration.

### **How Are Immigrant Survivors Affected?**

The use of registration as an enforcement mechanism presents an additional barrier to survivors’ ability and willingness to seek support, safety, and humanitarian immigration relief. Moreover, the new registration process announced in the IFR offers an additional

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<sup>12</sup> 8 USC § 1306(b).

<sup>13</sup> Every noncitizen is required to register with the U.S. government within 30 days of turning 14 years old, and parents or legal guardians are required to register their noncitizen children under 14 years of age. 8 USC §§ 1302(a) and (b). Noncitizen children under the age of 14 are exempt from fingerprinting. *Id.*

tool of power and control to abusers of noncitizen survivors. The threat of civil and criminal sanctions for not carrying proof of registration further places survivors at increased risk of enforcement and prosecution, as those who are fleeing abuse may not be able to take with them the required proof of registration.

**Some immigrant survivors are already registered.** Pursuant to 8 CFR § 264.1, the following immigrant survivors are already registered and do not need to complete Form G-325R:

- Survivors with a work permit, including work permits based on: U- and T-based bona fide determinations (BFDs), U waitlist, VAWA self-petition approval and VAWA deferred action, pending adjustment of status or asylum application, approved deferred action for labor enforcement (DALE), approved DACA, approved TPS, and deferred enforcement departure (DED);
- Survivors with a Notice to Appear (NTA), Order to Show Cause, or Form I-863 Notice of Referral to an Immigration Judge (i.e., survivors in removal proceedings before an immigration court);
- Survivors with an I-94 or I-94W;
- Survivors with a valid, unexpired “admission or parole” passport stamp;<sup>14</sup>
- Survivors who were issued an immigrant or nonimmigrant visa (e.g, an approved U or T visa);
- Survivors who were paroled under INA § 212(d)(5);
- Survivors with a border crossing card;
- Survivors who filed Form I-485 and, if over 14, were fingerprinted; and
- Survivors who are Lawful Permanent Residents.

**NOTE: U, T, and VAWA petitioners who are not included in the above categories and have filed applications with USCIS – but have not received an EAD – are not considered to have already registered. We are aware that some U petitioners and derivatives have received notices granting them BFD status but not yet received their EADs. Unfortunately, according to the IFR, they are not yet registered.**

Even if an immigrant survivor is already registered, they are subject to criminal prosecution if they are over 18 and fail to carry *evidence* of registration at all times.<sup>15</sup> Immigrant survivors 14 or older who are *not* reflected in the above list (including

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<sup>14</sup> This is the only type of evidence that the regulation at 8 CFR § 264.1(b) specifies must be unexpired.

<sup>15</sup> See *supra* note 9.

*applicants* for survivor-based relief who have not yet received a work permit) will be subject to potential criminal prosecution for failing to register.<sup>16</sup>

### **What Can Practitioners Do?**

- 1) Remind clients that **the IFR does not take effect until April 11, 2025**, although the Form G-325R is available on the USCIS website. They do not need to – and should not – complete or submit the form or create a new online USCIS account until the IFR goes into effect.
- 2) Share community-facing [FAQ information](#). Warn clients about the possibility that notarios and unscrupulous attorneys may misinform clients about the meaning of registration and/or take advantage of the fear generated by the IFR to lure survivors into paying exorbitant amounts to complete their registration, even if they are considered to already be registered under 8 CFR § 264.1.
- 3) Monitor the implementation of the IFR. Keep your clients and your staff informed about changes to the registration requirement and its enforcement. Stay connected with national experts and your local practitioner communities to track changes to its implementation and best practices.
- 4) Determine whether the IFR will require each client to submit Form G-325R. Once the IFR goes into effect, advise clients of the new requirement and the potential consequences of violating the registration requirement.<sup>17</sup>
- 5) Collect records of abuse related to registration. As noted above, abusers may use the registration requirement as a tool of power and control. They may prevent survivors from registering or promise to register them although they are not able to do so. Abusers may also report survivors for not registering or threaten to do so. Abusers may lie to survivors about the purpose of registration or the impacts of registering or of not registering. Given the penalties contained in 8 USC § 1306 for “willful” violations of the statute, a survivor may need to demonstrate the reasons for their tardy registration or address updates. Separately, demonstrating abuse related to the registration process may also be useful when seeking a VAWA Self-Petition or waiver of inadmissibility.

Number 6, keep us informed! ASISTA will be monitoring the implementation of the IFR, and additional opportunities to comment on the rule and the new form. As more information and opportunities to engage become available, we will keep you in the loop.

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<sup>16</sup> See *supra* note 7.

<sup>17</sup> This Practice Alert does not delve into questions of ethics or defenses to the IFR’s registration requirement or process.